



Monday, 15 July 2019

## **CABINET**

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

**Tuesday, 23 July 2019**

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Steve Darling (Chairman)

Councillor Long

Councillor Stockman

Councillor Morey

Councillor Law

Councillor Carter

Councillor Cowell

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**A prosperous and healthy Torbay**

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# CABINET AGENDA

## 1. Apologies

To receive apologies for absence.

## 2. Disclosure of Interests

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

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

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

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

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

## 3. Minutes

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 9 July 2019.

(Pages 4 - 24)

## 4. Urgent Items

To consider any other items the Chairman decides are urgent.

## 5. Notice of motions

To consider the attached motions, notice of which has been given in accordance with Standing Order A14 by the members indicated:

- (a) Notice of Motion - Oldway Mansion - Charity Trust (Page 25)
- (b) Notice of Motion - Campaign to restrict no-fault evictions (Page 26)
- (c) Notice of Motion - School Funding (Page 27)
- (d) Notice of Motion - Free TV Licence Scheme (Page 28)

- |     |                                                                                                                                                                                                                                                                                                                                                             |                   |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 6.  | <p><b>Looked After Children and Corporate Parenting Strategy 2018/2020</b></p> <p>To consider the submitted report on the revised Looked After Children and Corporate Parenting Strategy.</p>                                                                                                                                                               | (Pages 29 - 50)   |
| 7.  | <p><b>Adult Social Care Local Account 2018-2019</b></p> <p>To consider the submitted Torbay Annual Report 2018-2019 in respect of Adult Social Care.</p>                                                                                                                                                                                                    | (Pages 51 - 85)   |
| 8.  | <p><b>Lease of Land and Buildings at Youngs Park, Goodrington, Paignton</b></p> <p>To consider the submitted report in respect of the above.</p>                                                                                                                                                                                                            | (Pages 86 - 95)   |
| 9.  | <p><b>Community Conference Launch</b></p> <p>To receive an update on a proposed community conference.</p>                                                                                                                                                                                                                                                   | (To Follow)       |
| 10. | <p><b>South Hams Special Area of Conservation (SAC) Greater Horseshoe Bats: Habitats Regulations Assessment Guidance</b></p> <p>To consider the submitted report on the above Guidance document.</p>                                                                                                                                                        | (Pages 96 - 134)  |
| 11. | <p><b>Budget 2018/2019 - Quarter 4 (Outturn) Monitoring Report</b></p> <p>To note the submitted budget outturn report for 2018/2019 and any recommendations from the Overview and Scrutiny Board.</p>                                                                                                                                                       | (Pages 135 - 151) |
| 12. | <p><b>Exclusion of Press and Public</b></p> <p>To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.</p> |                   |
| 13. | <p><b>New Investment Opportunities</b></p> <p>To consider potential investment opportunities.</p>                                                                                                                                                                                                                                                           |                   |
| 14. | <p><b>New Regeneration Opportunities</b></p> <p>To consider any new regeneration investment opportunities.</p>                                                                                                                                                                                                                                              |                   |



## Minutes of the Cabinet

9 July 2019

**-: Present :-**

Councillor Steve Darling (Chairman)

Councillors Long, Morey, Stockman, Law and Cowell

(Also in attendance: Councillors Brooks, Ellery, Foster, Kennedy, Chris Lewis, Loxton, Mills and David Thomas)

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### **1. Apologies**

An apology for absence was received from Councillor Carter.

### **2. Disclosure of Interests**

Councillor David Thomas declared a pecuniary interest in respect of Minute 3.6.

### **3. Matters for Consideration**

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

#### **3.1 Petition for Debate - Save our beach toilets at Goodrington**

#### **3.2 Torbay Economic Growth Fund**

#### **3.3 Proposal to increase the size of the Torbay Council Investment Fund**

#### **3.4 Torbay Council's Housing Rental Company**

#### **3.5 Enabling Communities and Delivering Services at a Local Level**

#### **3.6 Torbay Airshow**

Note: Prior to consideration of Minute 3.6, Councillor David Thomas withdrew from the meeting due to his pecuniary interest.

**4. Exclusion of Press and Public**

Councillor Steve Darling proposed and Councillor Long seconded the motion, which was agreed by the Cabinet, as set out below:

that the press and public be excluded from the meeting prior to consideration of Item 11 on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.

Prior to consideration of the item in Minute 5, the press and public were formally excluded from the meeting.

**5. The future of the Riviera International Conference Centre**

The Cabinet considered matters relating to the future of the Riviera International Conference Centre as set out in the exempt report circulated prior to the meeting.

The decisions of the Cabinet and its recommendations to the Council are restricted due to exempt information contained within the decision.

**5.1 Record of Decision - The future of the Riviera International Conference Centre**

Chairman

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## Record of Decision

### Lease of Land and Building at South Sands, WC and Kiosk, Goodrington, Paignton

#### Decision Taker

Cabinet at its meeting on 9 July 2019

#### Decision

- (i) That the petition to 'save our beach toilets at Goodrington, set out at Appendix 2 to the submitted report be noted; and
- (ii) that the Interim Director of Place, in consultation with the Chief Executive, offer a long term lease (30 years) to the current tenant of South Sands Beach Cafe (South Sands Café Goodrington Limited), as shown in plan EM3030 (as set out at Appendix 1 to the submitted report), which includes toilets to its customers and the general public during its opening hours. Furthermore, that public toilet provision at Goodrington North and Goodrington South will remain open for the summer season 2019.

#### Reason for the Decision

To respond to the recommendations of the Council on 19 June 2019, arising from a petition to save the beach toilets at the south end of Goodrington Beach.

A lease of the land and buildings known as South Sands WC Block and Kiosk, Goodrington, Paignton to South Sands Café Goodrington Limited is considered to be in the best interests of the Council and will secure the long term future of a facility at the south end of Goodrington Beach.

The proposal will generate additional revenue income through an increase of rent for the additional space and will also reduce the repair and maintenance liability for the redundant building.

#### Implementation

This decision will come into force and may be implemented on Monday, 22 July 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

#### Information

The current public toilet at South Sands, Goodrington is scheduled to close permanently in October 2019 following the summer season 2019. The current leaseholder of the adjoining kiosk proposes to redevelop the whole site to create a new larger café/bistro which would include a toilet for customers. The proposal set out in the submitted report will see the redundant toilets and the kiosk demolished and subject to obtaining the necessary statutory approvals re-built to create a new and modern facility, which will complement the existing provision at Goodrington.

At the Council meeting held on 19 June 2019, Members received and debated a petition, containing 1292 signatures, to save the beach toilets at the south end of Goodrington Beach.

The Council resolved:

“that Cabinet be recommended to offer a long term lease to the current tenant of South Sands Beach Cafe including toilets to its customers and the general public during its opening hours. Furthermore, that public toilet provision at Goodrington North and Goodrington South will remain open for the summer season 2019.”

At its meeting on 9 July 2019, the Cabinet heard from Ms Catherine Fritz, member of the Goodrington Steering Group who spoke in support of the petition.

A revised officer recommendation was circulated prior to the meeting.

Councillor Long proposed and Councillor Morey seconded a motion which was agreed unanimously by the Cabinet (unanimously) as set out above.

**Alternative Options considered and rejected at the time of the decision**

Alternative options were set out in the submitted report.

**Is this a Key Decision?**

No

**Does the call-in procedure apply?**

Yes

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

None

**Published**

12 July 2019

Signed: \_\_\_\_\_ Date: 12 July 2019  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decision

### Torbay Economic Growth Fund

#### Decision Taker

Cabinet at its meeting on 9 July 2019

#### Decision

That the Cabinet recommend to Council:

- (i) that a Torbay Economic Growth Fund be established and up to £100 million of prudential borrowing be approved for the progress of a range of capital projects for economic growth and regeneration within Torbay and, to be funded from the future income from those projects;
- (ii) that Council delegates to Cabinet the approval of each project, or a number of linked projects, subject to a business case that demonstrates the regeneration outcomes and that the borrowing required to initially fund the project is prudent and affordable;
- (iii) that TDA be asked to confirm the criteria against which the Torbay Economic Growth Fund would be allocated; and
- (iv) that TDA prepare acquisition and development reports for projects within the Borough of Torbay, which will accelerate the Council's ambition of a thriving economy and in particular to instruct officers to:
  - a) Bring a report back to Cabinet setting out projects for inclusion in a refreshed and prioritised Town Centre Regeneration Delivery Strategy, including the projects identified in this report, and associated budget requirements.
  - b) Bring forward proposals for appropriate regeneration schemes for Union Street.
  - c) Present to Cabinet the emerging Supplementary Planning Document for delivery of housing on Phase 1, Victoria Centre.
  - d) Present to Cabinet a full business case for the redevelopment of Brixham Town Centre Car Park, in line with community aspirations.
  - e) Explore, and present to Cabinet, options for any Joint Venture Partnership arrangements linked to the Torbay Economic Growth Fund.
  - f) Present to Cabinet proposals for refreshed governance arrangements, for integrated and speedier delivery of town centre regeneration.
  - g) Present to Cabinet proposals to develop with the private sector Torbay Business Park, Paignton.
  - h) Present to Cabinet proposals for additional workspace at Lymington Road, Torquay.



- i) Present to Cabinet proposals for strategic acquisitions in support of the Council's employment growth objectives.

### **Reason for the Decision**

To recommend to Council the introduction of the Torbay Economic Growth Fund which will accelerate economic growth to improve economic regeneration and investment within Torbay.

### **Implementation**

The recommendations of the Cabinet will be considered at the Council meeting on 18 July 2019.

### **Information**

In support of the Cabinet's ambition for a thriving economy, with a more diverse and sustainable base, the Partnership has indicated desire to establish a 'Torbay Economic Growth Fund' for the express purpose of making investments which will accelerate the development of the local economy in line with the objectives of the Council and its partners.

The Torbay Economic Growth Fund is intended to accelerate economic growth and support a thriving Torbay economy. In summary the Fund will:

- bring momentum to the delivery of sites, premises and projects which will support growth in job numbers;

- increase the number of higher skilled jobs;

- create opportunities for all of Torbay's community; and

- ensure that housing supply is meeting demand locally.

As a result the Fund will bring wider benefits to the Council through improving the opportunities for local residents turning the tide on poverty and reducing long term costs on the Council.

The submitted report provided examples of how the Fund could be utilised to deliver improvements and generate additional regeneration opportunities in Torbay.

At the Cabinet meeting on 9 July 2019, Councillor Long proposed and Councillor Cowell seconded a motion which was agreed by the Cabinet (unanimously) as set out above.

### **Alternative Options considered and rejected at the time of the decision**

Alternative options were set out in the submitted report.

### **Is this a Key Decision?**

No

### **Does the call-in procedure apply?**

No

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

None

**Published**

12 July 2019

Signed: \_\_\_\_\_ Date: 12 July 2019  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decision

### Proposal to increase the size of the Torbay Council Investment Fund

#### Decision Taker

Cabinet at its meeting on 9 July 2019

#### Decision

That Cabinet recommends to the Council:

- (i) that Council authorise £100 million of additional prudential borrowing to enable the Investment and Regeneration Fund to increase to £300 million; and
- (ii) that Council set the investment boundary to the Greater South West peninsula and the Functional Economic Market Area (FEMA), and instruct the Monitoring Officer to make the necessary amendments to the Investment and Regeneration Strategy Policy Framework document.

#### Reason for the Decision

By increasing the Investment and Regeneration Fund it will generate around £1.5 million of additional income per annum to help the Council meet its revenue budget funding pressures.

Increasing the investment area from the Local Enterprise Partnership footprint to include the wider economic area will give the Council more opportunities for investment.

#### Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 18 July 2019.

#### Information

The current Medium Term Resource Plan (MTRP) highlights the financial challenges faced by the Council. It estimates that the Council will have to close a potential funding gap of £18.3 million over three years between 2020/21 and 2022/23. This is based upon existing service demands and “normal” budget pressures including inflation, demand pressures and income assumptions. Increasing cost pressures within Children’s Services are also likely to have further implications for the MTRP.

The Investment and Regeneration Fund has been in place for approximately 20 months. The purpose of the Investment and Regeneration Fund is to generate income which can then be used to help fund local services.

The Fund is currently set at £200 million. Since the creation of the Fund approximately £186 million has been committed to acquire a diverse range of investments in a range of different sectors and locations. These have generated £2.9 million of additional revenue in 2018/19, rising to £3.3 million in 2019/20. Once all of the current commitments are complete and assuming a full year’s income, the Fund will generate over £3.5 million per annum revenue for the Council to allocate towards local services.

The submitted report set out a proposal to increase the Fund further to £300 million to generate further income to help the Council meet its funding gap. At this level it was projected that this would generate an additional £1.5 million of income per annum.

The current boundary for the Council to make investments is the Local Enterprise Partnership footprint. However, this is restrictive and limits the investment opportunities available to the Council. As such it is recommended that the boundary be increased to include the wider economic area.

Economic geography is recognised as complicated. People live, work and undertake leisure activities across a wide geographic area and across different administrative areas i.e. they might live in one area, work in another but principally shop or spend their leisure time in a third or fourth. While for the business community that geographic diversity is broader with functional geographies for businesses that export being genuinely global.

Research carried out by SQW in 2010 on functional economic market areas recognised that there is no universally agreed approach to defining Functional Economic Market Areas (FEMAs) and no definitive map or criteria. The submitted report set out further details of how FEMAs are shaped and external auditor's advice on extending Torbay's investment boundary.

At the Cabinet meeting on 9 July 2019, Councillor Long proposed and Councillor Stockman seconded a motion which was agreed by the Cabinet (unanimously) as set out above.

### **Alternative Options considered and rejected at the time of the decision**

Alternative options were set out in the submitted report.

### **Is this a Key Decision?**

Yes – Reference Number: I060439

### **Does the call-in procedure apply?**

No

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

None

### **Published**

12 July 2019

Signed: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

Date: 12 July 2019



## Record of Decision

### Torbay Council's Housing Rental Company

#### Decision Taker

Cabinet at its meeting on 9 July 2019

#### Decision

- (i) That in consideration of the Council's previous decision made in July 2017 and set out below;

*'That Council approve £25 million of Prudential Borrowing, in principle, to facilitate the work of the Housing Rental Company, in the form of a loan for a capital purpose. Detailed business cases are required to be presented to the Housing Rental Company Committee for approval, in order to trigger any draw down against this amount. The terms of the loan to be determined at the point of draw down by the Head of Finance'*

that the Chief Finance Officer be delegated authority to approve the financial aspects only of detailed business cases submitted by the TDA (thereby approving a loan for a capital purpose) to be funded from the approved prudential borrowing of £25 million, to be drawn down at 0.25% above the prevailing Public Works Loan Board rate subject to review of the financial aspects of each scheme to ensure compliance with state aid, the Prudential Code, and scheme viability in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, and the Interim Director of Place; and

- (ii) that the Chief Finance Officer be instructed to confirm/reject the prudential borrowing request from the TDA on financial aspects only, with a response not to be unreasonably delayed and in any event within 10 working days of the request.

#### That the Cabinet recommend to Council:

- (iii) that a loan of up to £1 million be approved to TDA, if required, to allow access to the necessary working capital required to set up the Housing Company with the terms of the loan delegated to the Chief Finance Officer to agree, in consultation with the Cabinet Member for Finance;
- (iv) that the land at Torre Marine, edged red on the attached plan set out at Appendix 1 to the submitted report, be transferred to TDA for the delivery of affordable housing, subject to an appropriate nomination and grant agreement, at nil cost in return for 100% nomination rights in perpetuity;
- (v) that the decision made by the Council on the 19 October 2017 (Minute 103/10/17 refers) be rescinded and that the following be approved:

That the Chief Executive, in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, be given delegated authority to allocate the Affordable Housing capital budget to the TDA or subsidiary thereof to facilitate the delivery of affordable housing in line with the commissioning agreement.

#### Reason for the Decision

This will enable the Council to expedite a programme of affordable housing development on Council-owned sites and retain the ownership and management of those sites in the long term. The potential advantages of TDA taking forward this role, as opposed to the existing Housing Company, are that it has existing governance arrangements and existing staffing, expertise and office accommodation available to it. The proposals also sought to address a number of governance issues and update previous decisions to reflect the new arrangements.

## **Implementation**

The decisions in (i) and (ii) will come into force and may be implemented on Monday, 22 July 2019 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

The Cabinet recommendations in (iii) to (v) will be considered at the Council meeting on 18 July 2019.

## **Information**

In December 2018 the Council accepted in principle the clear benefits of TDA creating a Housing Company to enable relevant affordable housing schemes to be delivered at pace subject to due diligence and TDA Board Approval.

The Assistant Director of Business Services (now the Interim Director of Place) was authorised to undertake the due diligence and, if appropriate, finalise a detailed commissioning agreement with the TDA for the delivery of affordable housing schemes in consultation with the Executive Lead for Adults and Housing, the Chairman of the Housing Committee and the Section 151 Officer.

Since December 2018 work has been ongoing to progress the due diligence and to agree a detailed commissioning agreement. The extent of the due diligence undertaken refers to the Council's intention to commission TDA, or a subsidiary company of TDA, which will be a company that the Council wholly owns. Whilst significant work has been undertaken, the commissioning agreement has not been finalised.

In July 2017 Council approved, in principle, £25 million of prudential borrowing to facilitate the work of the Housing Rental Company, in the form of a loan for a capital purpose. It was agreed that detailed business cases would be required to be presented to the Housing Committee for approval, in order to trigger any draw down against this amount. The terms of the loan would then be determined at the point of draw down by the Head of Finance.

During discussions regarding the detailed commissioning agreement, TDA raised serious concerns about the impact on the pace of delivery and the risk of abortive time, duplication, effort and cost, given the existing access arrangements to drawdown funds from the £25 million borrowing approval. The submitted report therefore set out a proposal to simplify the governance arrangements.

It was also proposed that land at Torre Marine be transferred to TDA for the delivery of specialised affordable housing in return for 100% nomination rights in perpetuity. This disposal, if approved, would mirror the previous decisions made by the Council in respect of 286-288 Totnes Road and St. Kilda's, albeit that these earlier decisions need to be updated to reflect the TDA or subsidiary thereof. The nature of these disposals require a Council decision as they fall outside of the Council's Policy Framework.

As a result of the proposed changes identified in the submitted report a number of decisions need to be updated which are set out above.

A revised officer recommendation was circulated prior to the meeting.

At the Cabinet meeting on 9 July 2019, Councillor Long proposed and Councillor Steve Darling seconded a motion which was agreed by the Cabinet (unanimously) as set out above.

**Alternative Options considered and rejected at the time of the decision**

Alternative options were set out in the submitted report.

**Is this a Key Decision?**

No

**Does the call-in procedure apply?**

Yes

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

None

**Published**

12 July 2019

Signed: \_\_\_\_\_

Date: 12 July 2019

Leader of Torbay Council on behalf of the Cabinet



## Record of Decision

### Enabling Communities and Delivering Services at a Local Level

#### Decision Taker

Cabinet at its meeting on 9 July 2019

#### Decision

- (i) that the following be recommended to Council to be agreed as the draft recommendations of the Community Governance Review of Torbay, to be the subject of a second phase of consultation with local electors, residents, organisations and interested parties to run for a period of 8 weeks, from Monday 2 September to Friday 25 October 2019:
  - (a) that two new parishes be created within Torbay – one entitled Torquay Parish covering the wards of Barton with Watcombe, Cockington with Chelston, Ellacombe, Shiphay, St Marychurch, Tormohun and Wellswood and the other entitled Paignton Parish covering the wards of Clifton with Maidenway, Collaton St Mary, Goodrington with Roselands, Kings Ash, Preston and Roundham with Hyde. For the ward of Churston with Galmpton, that further consultation be undertaken to determine whether it should be within the Paignton Parish, or whether it should be included within the boundaries for Brixham Town Council;
  - (b) that councils be established to serve the new parishes of Torquay and Paignton with effect from 1 April 2020 (note that once established a parish council may decide to call itself a town council);
  - (c) that the new parish/town councils for Torquay and Paignton each be divided into wards for the purposes of electing parish councillors – the ward boundaries and number of councillors to be elected for each ward to be the same as the existing arrangements for those wards on Torbay Council;
  - (d) that Torbay Council set a maximum Band D precept of no more than £90.00 per annum for each of the new parish/town councils in their first year of operation; and
  - (e) That no changes be made to the status or electoral arrangements for Brixham Town Council, with further consultation to be undertaken to determine whether the ward of Churston with Galmpton should be within the Paignton Parish, or whether it should be included within the boundaries for Brixham Town Council; and
- (ii) that the Council be recommended to amend the terms of reference for the community governance review by the adoption of the revised timetable attached at Appendix 1 to the submitted report and republished.

#### Reason for the Decision

To enable the second phase of consultation to proceed. By law a community governance review must be concluded within 12 months of its commencement.

The proposals are intended to facilitate further consultation on the potential benefits that could flow from the establishment of new parish/town councils whilst addressing some of the

concerns raised during the first phase of consultation in relation to costs and precept levels.

## **Implementation**

The recommendations of the Cabinet will be considered at the Council meeting on 18 July 2019.

## **Information**

On 14 January 2019 the Council launched a community governance review of the whole area of Torbay, to consider if any changes should be made to existing community governance arrangements including whether new parish/town councils should be created in areas of the authority that are currently unparished.

The Council decided to undertake the review because, not only was it considered that the establishment of parish/town councils have the ability to raise income through the precept mechanism which could allow for the continued provision of local services (that Torbay Council will be unable to sustain in the future due to resource and demand pressures), but also that Parish/town councils promote community engagement and effective local government at the most local level.

The proposals contained within the submitted report will commit the Council in respect of undertaking the second phase of consultation and the report outlined the proposed approach to the second phase to ensure that the public are fully informed as to the likely future of Council Services, and the wider community engagement benefits of Parish/Town Council.

At the Cabinet meeting on 9 July 2019, Councillor Steve Darling proposed and Councillor Cowell seconded a motion which was agreed by the Cabinet (unanimously) as set out above.

## **Alternative Options considered and rejected at the time of the decision**

Alternative options were set out in the submitted report.

### **Is this a Key Decision?**

No

### **Does the call-in procedure apply?**

No

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

None

**Published**

12 July 2019

Signed: \_\_\_\_\_ Date: 12 July 2019  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decision

### Torbay Airshow

#### Decision Taker

Cabinet at its meeting on 9 July 2019

#### Decision

#### Cabinet Recommendation to Council:

- (i) that the Council be recommended that the Torbay Airshow 2020 (6 and 7 June) be supported and a revenue contribution of £25,000 towards the Airshow be approved;

#### Cabinet Decisions:

- (ii) that the Interim Director of Place be requested to work with Richmond Event Management along with the Commercial and Marketing Group, to engage with potential sponsors for the 2020 Torbay Airshow at the earliest opportunity;
- (iii) that the renaming of the Torbay Airshow to the 'English Riviera Airshow', be approved subject to the Interim Director of Place negotiating an appropriate level of sponsorship;
- (iv) that the Interim Director of Place and Chief Finance Officer be requested to negotiate a risk share arrangement that would see the Council and TDA share the burden of any unforeseen budget overspend, should the air show event not reach a break even position; and
- (v) that the Interim Director of Place be instructed to explore a range of options to offset the carbon dioxide produced by the air show and one such measure, which could also help to tackle fuel poverty, should include a higher standard of wall and roof insulation for new affordable homes commissioned by the Council.

#### Reason for the Decision

To continue to make Torbay Airshow an annual event will generate a potential substantial boost for Torbay's economy. The event is now established as one of the best coastal air shows in the country. The proposal will commit the Council to delivering the air show in 2020 and enable officers, REM and TDA at an early stage to engage with sponsors and other stakeholders ahead of their annual budget setting and enable early promotion/development of wider stakeholder business ideas to capitalise on the event for next year.

In recognition of the carbon footprint generated by the Airshow, the decision addresses the issue by exploring options to offset the carbon dioxide produced at the event through other Council activity.

#### Implementation

The Cabinet recommendation in (i) will be considered at the Council meeting on 18 July 2019.

The decisions in (ii) to (v) will come into force and may be implemented on Monday, 22 July 2019 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to

Overview and Scrutiny).

## **Information**

The submitted report provided a summary of the outcomes of the Torbay Airshow 2019 which took place on 1 and 2 June 2019 and sought a decision to support the Airshow again in 2020.

The Torbay Airshow helps position Torbay and the English Riviera as a destination of choice to a growing national and international audience. It also supports the local economy by boosting tourism and providing an incredible opportunity for local businesses and other organisations to showcase themselves through their involvement in the event. Furthermore the event allows the Council to build its commercial relationships with local businesses. This year the headline partners and official partners were all local businesses recognising the benefits of being involved with a signature event.

The new TDA Commercial and Marketing Group have indicated that an early decision by the Council to stage an Airshow in 2020 would allow additional sponsorship to be raised. This year they raised an additional £38,000 but this work only really started in January and many companies had already spent or committed their annual sponsorship budget. If discussions can commence with potential sponsors at an early stage (i.e. in July 2019), they are confident that the level of additional sponsorship can be raised by another £40,000 for 2020.

Discussions with the English Riviera BID Company (ERBID) have indicated that they would increase their level of sponsorship if the event was rebranded as the “English Riviera Airshow”.

Continuing to make the Torbay Airshow an annual event generates the potential for a substantial boost to Torbay’s economy by attracting new and repeat visitors and inward investment. This year it is estimated that the local economic benefit exceeded £7 million and this will grow over the next few years.

The submitted report also detailed the impact an air show event has on the environment and acknowledged that the new Cabinet have indicated that they wish to work towards ‘*A Climate Fit for the Future*’. Therefore, the report proposed that further work is undertaken to explore a range of options to offset the carbon dioxide produced by the air show.

At the Cabinet meeting on 9 July 2019, Councillor Morey proposed and Councillor Law seconded a motion which was agreed by the Cabinet (unanimously) as set out above.

## **Alternative Options considered and rejected at the time of the decision**

Alternative options were set out in the submitted report.

### **Is this a Key Decision?**

No

### **Does the call-in procedure apply?**

Yes

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

Councillor David Thomas declared a pecuniary interest and withdrew from the Cabinet meeting prior to this item being discussed.

**Published**

12 July 2019

Signed: \_\_\_\_\_ Date: 12 July 2019  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decision

### The future of the Riviera International Conference Centre

#### Decision Taker

Cabinet at its meeting on 9 July 2019

#### Decision

The decision in respect of the future of the Riviera International Conference Centre is restricted due to exempt information contained within the decision.

#### Reason for the Decision

To appoint the Council's Strategic Delivery Partner for the Riviera International Conference Centre site to ensure that suitable arrangements are in place by April 2020 when the existing management contract ends.

#### Implementation

The exempt Cabinet decisions in (i) and (ii) will come into force and may be implemented on Monday, 22 July 2019 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

The exempt Cabinet recommendation in (iii) will be considered at the Council meeting on 18 July 2019.

#### Information

The Council needs to find a long-term solution for the management and development of the Riviera International Conference Centre (RICC) site. The current management arrangements end on the 31 March 2020.

On the 20 September 2018 the Council agreed the commencement of a procurement process to identify a preferred bidder to become the Council's Strategic Development Partner for the RICC.

A Strategic Development Partner is required to develop options for a vibrant, viable and creative redevelopment of the Riviera International Conference Centre (RICC) and bring forward development options and solutions for the RICC site, so as to determine the ultimate strategy for the site post April 2020.

The procurement process has now been completed and a preferred bidder, has been identified as the Council's Strategic Delivery Partner. Further details of the provider were set out in the submitted exempt report.

#### Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted exempt report.

#### Is this a Key Decision?

Yes – Reference Number: I060445

**Does the call-in procedure apply?**

Yes

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

None

**Published**

12 July 2019

Signed: \_\_\_\_\_ Date: 12 July 2019  
Leader of Torbay Council on behalf of the Cabinet



## **Notice of Motion – Cabinet – 23 July 2019**

### **Oldway Mansion – Charity Trust**

The saga of Oldway Mansion is still ongoing and although a potential solution exists with the creation of a community Charity Trust, this has not been allowed to be created because the potential Trust still await the letter of authorisation from the landowner, i.e. Torbay Council. Once setup the Trust would be able to bid into funding opportunities, in particular the Heritage Lottery Fund to which the Council currently can't bid into.

This Council has a legal duty to look after its listed heritage buildings and the time has come for us to step up to the mark and deal with some of our responsibility. We can no longer ignore the mansion as if it simply did not exist.

Therefore, this Council commits to continue to work with the local community and to help them set up the Charity trust to help move the Oldway project forward. Furthermore the Council will release the letter within the next 7 working days required by the Charity Commission to enable the Trust to be setup.

Proposer Councillor Chris Lewis  
Secunder Councillor Sykes

## Notice of Motion – Cabinet – 23 July 2019

### Campaign to restrict no-fault evictions

This Council notes that there are a significant number of households renting from private landlords in Torbay, including families with children.

This Council welcomes the campaign to end section 21 – the clause of the Housing Act 1988 that allows private landlords to evict tenants without reason.

The Council recognises that the threat of a no-fault eviction causes insecurity and stress for Torbay residents who rent privately and can discourage tenants from complaining about substandard housing.

The Council acknowledges the action taken by the Scottish government to restrict no-fault evictions.

The Cabinet resolves:

- i) to support Generation Rent's campaign to abolish section 21 of the Housing Act 1988;
- ii) that the Leader writes to the Secretary of State for Housing, Communities and Local Government requesting this change in the law.

Proposer Councillor Long  
Seconder Councillor Heyse

## Notice of Motion

Cabinet - 23 July 2019

### School Funding

This Council:

Is deeply concerned by the financial outlook for schools in Torbay due to a combination of inadequate government funding and increasing cost pressures.

Believes that the Conservative Government's failure to properly fund schools is jeopardising the education and future opportunities of young people in Torbay and is particularly letting down more vulnerable children, such as those with special educational needs and disabilities and those who need mental health support.

Notes with concern reports that many schools across the country are having to ask for donations from parents, cutting back teaching hours, reducing staff numbers, reducing mental health support and reducing mentoring for vulnerable pupils.

Further notes that years of real-terms pay cuts for teachers, coupled with the pressure caused by funding cuts in schools and excessive workload, have led to a crisis in retention and recruitment in the teaching profession. This is driving thousands of dedicated professionals out of the jobs they love, and further undermining the quality of education in our schools.

Will make representations to the Secretary of State for Education and the Chancellor of the Exchequer, calling for them to:

- Reverse, in full, the real-terms cuts to per-pupil school budgets since 2015 – meaning schools in Torbay would receive much needed additional funding in 2020
- Provide additional funding to Torbay and others across the country to give urgently needed and adequate funding support to children with special educational needs and disabilities
- Guarantee all teachers a pay rise which is at least in line with inflation next year, in order to reduce the number of talented teachers leaving the profession

Proposer Councillor Law  
Seconder Councillor Howgate

## **Notice of Motion**

**Cabinet - 23 July 2019**

### **Free TV Licence Scheme**

“According to the charity Age UK, for over a million older people in the UK, the Television is their most constant companion.

Torbay Council notes that the BBC have announced that they will be means testing the free TV licence for those aged over 75 to those on the benefit Pension Credit.

The Council further notes that the free TV Licence scheme was originally funded by the Government but the responsibility for this concession has since been passed to the BBC.

This Council feels that the proposed change to the TV Licence scheme for over 75's will be a cruel body blow, particularly as Age UK estimate that two out of five people entitled to claim Pension Credit do not actually do so. Given the age demographic in Torbay, many local residents will be affected.

Torbay Council resolves:

That the Leader of the Council writes to Torbay's Members of Parliament urging them to lobby the Government to honour their manifesto commitment to maintain the Free TV Licence for those aged over 75.”

Proposer Councillor Long  
Secunder Councillor Morey



**Meeting: Cabinet**

**Date: 23 July 2019**

**Wards Affected: All**

**Report Title: Looked After Children and Corporate Parenting Strategy 2018/2020**

**Is the decision a key decision? No**

**When does the decision need to be implemented? Immediately**

**Cabinet Member Contact Details: Councillor Cordelia Law, Cabinet Member for Children's Services, [Cordelia.law@torbay.gov.uk](mailto:Cordelia.law@torbay.gov.uk)**

**Supporting Officer Contact Details: Anne Osborne, Assistant Director – Children's Safeguarding, [anne.osborne@torbay.gov.uk](mailto:anne.osborne@torbay.gov.uk), 01803 208949**

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## **1. Proposal and Introduction**

- 1.1 The Children Looked After and Corporate Parenting Strategy for 2018-2020 was approved by the Elected Mayor in October 2018 with the Director of Children's Services authorised to make any final changes. One of the main final changes which was needed was the completion of the Action Plan attached to the Strategy.
- 1.2 Following the change in governance arrangements since May 2019, it is appropriate that the new Cabinet confirm the Strategy and the Action Plan which has now been completed.

## **2. Reason for Proposal and associated financial commitments**

- 2.1 Agreement of the Strategy will mean that the Council has clarity around the work that it commits to do to ensure good outcomes for the children that the Council looks after.
  - 2.2 There are no additional financial commitments associated with the recommendation.
- 

## **3. Recommendation(s) / Proposed Decision**

- 3.1 That the Children Looked After and Corporate Parenting Strategy 2018-2020 set out at Appendix 1 to the submitted report be approved.

3.2 That the Corporate Parenting Board ensure that the Strategy is implemented and seek assurance that outcomes for our Children Looked After are improved.

### **Appendices**

Appendix 1: Children Looked After and Corporate Parenting Strategy 2018-2020.

### **Background Documents**

None

## Section 1: Background Information

1.	<p><b>What is the proposal / issue?</b></p> <p>The previously agreed Children Looked After and Corporate Parenting Strategy has been updated to include a completed Action Plan. The new administration now need to confirm the complete Strategy and task the Corporate Parenting Board to ensure that it is implemented.</p>
2.	<p><b>What is the current situation?</b></p> <p>The Children Looked After and Corporate Parenting Strategy for 2018-2020 was approved by the Elected Mayor in October 2018 with the Director of Children’s Services authorised to make any final changes. One of the main final changes which was needed was the completion of the Action Plan attached to the Strategy.</p> <p>Following the change in governance arrangements since May 2019, it is appropriate that the new Cabinet confirm the Strategy and the Action Plan which has now been completed.</p>
3.	<p><b>What options have been considered?</b></p> <p>The entire Strategy could have been revised. However, it has been reviewed and it is still considered to be an appropriate Strategy. It builds on Torbay’s commitment to multi-agency working knowing that the best outcomes for children looked after and care leavers will be achieved through effective partnership working across the system.</p> <p>The Ofsted Inspection in July 2018 recognised some improvements in the services for children in care and care leavers. The improvement of the Council’s delivery of its Corporate Parenting Duty was also recognised but there continues to be areas that are not considered adequate. The proposed Strategy seeks to address these areas.</p>
4.	<p><b>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</b></p> <p>The Strategy aims to ensure that our Children Looked After and care leavers thrive – that they reach their full potential and have the opportunities that good parents afford their children.</p> <p>The Strategy seeks to achieve these outcomes through taking an integrated and joined up approach.</p>

5.	<p><b>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</b></p> <p>The Strategy sets out the framework by which the Council will meet its responsibilities as corporate parents.</p>
6.	<p><b>How does this proposal/issue tackle poverty, deprivation and vulnerability?</b></p> <p>Meeting the needs of our children in care and improving their outcomes includes addressing all these aspects of their lives.</p>
7.	<p><b>How does the proposal/issue impact on people with learning disabilities?</b></p> <p>All children in care have access to the input of the virtual school.</p>
8.	<p><b>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</b></p> <p>The development of the Strategy took place in consultation with the Council's partner organisations and takes account of the views of some of our Children Looked After (via the Children in Care Club). This took place ahead of the original agreement of the Strategy in October 2018.</p> <p>Moving forward, the Council will be seeking to ensure that our role as Corporate Parents is understood within the wider community. We will be seeking to work more closely with the community to ensure better outcomes for our Children Looked After. In addition, we need to ensure that we engage effectively with our Children Looked After.</p>



## Section 2: Implications and Impact Assessment

<b>9.</b>	<b>What are the financial and legal implications?</b>  There are no specific financial or legal implications around agreeing a Children Looked After and Corporate Parenting Strategy.
<b>10.</b>	<b>What are the risks?</b>  The risk of not agreeing the Strategy is that, as an organisation, we would not be clear about the issues which need to be tackled and the outcomes that we are seeking to achieve.
<b>11.</b>	<b>Public Services Value (Social Value) Act 2012</b>  Not applicable.
<b>12.</b>	<b>What evidence / data / research have you gathered in relation to this proposal?</b>  All work is informed by the JSNA Key Performance Indicators and evidence based practice e.g. Signs of Safety.
<b>13.</b>	<b>What are key findings from the consultation you have carried out?</b>  The Strategy takes account of the Council's pledge to its children and young people, including its Children Looked After. This pledge was developed with the children and young people of Torbay.
<b>14.</b>	<b>Amendments to Proposal / Mitigating Actions</b>  Not applicable.

## Equality Impacts

17.	Identify the potential positive and negative impacts on specific groups			
	<b>Positive Impact</b>	<b>Negative Impact &amp; Mitigating Actions</b>	<b>Neutral Impact</b>	
Older or younger people	The Strategy will have a positive impact on those young people who are Looked After by the Council.			
People with caring Responsibilities				
People with a disability				
Women or men				
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>				
Religion or belief (including lack of belief)				
People who are lesbian, gay or bisexual				
People who are transgendered				
People who are in a marriage or civil partnership				

	Women who are pregnant / on maternity leave			
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			
<b>16</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)			
<b>17</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)			



2018 – 2020

## Children Looked After and Corporate Parenting Strategy

Ensuring all our children are safe, happy and  
healthy and reach their full potential

# Contents

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1	Introduction.....	3
2	Context.....	4
	Legal Duties .....	4
	Our Children Looked After.....	4
3	Objectives, Principles and Priorities .....	6
	Objectives.....	6
	Overarching Principles .....	6
	Corporate Parenting Principles .....	6
	Priorities .....	7
4	Corporate Parenting Standards.....	9
5	Governance.....	10
	Corporate Parenting Board .....	10
	Corporate Parenting Operational Group.....	<b>Error! Bookmark not defined.</b>
	Virtual School.....	10
	Children in Care Club (CiCC).....	10
	Care Leavers Group .....	11
	Appendix 1: Action Plan – To be completed and finalised .....	12
	Priority 1: Our placements are safe and meet the needs of our children and young people .....	12
	Priority 2: Our children looked after and care leavers fulfil their educational potential .....	12
	Priority 3: Our children looked after and care leavers are emotionally, mentally and physically healthy .....	13
	Priority 4: Our children looked after and care leavers develop into independent, confident and responsible adults .....	13
	Appendix 2: Corporate Parenting Board.....	14
	Terms of Reference .....	<b>Error! Bookmark not defined.</b>

# 1 Introduction

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The Children and Young People's Plan sets out Torbay Council's objectives and priorities for all services which directly affect children and young people across all of the communities which make up Torbay. The Council's objective is:

**To ensure that all of our children, young people and care leavers are safe, happy and healthy in order that they can reach their full potential.**

This Children Looked After and Corporate Parenting Strategy has been developed, alongside a number of other strategies and plans, to ensure that we deliver that objective for those children and young people who are in the care of the Council.

Children and young people who are Looked After by the Council and our care leavers face a number of challenges as they grow up and develop in care and then move on to independence. In order to make this journey through care as smooth as possible and to ensure they go on to fulfil their potential, it is vital that all Councillors, Officers and Services across the Council work together in their interests.

This Strategy is exclusively focused on achieving the best possible outcomes for the children looked after and care leavers for whom we are Corporate Parents. It provides the framework for all of Torbay Council to fulfil its role in the lives of these children and young people.

In Torbay, we believe that ensuring the effective care and protection for children who are looked after by the local authority is one of the most important responsibilities we hold. In order to provide high quality services we must all work together to meet their needs.

The Strategy builds on Torbay's commitment to multi-agency working as we know that the best outcomes for children looked after and care leavers can only be achieved through effective partnership working. The Council, our foster carers and independent providers, our NHS and education partners, the Police and voluntary sector organisations all contribute to improving the lives of children and young people in our care.

This Strategy builds on the progress we have made in improving our services to children looked after and care leavers as a Council.

The Council remains committed to raising the quality of life of everyone living within Torbay. For children in particular, the Council aims to provide high quality opportunities for learning and ensure children are safe, happy and healthy. We will provide such care, education and development opportunities that we would afford to our own children.

## 2 Context

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### Legal Duties

Under the Children Act 1989, a child is defined as “looked after” by the Council if he or she is:

- Provided with accommodation for a continuous period for more than 24 hours
- Subject to a care order
- Subject to a placement order.

A young person stops being classed as looked after when he or she turns 18. At this point, they become a young adult eligible for help and assistance from the Council as a care leaver. The Council continues to provide a level of financial and transitional support to its care leavers until they are 25.

When a child or young person becomes looked after, Torbay Council becomes their Corporate Parent. This means that the Council (its elected members, its officers and its partner agencies) has collective responsibility to provide the best possible care and safeguarding for the children and young people it is looking after. A child or young person in the care of the Council looks to the Council as a whole to be the best parent it can be.

Every councillor and employee has the statutory responsibility to act for the children or young people in the Council’s care in the same way that a good parent would act for their own child.

### Our Children Looked After

After a period of stability, our population of children looked after has grown appreciably over during the first five months of 2018 from around 301 in January to 325 in July 2018. Detailed analysis has identified that these are the right children coming into care and that no children have been unnecessarily subject to care proceedings. Where those children are young babies we are undertaking good work to achieve a permanent placement at the earliest opportunity. We are also providing a more robust response to those 16+ young people who present as homeless.

The chart on the following page shows the educational attainment of children looked after by Torbay (who may live and be educated outside Torbay) against the performance of all pupils in Torbay schools.

At 31 March 2018, 42% of Torbay’s care leavers were Not in Employment, Education or Training. The improvement in our delivery of services to our care leavers is having a positive impact on outcomes for Care Leavers with NEET performance better than statistical comparators. As part of its Corporate Parenting offer the Council has offered 11 apprentice opportunities all of which will be prioritised for Care Leavers prior to be released to other young people.

The differential between attainment and post-16 outcomes for Children Looked After and their peers also extends into others areas such as health, mental health, income and crime. These statistics emphasise the huge importance of our role as corporate parents in helping these children and young people overcome the challenges they face.

Outcomes 2018 – UPDATED TABLE						
Performance indicator		Torbay children in care %	National children in care %	Torbay all pupils %	National all pupils %	RAG Based Torbay CLA v national CLA
EYFS % reached GLD	↓	25%	47%	70.4%	71.5%	Red
KS1 % Reached at least expected standard - Reading	↓	50%	53%	73%	75%	Amber
KS1 % Reached at least expected standard - Writing	↑	50%	43%	68%	70%	Green
KS1 % Reached at least expected standard - Maths	↑	50%	49%	74%	76%	Green
KS1 % Reached at least expected standard – Reading, writing and maths	↑	50%	38%	Not available	Not available	Green
KS2 % Reached at least expected standard - Reading	↓	35.3%	51%	75%	75%	Amber
KS2 % Reached at least expected standard - Writing	↓	23.5%	50%	75%	78%	Amber
KS2 % Reached at least expected standard - SPAG	↓	29.4%	50%	73%	78%	Amber
KS2 % Reached at least expected standard - Maths	↓	23.5%	47%	74%	76%	Amber
KS2 % Reached at least expected standard - Reading, Writing and maths	↓	17.6%	35%	63%	64%	Green
KS4 % 5+ GCSEs at grades A*-C including English (Grade 4+) and Maths (Grade 4+)	↑	33.3%	Not available	Not available	Not available	Amber
KS4 % 5+ GCSEs at grades A*-C	↑	33.3%	Not available	Not available	Not available	-
KS4 % gaining a strong pass in both English and maths at Grade 5+	↑	33.3%	9.9%	46.7%	40.2%	Green
KS4 % gaining a Grade 5+ in English	↑	33.3%	21.5%	62.6%	Not available	Green
KS4 % gaining at least a Grade 4 in English	↑	42.8%	Not available	Not available	Not available	-
KS4 % gaining a Grade 5+ in maths	↑	33.3%	15.2%	53.4%	Not available	Green
KS4 % gaining at least a Grade 4 in maths	↑	38.1%	Not available	Not available	Not available	-
KS4 Attainment 8 score	↑	26.25	24.6	48.2	44.5%	Green
KS4 Progress 8 score	↑	-1.106	-0.93	-0.07	-0.22	Amber
Y1 – Y11 % attendance 2017-18	↓	95%	96.1%(2016)	94.9%	95.2%	Amber
% receiving at least one fixed term exclusion	↓	14%	11.8%(2017)	5.05% (2016)	2.3% (2017)	Green
% receiving a permanent exclusion	↔	0	0.10%(2017)	0.13% (2016)	0.08% (2017)	Green
KS5 number following and completing a L3 qualification	↔	2	Not available	Not available		-
Total of 18-24 year old care leavers participating in Higher Education	↔	8%	6%	-		Green

Key: **Red** – well below national CLA outcome  
**Amber** – in line with national CLA outcome  
**Green** – above national CLA outcome



## 3 Objectives, Principles and Priorities

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### Objectives

In the same way that we want all of Torbay's children and young people to be safe, happy and healthy in order that they can reach their full potential, the Objectives of this Children Looked After and Corporate Parenting Strategy are:

**To ensure that all the children that the Council looks after, and its care leavers,:**

- are safe, happy and healthy in order that they can reach their full potential; and
- have all the opportunities that good parents afford their children.

### Overarching Principles

We will measure all of our work against the impact that it will have on the children and young people we look after and our care leaver. Reflecting on the principles with the Council's Corporate Plan, the principles within this Children Looked After and Corporate Parenting Strategy are:

- We will use our resources where they will maximise the impact on the child or young person
- We will use prevention and innovation to reduce the impact on children and families from key risks such as domestic abuse, alcohol/substance misuse and child exploitation
- We will take an integrated and joined up approach towards commissioning and delivery for children and families

### Corporate Parenting Principles

In order to thrive, children and young people have certain key needs that good parents generally meet. In relation to all the children and young people we look after, Torbay Council will have regard to the following principles when exercising our functions in relation to those children and young people:

- We will act in their best interests, and promote their physical and mental health and wellbeing.
- We will encourage them to express their views, wishes and feelings.
- We will take into account their views, wishes and feelings.
- We will help them gain access to, and make the best use of, services provided by the Council and our partners.
- We will promote high aspirations and seek to secure the best outcomes.
- We will ensure they are safe and have stability in their home lives, relationships, education and work.
- We will prepare them for adulthood and independent living.

## Priorities

Torbay Council will be an effective and trustworthy corporate parent to all the children and young people who are in our care through focussing on the following priorities. Under each of our priorities are the pledges that the Council has made to its Children Looked After and care leavers.

### **Priority 1: Our placements are safe and meet the needs of our children and young people**

We will always listen to you and take your views into account to ensure you are getting the right support to achieve your goals. These will be set out in your Care Plan.

We will be upfront and honest about we can and cannot do for you.

We will work with your carers to make it the best placement for you.

We will provide you with information about your rights in a way that suits you.

### **Priority 2: Our children looked after and care leavers fulfil their educational potential**

We will respect your privacy and work to ensure that you are not singled out at school or in other places.

We will work closely with your school and not move you without good reason. We will also discuss with you the reasons for any move and take your views into account.

We will encourage and support you to take up opportunities in education, employment and training in ways that suit you.

### **Priority 3: Our children looked after and care leavers are emotionally, mentally and physically healthy**

We will celebrate your achievements with you in the ways that you would like.

We will provide a workforce to work with you to develop the life skills to achieve your goals and have the best opportunities for the future.

### **Priority 4: Our children looked after and care leavers develop into independent, confident and responsible adults**

We will plan activities and visits in advance and involve you in those plans.

We will help you to stay in contact with your family if you want that and explain the reasons if this is not possible.

We will talk to you about the ways we will be working to keep you safe .

We will develop a plan of the things you do in school called a Personal Education Plan.

We will develop a plan to ensure you are healthy and making good choices called a Personal Health Plan and give you advice and support on harmful issues such as smoking, drinking alcohol or taking drugs.

We will support you to access regular health and dental checks and any appointments or treatment you may need.

Throughout our work, we will capture each child’s lived experience through their wishes, feeling and experience of family life. We will ensure that the needs of the child are always the focus and ensure that their basic rights are not overlooked and prioritise their need for emotional warmth, stability and sense of belonging. Each child will understand, engage with and, where appropriate, have a copy of their plan. The child will always be at the centre of our interventions which will be evidence-based, outcome focused and appropriate to the age of the child. Each child will be seen at a frequency appropriate to their needs.

## 4 Corporate Parenting Standards

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As effective corporate parents, Torbay Council has identified a set of standards which will assist in enabling us to meet the objectives and priorities of this Children Looked After Strategy. The Council's Senior Leadership Team will identify, progress and monitor any actions required across the Council to ensure that these standards can be met.

1. There is a golden thread through the Council's Strategic Vision, Corporate Plan and Children and Young People's Plan that clearly articulates our aspirations for children looked after and care leavers.
2. Key decisions, policies, procedures and performance in relation to Children's Services are subject to robust scrutiny and oversight through the Council's decision making and scrutiny processes.
3. Elected members and senior officers participate within a programme of corporate parenting training to equip them to understand how corporate parenting can be accommodated within their respective portfolios.
4. Priority interviews are offered to children looked after and care leavers for apprenticeships and work experience opportunities within Torbay Council, prior to these being advertised externally.
5. Dedicated support, advice and guidance is provided to care leavers to assist or sustain them in employment.
6. Locally commissioned services for adults including mental health, substance misuse and domestic abuse have child safeguarding as an integral element within service provision.
7. Family focused interventions such as 'Breaking the Cycle' are under development in Torbay to support families to provide effective parenting when capacity is compromised by health related issues.
8. As vulnerable groups that do not readily access services, care leavers and young offenders have direct support from community/primary health care services.
9. Torbay Council housing policy explicitly acknowledges care leavers as a vulnerable group, with appropriate support provided.
10. Care leavers are provided with individualised support to ensure they are in suitable and safe accommodation.
11. Care leavers have an exemption from Council Tax until the age of 25.
12. Care leavers and children looked after receive support to access cultural, sporting and leisure activities free of charge or at a reduced rate.
13. The achievements and progress of our children looked after and care leavers is recognised and celebrated on a regular basis, in accordance with their wishes and preferences.
14. The work of the Community Safety Partnership acknowledges that children looked after and care leavers are vulnerable groups who can become over represented within the criminal justice system and work together to avoid this.
15. Local arrangements for identifying and case managing adults who may pose a risk to children are fully integrated through a robust multi-agency tasking model.

## 5 Governance

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The Council's Corporate Plan sets out its aspirations for the community of Torbay including children and young people. The Council's objective is to ensure that all of our children and young people are safe, happy and healthy in order that they can reach their full potential.

This objective is delivered for children looked after through a range of groups who collectively work to ensure that outcomes for children looked after and care leavers are comparable to their peers. Performance for children in care and our care leavers is an integral part of our performance and quality assurance arrangements. These are contained within the range of performance reports considered by the Children's Improvement Board, Corporate and Children's Services Senior Leadership, and Audit Committee.

Whilst corporate parenting is the responsibility of the Council as a whole and of its partners, on a day-to-day basis our arrangements for children looked after and care leavers are subject to oversight and scrutiny via the Groups set out below.

### Corporate Parenting Board

This Board is chaired by an elected member and comprises of a wider group of members drawn from all political groups together with partner representatives and senior officers from Children's Services. Representatives from the Foster Carers Forum will be invited to join the Board. Work is underway to ensure young person representatives form a standing part of the Board to build on the ongoing dialogue with children and young people in care that is currently in place.

The Board meets every two months and forms a key element within the Council's Constitution, providing a forum for regular, detailed discussion of issues and a positive link with our Children Looked After. The terms of reference of the Board are at Appendix 2.

In addition, the Assistant Director – Safeguarding, Head of Service – Specialist Services, relevant Children's Services officers and partner representatives meet regularly to ensure delivery of the Council's corporate parenting responsibilities.

### Virtual School

Torbay Virtual School provides the framework through which the educational needs of children looked after are met working closely with educational providers, carers, social care and health practitioners, and children and young people. The work of the Virtual School is overseen by a Governing Body and led by the Virtual School Headteacher.

Educational attainment and progress for children looked after is subject to regular review to determine the effectiveness of the arrangements put in place for each child via their Pupil Education Plan. The Virtual School also produce an annual report for the consideration of the Governing Body, Corporate Parent Members Group and Council.

### Children in Care Club (CiCC)

The CiCC is facilitated by the Youth Service and brings a representative group of children in care together on a regular basis for activities and to obtain their views on the effectiveness of our arrangements for children in care. Their views have been instrumental in developing Torbay's Pledge towards our children in care.

## Care Leavers Group

This Group is facilitated by Torbay Care Leavers Service and brings together a representative group of care leavers to ensure their views are heard in the development and delivery of our services for care leavers. Their work has been fundamental to the recent revision of our pathway plans and clarifying care leaver entitlements.

## Appendix 1: Action Plan

### Priority 1: Our placements are safe and meet the needs of our children and young people

Action	Responsibility	By when?
Update and deliver the Sufficiency Statement Action Plan	Director of Children's Services	September 2019
Increase our foster care capacity	Head of Service – Specialist Services	March 2020
Explore how Torbay Council can increase its residential capacity on a risk share basis, working with an acknowledged expert.	Head of Service – Specialist Services	September 2019
Develop 16+ provision along with housing to provide a “pipeline” of varied resources to meet different levels of need.	Strategic Commissioning Officer	September 2019

### Priority 2: Our children looked after and care leavers fulfil their educational potential

Action	Responsibility	By when?
Continue to focus on outcomes at Key Stage 2 and Key Stage 4	Virtual Headteacher/ Assistant Director – Education and Schools	April 2018 and ongoing
Improve the monitoring and tracking at Key Stage 5 through effective links with Further Education and other post 16 providers	Virtual Headteacher/ Assistant Director – Education and Schools	April 2018 and ongoing
Enhance links with Early Years' providers to ensure effective monitoring of the Early Years cohort and use of Early Years Pupil Premium	Virtual Headteacher/ Assistant Director – Education and Schools	July 2018 and ongoing
Continue to ensure educational continuity for children placed for adoption	Virtual Headteacher/Head of Service – Specialist Services	Ongoing
Continue to ensure SEN work in a timely manner to secure appropriate schooling for those with an EHCP including those moved in an emergency	Virtual Headteacher/Head of Service – Special Educational Needs	Ongoing
Aim to ensure all Personal Education Plans are at least rated Good	Virtual Headteacher	September 2019 and ongoing
Improve the voice of the child through the Personal Education Plan process	Virtual Headteacher	September 2019 and ongoing

### Priority 3: Our children looked after and care leavers are emotionally, mentally and physically healthy

Action	Responsibility	By when?
Continue to commission bespoke Therapeutic Services to provide support for Care Leavers and Children Looked After.	Strategic Commissioning Manager	December 2019
With partners, develop leisure/youth activities for Children Looked After and Care Leavers.	Strategic Commissioning Manager	December 2019
Care Leavers' Personal Assistants and social workers to make care leavers and children looked after aware of the Torbay Leisure Card and encourage uptake.	Head of Service – Specialist Services	April 2018 and ongoing
Explore opportunities for children looked after and care leavers to both attend and participate within the Council's programme of events and to encourage community events to do the same.	Head of Specialist Services	June 2019 and ongoing

### Priority 4: Our children looked after and care leavers develop into independent, confident and responsible adults

Action	Responsibility	By when?
Deliver the Corporate Parenting Action Plan	Corporate Parenting Board	March 2020
Identify apprenticeship and work experience opportunities across the Council with children looked after and care leavers being offered priority interviews and work with partner organisations to encourage them to open their apprenticeship schemes to children looked after and care leavers.	Director of Corporate Services and Head of Specialist Services	April 2018 and ongoing
Specialist training to be provided to Care Leavers' Personal Assistants to enable them to provide support, advice and guidance to care leavers to assist and sustain them in employment.	Head of Specialist Services and Strategic Workforce Lead	April 2018 and ongoing
Care Leavers' Personal Assistants to share with care leavers the employment opportunities within Torbay Council which are all available online.	Head of Service – Specialist Services	April 2018 and ongoing
Care Leavers' Personal Assistants to encourage care leavers to attend regular Jobs Fair (and other related events) held in Torbay	Head of Service – Specialist Services	April 2018 and ongoing
Specialist training to be provided to Care Leavers' Personal Assistants to assist in ensuring care leavers can access appropriate, safe and sustainable accommodation.	Assistant Director - Community and Customer Services	April 2018 and ongoing
Care Leavers' Personal Assistants to provide individualised support to help care leavers sustain suitable and safe accommodation.	Head of Service – Specialist Services	April 2018 and ongoing
Develop a joint protocol with accommodation providers to avoid the criminalisation of children in care.	Strategic Commissioning Manager	December 2019



## Appendix 2: Corporate Parenting Board

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### Purpose

To lead on behalf of the Council and partners of the Local Authority to ensure that all services directly provided for children and young people in care and care leavers are delivered to a high standard and to all statutory requirements.

To raise the aspiration, ambitions and life chances of children and young people in care, narrowing the gap of achievement and outcomes between children in care and their peers.

To ensure that children in care are protected and supported to develop as healthy citizens, able to participate fully in their community.

To ensure that all elected members are aware of their corporate parenting responsibilities and that all Council services are mindful of the needs of children in care and respond accordingly within their particular remit.

### Functions of the Board

To receive regular reports in relation to the adoption, fostering, commissioning, children looked after services, care leavers and the virtual school with a view to identifying any areas of underperformance and recommending any changes.

To ensure that the principles of corporate parenting are incorporated within key plans, policies and strategies of the Council including interagency working arrangements.

To review reports relating to complaints from looked after children to ensure officers have dealt with these appropriately and made any recommendations for change.

To raise awareness in Torbay Council and amongst its partners and the wider community by promoting the role of members as corporate parents and the Council as a corporate family with key responsibilities;

To raise the profile of the needs and achievements of children looked after and care leavers through a range of celebratory events/activities determined by children looked after and care leavers.

To ensure that leisure, cultural, further education and employment opportunities are provided and taken up by our children looked after and care leavers.

To ensure that the views of children and young people are regularly heard through the Corporate Parenting Board to improve educational, health and social outcomes.

To meet with children and young people in care, frontline staff and foster carers to inform the Board of the standards of care and improvement outcomes for children looked after.

To monitor the ongoing commitment to providing support, training and clarity of expectations for foster carers to provide excellent and high quality care.

To appoint elected members of the Board to focus on the following strands:

- Housing
- Employment and training opportunities within council departments and with partner agencies
- Health (including mental health)

- Educational Attainment and access to Higher Education
- Foster carer recruitment and retention
- Response to those who go missing and children “placed at a distance”.

### **Children in Care Council**

Representatives from the Children in Care Council will regularly contribute to the Corporate Parenting Board through methods and approaches agreed with children looked after and care leavers.

### **Work Programme**

The Corporate Parenting Board will meet every two months, supported by an annual work programme to be reviewed at each meeting. In reviewing the work programme, the Board may request reports on particular matters of their own preference or as advised by the lead officer.

### **Performance Monitoring**

The Corporate Parenting Board will regularly scrutinise and monitor outcomes for children in care and care leavers. The Board’s work will be underpinned by a core data set considered at each meeting. Additional detailed monitoring reports will be presented in accordance with the agreed work programme.

### **Membership of the Board**

The membership of the Board will comprise five members of the Council appointed in accordance with political balance requirements and to include the Executive Lead responsible for Children. The Council will appoint the Board at its Annual Meeting.

Other Members of the Council will be invited to discuss issues and raise questions within a standing agenda item.

The Executive Lead responsible for Children will chair the Board. A vice chairman will be appointed by the Board at the start of each Municipal Year.

Membership will also include a foster carer and representatives from the Children in Care Council.

Membership will include key partners to support the delivery of key priorities in particular a senior local police officer, a Head Teacher, and designated health lead.

### **Officer support**

The Director of Children’s Services is responsible for ensuring that the Board has sufficient officer support. The Assistant Director – Safeguarding will be the lead officer for the Board supported by the Head of Specialist Service, and the Head of the Virtual School.

### **Training**

Appropriate training will be commissioned for members of the Corporate Parenting Board as required and will form part of the Members Development Programme.

### **Frequency of meetings**

Meetings will be bi-monthly preceded with agenda setting informed by the members of the Board, annual work programme, performance monitoring and the views of children looked after and care leavers.

### **Reporting Mechanisms**

The Corporate Parenting Board will report to the Local Safeguarding Children Board, the Overview and Scrutiny Board, Health and Wellbeing Board and the Post Ofsted Improvement Board as required.



**Meeting:** Cabinet

**Date:** 23 July 2019

**Wards Affected:** All

**Report Title:** Adult Social Care – Local Account

**Is the decision a key decision?** No

**When does the decision need to be implemented?** Immediately

**Executive Lead Contact Details:** Councillor Stockman, Executive Lead for Adults Services, Jackie.stockman@torbay.gov.uk

**Supporting Officer Contact Details:** Joanna Williams, Interim Director of Adult Social Care, (01803) 207175, Joanna.williams@torbay.gov.uk

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## 1. Proposal and Introduction

- 1.1 The Local Account for Adult Social Care sets out what we have achieved for local people in relation to adult social care and outlines our level of performance for last financial year and our commitment to future service delivery. The Government has asked that Local Accounts are put in place to offer councils the opportunity to share a common approach to the performance of adult social care.

## 2. Reason for Proposal

- 2.1 To enable the Local Account to be published in accordance with Government requirements and for council to consider the adult safeguarding outcomes for the Bay.

## 3. Recommendation(s) / Proposed Decision

- 3.1 That the Local Account set out in Appendix 1 to the submitted report be approved.

### Appendices

Appendix 1: Local Account

### Background Documents

None

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*forward thinking, people orientated, adaptable - always with integrity.*



## Adult Social Care **Local Account**

Torbay Annual Report 2018-19

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# Contents

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	Page
• Foreword by Councillor Stockman	3
• Foreword by Sir Richard Ibbotson, Chair, and Liz Davenport, Chief Executive	4
• Our intentions for adult social care in the next five years	5
• About Social Care in Torbay in 2018/19	6
1. Outcome 1 - Enhancing quality of life for people with care and support needs	7
2. Outcome 2 – Delaying and reducing the need for care and support	11
3. Outcome 3 – Ensuring people have a positive experience of care and support	20
4. Outcome 4 – Safeguarding people whose circumstances make them vulnerable and protecting them from avoidable harm	23
5. Financial position and use of resources	26
6. Performance Overview	28
7. Looking after information	31
8. Statement from Torbay’s Overview and Scrutiny Board	32
9. Commentary from Healthwatch Torbay	33



## **Foreword by Councillor Jackie Stockman Cabinet Member for Adult Services and Public Health**

We are celebrating some great work in health and social care this year, including some exciting innovation and a strengthened commitment to communities. This is despite ongoing and very real, financial challenges being experienced by all partners and across the whole of geographical Devon.

We have made a strong commitment to working with communities in Torbay to enable them to support people to use their own strengths to stay well and independent. We couldn't do our work without the amazing people of Torbay who volunteer, and the community and voluntary sector organisations who work so hard. It's also important that we continue to thank and support unpaid carers, who make such a vital contribution.



A great example of this is the Brixham Friends Centre's opening earlier this year, a fantastic resource where people can access a range of services and support.

Adult Social Care has continued to perform well in Torbay; and we're now looking at how we can improve access and support by introducing 'Talking Points' in local community venues, where people can talk to a social worker, community builder and the people in their neighbourhood about the help they need.

The Sustainability and Transformation Plan (STP) work is now well established across geographical Devon and we're working hard to make sure the voice of the people of Torbay is heard in this important conversation and plan.

Of course, I must point out that our financial challenges are very real and there are difficult decisions to be made. However, there is a solid and real commitment to the people of Torbay from the council and all of our partners and we will continue to work together to ensure quality is at the centre of everything we do.

Thanks to everyone who works in health and social care, both paid and unpaid.

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**Councillor Jackie Stockman**  
**Cabinet Member for Adult Services and Public Health**



**Foreword by Sir Richard Ibbotson and Liz Davenport, Chair and Chief Executive of Torbay and South Devon NHS Foundation Trust**

We are very proud to be celebrating some major achievements in the arena of adult social care in Torbay this year. These successes – which we hope to see evolve and grow - have been made possible through strong leadership, an appetite to innovate and take risks, enhanced partnership working, and a lot of very hard work.



We would like to pay tribute to the tireless commitment of Caroline Taylor who recently retired, having served the people of Torbay as Director of Adult Social Services for many years. During that time Caroline devoted herself to the role, navigating the complex financial and political landscape and always keeping sight of the outcomes that the social care service is there to bring about - to provide the help, care and support to those in need. (Jo Williams, Fellow of NICE, with over 25

years' experience in the social care field, succeeds Caroline as Interim Director of Adult Social Services.)

Torbay social care teams successfully bid to take part in the National Development Team for Inclusion's (NDTI) Community Led Support Programme. This enables our social care teams to work more collaboratively with other organisations, share ideas and learning, and ultimately shape the future of social care for Torbay in a way that works for Torbay, with less emphasis from centrally controlled directives.

Through our partnership with the Windmill Centre, a charity that has social welfare at its heart, we have together explored how we could enhance the social care options available to people outside of the traditional agency model. Since the contract was issued to Windmill in December we have already seen savings which will be reported at the end of 2019/20, while providing greater choice and control to many people. We hope to see this partnership go from strength to strength.

Another partnership that has evolved this year is that with SPACE, a voluntary organisation that supports people with learning disabilities to get into work, including paid work as well as voluntary work. At Torbay Hospital we are now supporting and encouraging more people through offering volunteering roles as Wayfinders, helping on reception desks and with gardening projects. Through volunteering with SPACE we can support people towards paid employment where they can make a contribution and feel really valued. We want to continue to build on the work we have done with SPACE, so that more people with learning disabilities have more opportunities.

The above gives a snapshot of how our Local Care Partnership is becoming a reality. We know there is lot more work to do to keep the momentum going.

Thank you to everyone working in the sector – paid and unpaid - for your continued efforts and commitment to maintain Torbay's reputation as a leader in quality, integrated adult social care.

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**Sir Richard Ibbotson**  
Chair

**Liz Davenport**  
Chief Executive



# Introducing themes for Torbay Social Care for the next five years



Welcome to the 2018/2019 Local Account of Social Care Services in Torbay, intended to report on the performance and use of resources for this crucial area of the Council.

We have the benefit of a locally integrated system, and are a partner in regional planning within the Sustainability and Transformation Plan. Nationally, it has been acknowledged that Adult Social Care is experiencing critical difficulties and that our model needs to transform and evolve alongside partners in order to survive.

Locally, we remain positive and excited by our strengthened commitment to working with the local community. This year we have changed our approach to Social Care, meeting people and having conversations in community centres and GP surgeries. Working with the community, the voluntary sector and individuals is our focus for 2019/20, to build on the amazing work that's already happening across Torbay. This, of course, includes support for our fantastic unpaid carers.

A variety of new projects, such as our focus on Technology Enabled Care, started in 2018/19, and will deliver independence and choice going forward. The integrated health and social care system, with partners, has continued to focus on safeguarding vulnerable adults and has invested in services to help people with Mental Health problems access help when they need it. We will continue this work into 2019/20 and continue to ensure we have high quality care in Torbay.

Looking forward, this year we will be working closely with our providers and planning for a new home care contract. We're also partners in the 'Proud to Care' initiative, which is celebrating care as a career and working to attract local people into the profession.

I look forward to the opportunity to be a part of this stage of our journey and am very excited about what we can achieve with the people of Torbay.

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**Joanna Williams**  
**Interim Director of Adult Social Care Services**  
**Torbay Council**

# Torbay Social Care in 2018/19

Adult social care is provided by Torbay and South Devon NHS Foundation Trust and commissioned by Torbay Council. We support adults who have care needs to be as safe and independent as possible



## At a glance

### Some of the ways we do this are:

Managing future demand for services by supporting schemes that prevent ill health, and reduce and delay the impact of long term health conditions

Providing Integrated Services with high quality community support with the voluntary sector, housing and enhanced intermediate care to help people return to health after illness or injury, where possible in their own home.

Supporting carers offering information and advice to continue to support their loved ones in the community

Offering choices in how people want to live through adapting homes, using technology and the development of sheltered accommodation and extra care schemes and high quality residential and nursing care

Safeguarding people whose circumstances make them vulnerable to abuse or neglect

Helping people to direct their own care by offering personal budgets to people who want them

2050	People supported in the community	+5%
122	People needing nursing care	-1.6%
770	Carers supported through information, advice and other support	+5.5
1778	People getting short term services	-7.9%
1089	People raising Safeguarding concerns	+49.6*
470	People receiving social care direct payments and emotional support vouchers	+39.1

\*There was a change in the way in which data was collected between 2017/18 and 2018/19

# Outcome 1: Enhancing the quality of life for people with care and support needs

Our aim is for all adults in the Torbay community to be enabled to live their lives to the full, maintain their independence and receive the right level of high quality support. Often this is about providing services at the right time and in the right place to maintain the person’s desired quality of life.

## How are we performing?

We have good performance in carrying out assessment of people’s needs in a timely way and keeping people informed about the proposed cost of care. We have stable performance in people receiving care in a timely way, and in arranging Direct Payments to people. Direct Payments give people the freedom to arrange to buy their own care instead of social care services, where people meet thresholds for financial assistance.

Working with partners in 2018/19, we are actively engaged in working to improve the quality of life and services for people in relation to wider determinants of health and wellbeing. Key areas of focus are promoting independent living and/or employment for people experiencing poorer mental health and a learning disability; supportive services for people with dementia and access to services for people with no current abode.

### **Focus on Mental Health**

We are continuing to develop individual personal care planning in Torbay to understand the needs of all adults in a more personalised way. We continue to work together as partners within the Devon Sustainability and Transformation Plan to address the difficult but known barriers to employment for people experiencing poorer mental health; with a learning disability and autism. Partners include Job Centre Plus, Further Education colleges, the NHS, Learn Devon, and businesses.

The aim is to increase opportunities for volunteering, apprenticeships and employment.

*\*ICO – Integrated Care Organisation*

## Performance at a glance

### Good

- Social care related quality of life
- The number of people who use services who have control over their daily life
- The number of people using social care who receive self-directed support, aged over 18 yrs
- The number of people using social care who receive self –directed support, (carers)
- The number of adults using social care who receive direct payments
- The number of carers using social care who receive direct payments
- The number of adults with a learning disability in paid employment
- The number of adults with a learning disability who live in their own home or with their family
- Number of clients receiving a review within 18 months
- Timeliness of social care assessments

### Performance Improvement Needed

- Carers’ quality of life
- Number of carers who reported that they had as much social contact as they would like
- Number of adults in contact with secondary mental health services in paid employment (commissioned outside ICO\*)
- Proportion of adults in contact with secondary mental health services who live independently, with or without support (commissioned outside ICO\*)

### Focus on Learning Disability

As part of our focus on promoting the independence of adults with learning disabilities we will take actions to support more working age adults into employment. This will include a campaign to local employers to employ people with disabilities, promoting the value brought to businesses and to the local community across Devon in 2019/20.

A new supported living service framework has been in place since 1<sup>st</sup> April 2018 and as a result people in supported living are offered the equivalent of a “real tenancy”. This enables more clarity in reporting performance targets and performance is expected to improve.

### Focus on Dementia

In 2017/18 we started a new, innovative, multi-disciplined team collaboration between Torbay and South Devon NHS Foundation Trust (TSDFT) and Devon Partnership Trust (DPT) that focused on improving the quality of life for people with dementia in care homes. The case study below on page 10 describes the impact of this intervention and how the team worked with the provider to improve the quality of life for that person. The Care Home Education and Support (CHES) team continue to build effective enabling working relationships with Residential and Nursing Homes within the Torbay area. This model has been so successful that a collaboration between DPT and Devon County Council (DCC) is being trialled in South Devon and TSDFT is investigating whether the model could work with people who have a Learning Disability. 62.5% of care homes surveyed said the CHES team had a positive impact on the person’s quality of life. 85% of care homes survey respondents said there was a positive impact on their knowledge of working with residents with dementia.

In 2018/19 we have expanded the service further and the CHES team are now working with people in their own homes, supporting families and carers to maintain their loved one in an environment that is familiar to them.

### Focus on Homelessness

In 2018/19 we have further developed our approach to working with people who are street homeless. An integrated team consisting of a social worker, drug and alcohol treatment worker, housing staff, outreach team and the new Housing First team have worked to remove barriers for people who are homeless to access housing, health and care services. The new Housing First team work with those whose needs have not been previously met; housing people straight from the streets into the community, and providing intensive support to help people maintain the accommodation. The team work seven days a week and have a case load of only five people to ensure that they can provide the levels of support that people need.

### **In summary**

Despite the challenges we face of an increasing older population and resultant social care activity, we have good and stable performance in timely assessment of needs and in people receiving the care they need. We will continue expand our approaches to improving the quality of life for all sections of the community demonstrated in our case studies below.

## Case studies

### Integrated Personal Commissioning (IPC)

Simon is a 45 year old war veteran who lives alone and has struggled to adapt to civilian life, turning to alcohol as a way to cope with his unresolved mental health issues.

Simon engaged in a 'what's important to me' conversation with his key worker and together they developed a care and support plan around the things that really mattered to him. As a result Simon started to attend a local fitness club to use the swimming pool and gym equipment and provided with transport to get him out and about.

At the six month point Simon was reporting improvements in his mental health and wellbeing and quality of life, his overall use and the cost of the services he required also declined dramatically. Simon believes that: *".....Having been in a hospital bed for six months, I lost the use of my legs causing muscle weakness/wastage. My keyworker arranged for me to go to a fitness club to do swimming to exercise my legs. My legs are now improving. It also gets me out of my flat and mixing with other people, reducing my isolation.*

*IPC has improved my life immensely with a focus on what is important to me and using a personal budget.....My objective is now to be back to normality by Christmas. I give a big thank you to the team for improving my life....."*

## Case studies continued

### CHES team

Mrs Brown is an 84 year old person with a diagnosis of Alzheimer's disease living in a residential home. Staff at the home contacted the Care Home Education Support (CHES) team because Mrs Brown was presenting with significant escalated behaviours and distress. The home did not feel they could meet her on-going needs and were considering giving notice.

The CHES team completed a holistic assessment giving particular attention to any trends or patterns in Mrs Brown's presenting behaviours resulting in identifying particular difficulty every time Mrs Brown was encouraged into communal areas. Staff members were uncomfortable about Mrs Brown always being in her room as they worried about social isolation and lack of stimulation and the possible impact of this on her general well-being.

A discussion with Mrs Brown's family was arranged to obtain relevant biographical information which exposed that Mrs Brown had previously been diagnosed as Agoraphobic. This absent information would clearly explain Mrs Brown's distress when in communal areas and the home staff were then able to act on recommendations about making the bedroom environment more comfortable resulting in a person centred non-pharmacological care plan being created

Once the Care Home staff were aware that Mrs Brown had spent many years experiencing difficulties in open spaces and interacting with people, particularly in groups, they were able to work with this information and make adjustments to the support they provided which resulted in an enhanced quality of life for Mrs Brown with episodes of escalated behaviours and distress greatly reduced. Mrs Brown continues to live within this residential care environment.

### Homelessness

The Housing First team has been working with a 30 year old woman, Julie, who was housed from hospital after an inpatient stay due to drug related infection. Julie is an intravenous drug user with a mental health diagnosis and repeated episodes of homelessness. Julie has repeatedly come to the attention of the Anti-Social behaviour team and Police and has been involved with the Criminal Justice system. Staff in various services have struggled to engage with her and her accommodation has broken down repeatedly. The Housing First team worked with Julie to identify where she would like to live and were alongside her to identify a flat in the area that she chose. The team have provided intensive support, visiting every day to ensure that Julie settles into her flat and has the support she needs around setting up home. Julie has been in flat for 3 months which is the longest she has maintained a tenancy. She said 'I have noticed big changes in my thoughts, it's been so different to have some money and choosing to buy a Hoover and bits for my flat rather than spending it on drugs'.

## Outcome 2: Delaying and reducing the need for care and support

Our aim is to give people the best opportunity possible to manage their own health and care independently and proactively in their own home wherever possible. To do this we aim to provide integrated services, which empower people to live their lives to the full. The knock on effect is that for some people dependency on intensive care services will be delayed or reduced.

### How are we performing?

Performance within this area has been strong with the number of people able to live independently for longer increasing, which reduces a small amount of pressure in the care home market.

Over the past four years the Trust, the Council and Voluntary Sector have worked closely together to improve services for people that help them stay in their own home. This has happened via the local Prevention Strategy and the development and implementation of the local integrated Model of Care that has prevention and wellbeing services sitting at the heart of everything that we do.

We have worked in partnership to develop the care sector and more integrated community multidisciplinary service provision. This helps people improve and regain their independence and prevent people from having to go into long term care.

### Focus on the Care Sector

We continue to work in partnership with local care and support providers through the Torbay Multi-Provider Forum. There are some exciting projects to improve quality and these include collaborations between care home residents, relatives, staff and artists to develop a shared view of good care in the Torbay Care Charter.

At 1st May 2018 out of 106 regulated care services in Torbay three were rated 'outstanding' and 86 as 'good' by the Care Quality Commission and we intend to maintain this position.

### Performance at a glance

#### Good

- Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services. The outcomes of short-term support
- % reablement episodes not followed by long term SC support
- No. of permanent care home placements at end of period
- Delayed transfers of care from hospital per 100,000 population

#### Performance Improvement Needed

- Permanent admissions to residential and nursing care homes, per 100,000 population - younger adults and older people

We have recently set up a leadership development group with local care providers. Working together with care providers, carers and other stakeholders we are shaping the local market. Key ways we have worked together in 2018/2019 are set out in more detail in Outcome 1 and in case studies below but the highlights are:

- Setting up the Trusts Care Home Education Support (CHES) team, supporting local care homes. See outcome 1
- Creating joint plans to support people with poor mental health and learning disability, with a focus on housing and employment. See outcome 1
- Developing a model of extra care housing further, so that people can live independently close to others with access to care and support on site. See the case Study at page 17
- Our work with care providers and other statutory partners as part of a national campaign recognises the need to develop and value our care workforce through initiatives such as proud to care. See the Case Study.

### **Focus on integrated Health and Wellbeing Centres (HWBC)**

In 2018/19 we have had a successful first full- year operating the Health and Wellbeing Centre (HWBC) in Paignton. This Centre has been up and running for over a year and previously commended as a success in a Healthwatch report where the majority of patients felt it delivered good quality and accessible services. The Paignton health and wellbeing centre brought together services that were previously provided at Midvale Clinic, such as podiatry and speech and language therapy with the clinics that were already running at Paignton Hospital. The centre provides access to a wide range of outpatient clinics, from pain management to child health services and lifestyles services. During 18/19 the range of services has increased with the addition of new outpatient sessions. The health and wellbeing model has enabled people to access care closer to home and without having to travel to Torbay Hospital.

Planning has been on-going between the Trust and the TDA (Torbay Development Agency) working in partnership on our aspiration to building a new HWBC to the rear of the Paignton library site at Western Way in central Paignton.

Whilst the services are operating successfully at the former Paignton Hospital building the facility is over 100 years old, and a new purpose built estate would enable us to offer a better wellbeing environment, in a good location for the local community.



In Brixham, a new day and Health and Wellbeing Centre has been completed on the hospital site, complementing the clinics and inpatient services already available in the hospital. The build was fully funded by the Brixham League of Friends and the people of Brixham and opened in May 2019 and run by the voluntary sector (Brixham Does Care). Day care as well as a whole host of other services will enable local



people to live healthy and well lives. The project has had significant community support from local groups and the Brixham Town Council.

Over the coming year the Trust will be looking at how it can continue to develop the Health and Wellbeing offer for the people of Torbay, and supporting people to access care and be connected with their community.

### **Enhanced Intermediate Care**

In 2016/17 we invested in Enhanced Intermediate Care services to help people stay independent at home longer. Intermediate Care (IC) also aims to avoid hospital admission if possible and delay people being admitted to residential care until they absolutely need to. We aim to ensure Enhanced Intermediate Care is fully embedded, working with GPs and Pharmacists as part of the health and wellbeing teams within Torquay, Paignton and Brixham.

We have developed stronger links with the ambulance service and the acute hospital which means that patients experience a more seamless service between settings. In September 2017, we implemented a new Rapid Assessment and Discharge Team based within Torbay Hospital's Accident and Emergency department.

Intermediate Care is able to deliver more acute care at home since the development of a contract to have intermediate care GPs. IC GPs are available Monday to Friday 8 -6 pm and are available to review patients when needed. The IC nurses are trained to administer intravenous antibiotics, so patients no longer need a hospital bed for this care.

This team helps to support people to go home quickly when they do not need to be in hospital. Between April 2018 and March 2019 the team have supported 1,488 people.

The average age of people benefitting from this service is 83 years old. The deeper integration of these services has helped ensure people have shorter stays in hospital. The average length of stay for people admitted to Torbay Hospital in an emergency is amongst the lowest in the country and the number of people experiencing a delay in their discharge is minimal.

We are in the top third in the country for our performance here. The implementation of a 'discharge to assess at home' pathway has further developed the ability of the organisation to care for people at home – 'the best bed is you own bed'. Please see the case study of Mrs R (page 19) and the impact enhanced intermediate care has had on her life.

### **Supported living provision**

On 3rd April 2018 the Trust introduced their Supported Living framework. This was the culmination of engagement and consultation work with Supported Living providers and clients either living or aspiring to living in Supported Living. The information gathered from this work informed the development of an outcomes based service specification with reportable quality measures. Those providers submitting successful bids have been placed on a list of framework providers, our preferred Supported Living providers. Together we have been working to ensure delivery of an outcomes based service with reportable quality measures; providing an enabling environment to promote greater independence and improved health and wellbeing.

We have seen some movement of people out of Supported Living into more independent accommodation as their confidence and skills have increased / improved. During the year, working in partnership with the Trust, some of our framework providers have identified opportunities for the provision of additional accommodation, supporting our intention to help people to remain living in their own community.

### **Extra Care Housing**

We have seen an increasing number of people of all ages moving out of residential care into Extra Care housing or accessing Extra Care, as an alternative to residential care. Working with parents we have been able to support their adult children, with regular and on-going support and care needs, wishing to move out of the family home into Extra Care housing. Demand for this type of accommodation continues to outstrip supply, the Trust holds a waiting list of people meeting eligibility for this type of accommodation. The Council, with their partners, which includes the Trust and CCG, has established an Extra Care project group to identify the need, inform design and work towards the provision of additional Extra Care Housing in the Bay.

### **Wellbeing services with the Voluntary Sector**

Torbay partners have built on the success of last year by developing and embedding wellbeing services with the voluntary sector in the local community. The Wellbeing Co-ordination role is now an established part of our arrangements in a close working partnership between the Ageing Well Project, Age UK and the Trust. New contracts have also been put in place with Brixham Does Care, Age UK, SPACE support planning Services, Karing and the Windmill Centre.

This year Torbay and South Devon NHS Foundation Trust and Torbay Council have been working in partnership to start developing a strategy for working with our voluntary sector partners across Torbay and South Devon.

Although it is in its infancy a working group has been set up to look at this area and the group is made up of representatives from Torbay Council, Torbay and South Devon NHS Foundation Trust, Public Health, Healthwatch and representation from the voluntary sector including Torbay Community Development Trust.

The plans are to progress this work in the coming months within Torquay and Paignton looking at our population needs, the priorities for those areas and the voluntary sector offer to look and how we can further work together to help our population stay well and receive the right care in the right place. The working group is also in the process of securing funding to support this work.

Voluntary Sector Wellbeing Co-ordinators work with people over 50 to understand what matters to them and help them act to connect, be active, keep learning, and give to others using the community resources available.

The project's capacity to provide bespoke support has allowed participants to develop better coping mechanisms and create sustainable social networks.

The average number of GP visits participants are making has decreased between the time of entry (6.9) and second follow up (4.7). Moreover, the proportion of participants having a

non-elective hospital stay over the last 12 months has also decreased from 42% at entry to 16% at follow up two:

- Data across all respondents suggests that loneliness amongst participants has decreased since being involved in the project, with average loneliness scores on the De Jong Gierveld Scale reducing from 3.9 on entry, to 2.8 at the second follow up.
- Participants also agreed that their sense of belonging to the neighbourhood/community had improved (increasing from 63% on entry to 84% on second follow up), and agree that their friendships and associations meant a lot to them (increasing from 66% on entry to 89% on second follow up).

Kath's story in the case studies (page 18) reflects our learning about the success of integrating non-traditional services into the Torbay Model of Care. This service receives 30 referrals (on average), per month.

### **Personal Centred Support**

SPACE started the improved Better Care Fund (iBCF) element of funding in September 2018. Torbay Council has provided £70,000 per year for an initial two years specifically for:

- Supporting people into paid employment
- Supporting people towards greater independence (support and accommodation)

The finding aligns with Torbay Council and the ICO's aims in terms of promoting people to be as independent as possible, and that as people become more independent that their package of care will reduce.

Since 2015, SPACE has worked in partnership with the ICO and Torbay Council to deliver in excess of £750,000 savings through large scale projects and individual support plans. These plans focus on achieving savings through cost avoidance and prevention.

### **Community Led Support**

Community Led Support is a change programme across Adult Social Care in Torbay, which began in January 2019. It aims to break down the barriers between statutory services and communities, enabling earlier intervention and supporting people to achieve the outcomes that matter most to them; in a way which is more flexible, sustainable, and takes into account their own assets and strengths. There are three key focus areas in the programme:

- Shifting our culture towards one which supports people to take greater responsibility for their own wellbeing; working with individuals and their own support networks, to look more creatively at how needs could be met.
- Changing our systems and tools to enable our staff to work differently; reducing bureaucracy and ensuring that our response is proportionate. This includes changing how we assess a person's needs, plan how those needs are met, and allocate a budget.
- Adopting an outreach-based delivery model, where we can engage with individuals in community settings (which we call "Talking Points"), alongside independent and voluntary sector partners. This can include formal assessments or informal signposting and advice. We know that local communities hold a wealth of resource,

skills and knowledge; which we can build upon by working together. By doing so, we can reconnect people to their local communities and all the things around them, which will help them to stay as well and independent as possible.

### **Technology Enabled Care Services (TECS)**

In Torbay the Trust commissioned a clinically led TECS service to support private clients to find solutions which prevent and delay the requirement for formal services; for people eligible within the care act TECS will be considered before other care is put in place and enable people to remain in their own homes. TECS offer opportunities to transform lives for people as well as those caring for them in a convenient, accessible and cost effective way enabling people to engage and take control of their wellbeing and manage their care in a way that is right for them.

#### **In summary**

We have performed strongly in this outcome through development of the care sector and development of health and wellbeing centres in Torbay. We are proud to have won the Local Government Award for integration of our services in recognition of this. We will continue expand our approaches to embedding high quality integrated and personalised care as demonstrated in our case studies below.

## **Case studies**

### **Technology Enabled Care Services (TECS)**

Mr Green is a 79 year old man with Alzheimer's who has been getting out of bed several times during the night, sometimes causing damage to property as he moves around and fell 3 times in 2 weeks. Mrs Green is his main carer and both of their wishes are for him to remain at home however Mrs Green is struggling to care for husband as she is not sleeping at night worrying about when he will get out of bed. TECS installed a sensor mat under Mr Green's mattress which sends an alert through a monitor to Mrs Green when he gets out of bed. Mrs Green has said this simple solution has meant that she sleeps well now knowing she will be alerted when required and has now had the energy to do the shopping and walk her two dogs and feels she can now continue to care for Mr Green at home. Mr Green has also described feeling much more rested as he is no longer nervous about getting out of bed.

## Case studies continued

### Proud to Care

The Proud to Care South West (SW) initiative was set up to be a continuing campaign to help address the widening gap between demand for care sector services and the people skilled to work in the sector in the South West. The Council arranged to take part in the regional survey of partners in October 2017 and stakeholders in December 2017. The key actions to fully benefit from the Proud to Care SW were to encourage care providers to use and benefit from Proud to Care SW. The collaborative work and investment together produced:

- Increased buying power to ensure public money goes further by working together to deliver improved capacity in the sector
- A branded Proud to Care SW campaign web space to market the care sector and advertise job opportunities, please see <https://www.proudtocaresw.org.uk>
- An increased conversion rate from those looking at jobs through the campaign website to those clicking to apply 23.2% (15% is norm).
- Tools are available for providers through a secure collaboration site e.g. values based selection tools to help providers chose the right people.

This work has strengthened our action on closing the gap between demand for services and people to deliver these services, and supporting people to:

- Maintain their independence at home
- Live in residential or nursing homes
- Be part of their community.

This can include personal care, assisting with domestic jobs, involving people in social activities, helping people access services in their community or liaising with a care home resident's family

## Wellbeing services with the Voluntary Sector

Kath is in her late fifties and lives alone in Torquay. She self-referred to the Wellbeing Torbay team after speaking on the phone to a friend that was receiving support from us. She has mobility issues which came on suddenly and meant she had to give up work. She was becoming increasingly depressed due to isolation, a lack of a diagnosis and the severe reduction to her mobility.

Kath had applied to move through Devon Home Choice but had only been awarded a Band C. It was clear that her need to move to a ground floor setting was very high as she was unable to use the stairs at all without a carry board and could not access her shower. She needed support to try and raise her banding and ensure she had the support from other professionals to make sure she was as safe as possible while she waited to move.

Having contacted the Occupational Therapist (OT) to ensure all was being done to raise her banding, we found out from the OT that the client's current bathroom could not be updated due to its size and geography. The OT then started discussions with the building manager to see if a stair rail could be added. Unfortunately, the building owner refused to have a stair rail fitted. During this time, the client's mobility was rapidly deteriorating. We mentioned to her about a splint and whilst looking into this, Kath stumbled upon a condition that matched her symptoms completely and later her GP and hospital consultant confirmed this.

Kath now knows the progressive and incurable condition she has. This has of course, come as a huge shock to her but she is now able to put a name to her condition, which has helped her in terms of gaining further support. She also now has access to an online network of support from others with the same condition.

We wrote a supporting letter to Devon Home Choice and, along with support from the OT, she has now been moved from a Band C to a Band B.

The fire brigade visited and highlighted her situation as a safeguarding risk, should there be a fire. They are now aware of her, should there be a fire before she is rehoused, and can therefore take swift and appropriate action.

She has now been awarded full Personal Independence Payment and will purchase a mobility scooter once she moves.

I referred her again to the OT and physio who are working together to see what aids might help. They have arranged for a rising bed to be delivered and will support the client to see if this helps her.

This is clearly a very distressing time for Kath. However, due to team working and making sure all appropriate services are aware of the situation; she is safer.

## Case studies continued

### Extra Care Housing

This individual was diagnosed with Multiple Sclerosis (MS) in the early 90s and had a stroke in 2008. Prior to the stroke they lived a full and active life with many interests. Post stroke they moved into residential care. In 2011, with the opening of an Extra Care scheme, they were able to move out of long term residential care. Due to the accessible nature of the accommodation, the background support of 24 hour on-site care and support provision of Extra Care housing, the change of accommodation was a more cost effective option as well as improving the quality of life and independence for the person. They are enjoying their increasing independence: accessing the local community, going out daily, personalising their flat / surroundings and accessing the internet on a regular basis. All of which have contributed to obtaining greater control of their daily life resulting in improved health and wellbeing and quality of life.

### Enhanced Intermediate Care

Mrs R was referred to the Intermediate Care multi-disciplinary team by her GP, following a fall at home. She had a Urinary Tract Infection (UTI) and was prescribed antibiotics. A health and social care coordinator rang Mrs R and found she had a limited support and was struggling to manage at home. The coordinator reassured her that the IC team would visit her within two hours. The Intermediate Care Nurse and Occupational Therapist arrived within two hours and identified Mrs R was in pain when mobilising, had low blood pressure and was struggling to manage her personal care and medication. A wheeled Zimmer frame and commode was ordered and delivered that day. Our integrated multi-disciplinary team now includes a pharmacist and working together looked into Mrs R's medication rapidly, which enabled us to advise the GP of the most appropriate pain medication. Rapid Response was also arranged twice a day for a few days, until she improved. At this stage support workers visited daily to improve Mrs R's mobility, confidence and to help her monitor her own pain and take action. This enabled Mrs R to continue to live independently at home and make a quicker recovery than UTI patients that have a fall and have been admitted to hospital. The average length of stay avoided in this case study is 7.25 days, for admissions primarily due to a UTI.

The next stage for Mrs R was to refer her to the health and wellbeing team to develop a longer term plan to enable Mrs R to arrange the things that really mattered to her including seeing a hairdresser and arranging for a cleaner to take care of her home.

## Outcome 3: Ensuring people have a positive experience of care

Our aim is to ensure people and carers have the most positive experience of care and support possible and that people can easily access information and advice in a way that is sensitive to their needs.

### How are we performing?

This year there was an increase in the number of carers receiving Health and Wellbeing checks from GP-based Carer Support Workers and voluntary sector partners. Unfortunately, and partly due to recording changes, there was a significant drop in the number of Carers' Assessments recorded by the Adult Social Care teams, meaning that the target was not reached.

The Biennial National Carers Survey also showed a significant drop in Carer-reported quality of life, satisfaction with Social Services, and reduction in social contact. This is likely to be a national picture but is disappointing and means that targets were not reached

### Focus on experience of care and support

Our strategy for improving people's experience of care and support is based on the recognition of the need to work proactively with people on their wellbeing. It is about thinking in a personalised way about what matters to the person and how this will facilitate self-care and improve their experience of care and support. We seek to emulate Carers' care and support across whole population and system. In 2018/19 we have continued to make progress in our whole system journey, in moving towards more ways of working with people's strengths. We are further embedding integrated services which focus on people's ability to live life independently and planning in a more personalised way for living well: such as Enhanced Intermediate Care and Wellbeing Co-ordination.

### Performance at a glance

#### Good

- Satisfaction of people who use services for care and support services from our annual user survey

#### Performance Improvement Needed

- The number of people who use services who find it easy to find information about services



## The Hope Programme

In 2017/18 we have started to introduce the next layer of this approach, an example is the HOPE programme. HOPE stands for Help to Overcome Problems Effectively and is delivered by a range of people in the system, voluntary sector wellbeing co-ordinators and peer supporters. It is a six week course, newly introduced in Torbay, which supports people to become more skilled and confident to better self-manage their conditions. It works by recognising that people have many assets of their own and by bringing groups of people, experiencing similar issues, together. The group: support, befriend and enable each other to develop the confidence and self-belief that they can improve their lives. HOPE is an example of the approach we intend to expand in Torbay. Please see Sarah's story (page 22): Sarah is not alone in her improved experience, below is a 'Wordle' from a group experiencing hope after six weeks.



## Focus on information and advice

Our strategy to improve the accessibility and co-ordination of information sources overall is to meet the needs of our population, building on the Carers' exemplar. We are actively engaged in developing a baseline publication with partners, which will be widely available through hard copies and will be email-able. This will ensure people have more access to information about services in a co-ordinated way.

## Carers Support

2018/2019 has seen the focus on delivery of the new Torbay Carers Strategy 2018 – 2021, which was based on the feedback of over 800 Torbay Carers. There have been increases in the numbers of carers receiving Health and Wellbeing Checks, registering with their GPs and joining the Carers Register. Aligned to the issues around social care teams' reduction in combined Carers' Assessments, and as highlighted by carers as their key priority, is the development of the Replacement Care Project to improve the range and number of replacement care (respite) opportunities which give carers a break from their caring role. Age UK are piloting a new replacement care service, and the use of technology / equipment, to support carers, is also being developed.

## In summary

Our performance is good on the experience of care and support and information sources for Carers within this outcome. People's satisfaction with services remains stable and we will continue expand our approaches to embed personalised care experiences, such as the HOPE programme. For more about the new online resource and Sarah's experience of the HOPE programme please see our case studies below.

## Case studies

### The Hope Programme

Sarah suffers from a debilitating condition which results in tiredness and diminished motivation levels. Her personal relationships have deteriorated through lack of understanding of her illness, impacting on her ability to manage her job and social activities.

Sarah fully engaged in the HOPE programme, took it upon herself to help another participant attend and has volunteered to help run future HOPE programmes *"I feel much better in myself when I am able to give something...I am adopting the programme of hope into my everyday life.....I am getting there slowly but surely – and I've got a lot more confidence as well ..... I 'like me now', and I didn't like me or anybody for quite a long time really."*

### Carers Support Online Resource

In September 2017 we commissioned Health and Care Videos, a partnership with Torbay & South Devon NHS Trust, to undertake a project to support the informal carer community Commissioned through the Better Care Fund. The project aims to provide access to high quality health information videos and signposting to local resources that help better inform patients and carers, enabling them to self-manage their own care and feel supported.

The need for consistent and up-to-date information that is clear and easily accessible was fed back by a focus group held in February. As a direct result, 40 new support videos are now in production, covering adult learning disabilities, mental health and admission and discharge from hospital and will be added to the existing library of over 250 videos. The project has engaged with local VCSEs and given over 20 care organisations personalised online libraries so they can support their own communities. James Sparks, Brixham Does Care says 'We see it as a vital resource that our carers will definitely benefit from'.

Since the official launch on April 1 the sites have already collectively achieved in excess of 1000 'hits'. The next phase of the project involves a video based learning programme to encourage carers to develop their skills and look towards careers in social care. Take a look at the library of videos here at <http://healthvideos.torbay.gov.uk>

## Outcome 4: Safeguarding people whose circumstances make them vulnerable and protecting them from avoidable harm

Our aim in the broadest sense is for the public, volunteers and professionals to work together to ensure everyone is treated with dignity and respect, and that people have choice, control and compassionate care in their lives.

'Safeguarding' is a term used to mean both specialist services and other activity designed to promote the wellbeing, and safeguard the rights, of adults where harm or abuse has or is suspected to have occurred. Our responsibilities within care services are to: make enquiries or cause others to do so where safeguarding concerns are identified; co-operate with key partner agencies, to carrying out timely Safeguarding Adult Reviews; to share information to meet the aim of protecting vulnerable adults; and to train our staff to respond effectively to safeguarding concerns.

### How are we performing?

Over 99% of referrals are triaged within 48 hours with high risk recorded as 100%. Repeat referrals have slightly increased to 8.1% reflecting the complexity of some cases during the past 12 months. People say that risk is either reduced or removed as a consequence of interventions, and that responses fully or partially achieve peoples preferred outcomes. We have changed the way we capture information relating to safeguarding concerns meaning data will look different from previous years. In 2018-2019, 1089 safeguarding adult concerns were received resulting in 204 safeguarding enquiries.

The Trust's work in this area primarily divides between the community operational teams who respond to safeguarding concerns and our Quality,

Assurance and Improvement Team (QAIT), which works with care homes and domiciliary care providers to promote high quality care and proactively monitoring quality standards.

We work closely with Devon and Cornwall Police and the Care Quality Commission both in causing enquiries to be made and maintaining strong local partnership arrangements.

### Performance at a Glance

- The number of people who use services who feel safe
- The number of people who use services who say that those services have made them feel safe and secure
- The number of high risk Adult Safeguarding concerns where immediate action was taken to safeguard the individual
- The percentage of repeat safeguarding referrals in last 12 months

Ultimate accountability for safeguarding sits with the Torbay Safeguarding Adults Board (TSAB), a well-established group that provides a sound basis for the strategy on delivering these legislative requirements. The Board has revised its Business Plan to reflect key priorities identified by members.

### **Learning from Safeguarding Adult Reviews**

In March 2019 TSAB commissioned a Safeguarding Adult Review (SAR) of a Residential Home in Torquay, a 14 bed unit registered for adults under 65 years with mental health conditions and/or physical disabilities. During the time period reviewed there were 14 residents in the home, operationally commissioned by Torbay and South Devon NHS Foundation Trust, Devon County Council, and Northern, Eastern, and Western (NEW) Devon CCGs. The Terms of Reference for the SAR were to:

- Review the care management responsibility for people with complex and challenging behaviour in the residential home.
- Review the impact of the commissioning arrangements where a number of organisations and local authorities are commissioning placements for people with complex and challenging needs.
- Review relevant aspects of the applications of regulations around the residential home.
- Review policy, procedure, and practice in relation to the residential home.

The executive summary and key learning points can be found on the TSAB website under the Safeguarding Adults Review heading. TSAB is set to agree an action plan to be implemented by all partners, including guidance for practice learning.

We hosted a highly successful safeguarding adult forum relating to learning from safeguarding adult reviews and have developed a suite of information to disseminate across health and social care organisations

### **Advocacy for people unable to make decisions for themselves**

A programme of joint work was initiated to ensure increased awareness of eligibility in relation to statutory Advocacy including Independent Mental Capacity Advocates (IMCA), Care Act and Independent Mental Health Advocates (IMHA). Eligibility flow charts and a revised the IMCA referral form have been developed.

This programme of work has aided the reduction of hours lost dealing with ineligible referrals, maximising the time available for direct Advocacy hours.

### **Deprivation of Liberty**

This is a key Safeguarding issue where sharing experience together as partners is critical. Safeguarding in this context is about ensuring that those who lack capacity and are residing in care home, hospital and supported living environments are not subject to overly restrictive measures in their day-to-day lives, but the risk of high risk of harm is mitigated. This is known as Deprivation of Liberty Safeguards (DoLS) Safeguarding - for example, due to the serious onset of dementia, an individual's capacity to act safely is significantly affected. In 2017/18 the Trust has ensured local care provider services networks were kept up to date with current national and local picture on issues, holding engagement sessions with providers and disseminating information on best practice and legal risks to provider updates.

## Learning and Improvement

The TSAB learning and Improvement sub group has focused on several work streams including multi-agency case audit; training and competency framework review; embedding learning into practice and the interface between domestic abuse and sexual violence with safeguarding adults.

## Safeguarding Quality Checkers

We are delighted to have commissioned Torbay Healthwatch to undertake discovery interviews to capture service user / representative feedback on how well local safeguarding responses supported them. Every person or their representative will be asked if they consent to providing feedback, following which a random sample of people giving consent will be contacted by specially trained safeguarding quality checkers. Anonymised Independent reports will be submitted to TSAB and then used to directly inform local safeguarding systems and practices. The project began in April 2019 and we therefore anticipate providing summary information within future annual reports.

### **In summary**

Whilst our performance is good, we must constantly strive to understand emerging issues for Safeguarding Adults in Torbay and take action proactively to keep our performance good. A key message is that safeguarding is everyone's business. When adult abuse concerns are raised we work in a multi-disciplinary and multi-agency context to understand risk and ensure responses are person centred, include the right people and include the right partner agencies.

## 5. Financial position and use of resources

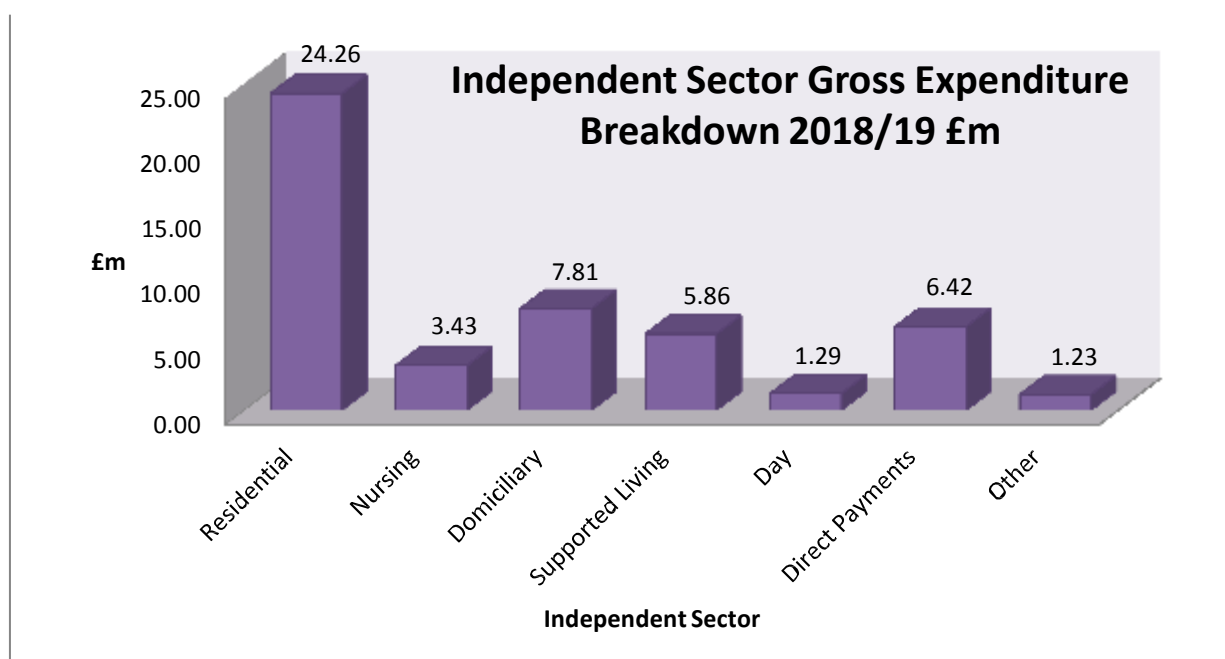
Our aim with this section of the review is to describe the financial resources available and how they have been used in the care sector. On 1st October 2015 an Integrated Care Organisation (ICO) was formed and this organisation's remit was to provide Adult Social Care (ASC) on behalf of the population of Torbay. From a financial perspective the Council's role as a commissioning body is to provide a funding contribution to the overall running costs of the ICO. In 2018/19 this contribution was £44.9m.

The ICO provides a diverse range of services, of which ASC is a part. The ASC aspect specifically comprises care management and social care support across Torbay and includes the cost of social workers, community care workers, occupational therapists, physiotherapists, finance and benefit assessors and support service staff. The Council contribution towards ICO running costs therefore aims to cover the cost of these staff, in addition to the actual cost of client care (outlined in more detail below).

The vast majority of Adult Social Care spend is on the purchase of client care (including residential, nursing, day and domiciliary care) from independent providers. The majority of these providers are based within Torbay; however the ICO also funds some specialist residential care provided out of area. At any point in time there are on average 2,200 people receiving a service of some type.

Net expenditure on Adult Social Care totalled £39.3m in 2018-19. This is the net figure after taking in to account all client contributions towards the cost of care.

Under national legislation people assessed as having a social care need are also given an individual financial assessment. This assessment can result in a client being asked to make a contribution towards the cost of any care that the Council then puts in place. The income collected from these client contributions in 2018/19 amounted to £11.0m. The total (gross) expenditure on services was therefore £50.3m and the allocation of this gross expenditure across different types of services is illustrated in the chart below.



These services are provided to clients aged 18 to over 100 years old, with a range of needs such as learning disabilities, mental health issues, dementia, as well as those with sensory or physical disabilities, vulnerable people, and the frail and elderly.

## **Financial outlook for 2019-20 and beyond**

At a national level there continue to be significant operational and financial pressures facing Health and Social Care. These range from economic issues such as continued increases to the cost of care, ongoing funding constraints and a significant elderly demographic compared to other parts of the country. Despite these issues the Council and its partner organisations are committed to ensuring resources are managed so that we can provide the best level of care, for the highest number of clients.

Further to this last point, both the Council and Torbay Clinical Commissioning Group acknowledge the pressures facing social care and continue to support the ICO to manage these services. The ICO will aim to achieve this through the managing of resources across health and social care to deliver a more efficient and effective profile of expenditure. This is needed not only to maintain a financially stable and sustainable model of care, but one that has the ability to improve people's experiences of the service. Such development will be done in consultation with the Council and, where it is necessary to make changes to the way services are delivered, consultation will take place with the people and carers who use those services.

## 6. Performance overview

Our aim with this section of the report is to provide an overview of performance and how we have performed by comparison to the average last year in England for each measure.

In overview, 80% of our performance is 'Good'. This importantly includes our performance on day-to-day delivery in assessing care needs and starting care provision in a timely way and people's satisfaction with services. It also includes indicators which tell us our strategy for integration to enable independence at home is starting to have impact, with a reduction in people placed permanently in residential homes and care home use.

We will always actively engage in improving services and have identified the main areas which need improvement as: the number of people receiving written care support plans and a review of that plan; supporting people with poorer mental health into independent living and employment and how easily people can find information about services. The table below shows how well the performance targets have been met using the following system:

Green	Exceeded, achieved or within 5% of the performance target
Amber	Narrowly missed performance target by between 5% and 10%
Red	Performance needs to improve, target missed by 10% or more

Key Performance Indicator	2017/18 Outturn	2018/19 Outturn provisional	2017/18 Target	2018/19 Target	2017/18 England Average
<b>Domain 1: Enhancing quality of life for people with care and support needs</b>					
ASC 1A: Social care-related quality of life	19.4	19.4	19.7	19.7	19.1
ASC 1B: The proportion of people who use services who have control over their daily life	80.6%	80.2%	81.5%	81.5%	77.7%
ASC 1C part 1A: The proportion of people using social care who receive self-directed support (adults aged over 18 receiving self-directed support) *Note 1	93.5%	92.6%	92.0%	94.0%	89.7%
ASC 1C part 1B: The proportion of people using social care who receive self-directed support (carers receiving self-directed support)	84.3%	88.5%	85.0%	85.0%	83.4%
ASC 1C part 2A: The proportion of people using social care who receive direct payments (adults receiving direct payments) *Note 2	26.7%	26.6%	28.0%	28.0%	28.5%
ASC 1C part 2B: The proportion of people using social care who receive direct payments (carers receiving direct payments for support direct to carer)	84.3%	88.5%	85.0%	85.0%	74.1%
ASC 1D: Carer-reported quality of life	n/a	7.5	n/a	9.0	n/a
ASC 1E: Proportion of adults with a learning disability in paid employment	3.8%	7.0%	4.0%	6.4%	6.0%
ASC 1F: Proportion of adults in contact with secondary mental health services in paid employment (commissioned outside ICO) *Note 3	1.0%	1.1%	6.0%	6.4%	7.0%
ASC 1G: Proportion of adults with a learning disability who live in their own home or with their family *Note 4	76.0%	76.6%	75.0%	76.0%	77.2%



Key Performance Indicator... contd.	2017/18 Outturn	2018/19 Outturn provisional	2017/18 Target	2018/19 Target	2017/18 England Average
ASC 1H: Proportion of adults in contact with secondary mental health services who live independently, with or without support (commissioned outside ICO) *Note 5	50.0%	50.0%	68.0%	68.0%	57.0%
ASC 1I part 1: Proportion of people who use services who reported that they had as much social contact as they would like	43.3%	51.8%	50.0%	50.0%	46.0%
ASC 1I part 2: Proportion of carers who reported that they had as much social contact as they would like	n/a	32.4%	n/a	41.5%	n/a
ASC 1J: Adjusted Social care-related quality of life – impact of Adult Social Care services	0.400	0.386	no tgt	no tgt	0.405
D40b: % clients receiving a review within 18 months *Note 6	87.4%	88.7%	93.0%	93.0%	n/a
D39: % clients receiving a Statement of Needs *Note 7	83.5%	84.3%	90.0%	90.0%	n/a
NI132: Timeliness of social care assessment *Note 8	79.0%	76.1%	70.0%	80.0%	n/a
<b>Domain 2: Delaying and reducing the need for care and support</b>					
ASC 2A p1: Permanent admissions to residential and nursing care homes, per 100,000/population. Part 1 - younger adults	22.8	18.3	25.0	14.0	14.0
ASC 2A p2: Permanent admissions to residential and nursing care homes, per 100,000/population. Part 2 - older people *Note 9	446.9	497.9	599.0	450.0	585.6
ASC 2B p1: Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services. Part 1 - effectiveness	70.7%	76.7%	no tgt	76.5%	82.9%
ASC 2B p2: Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services. Part 2 - coverage	6.5%	TBC	5.0%	5.0%	2.9%
ASC 2C p1: Delayed transfers of care from hospital per 100,000/population. Part 1 - total delayed transfers	7.9	8.3	5.1	8.4 (TBC)	12.3
ASC 2C p2: Delayed transfers of care from hospital per 100,000/population. Part 2 - attributable to social care	1.9	2.4	no tgt	2.6 (TBC)	4.3
ASC 2C p3: Delayed transfers of care from hospital per 100,000/population. Part 3 - jointly attributable to NHS and social care	0.5	0.3	no tgt	no tgt	0.9
ASC 2D: The outcomes of short-term support % reablement episodes not followed by long term SC support	85.1%	87.5%	85.0%	83.0%	77.8%
<b>Domain 3: Ensuring that people have a positive experience of care and support</b>					
ASC 3A: Overall satisfaction of people who use services with their care and support *Note 11	69.2%	69.7%	70.0%	70.0%	65.0%
ASC 3B: Overall satisfaction of carers with social services	n/a	41.2%	n/a	46.4%	n/a
ASC 3C: The proportion of carers who report that they have been included or consulted in discussions about the person they care for	n/a	70.4%	n/a	75.7%	n/a
ASC 3D part 1: The proportion of people who use services who find it easy to find information about services *Note 12	75.4%	72.2%	85.0%	80.0%	73.3%
ASC 3D part 2: The proportion of carers who find it easy to find information about services	n/a	72.2%	n/a	75.0%	n/a

Key Performance Indicator	2017/18 Outturn	2018/19 Outturn provisional	2017/18 Target	2018/19 Target	2017/18 England Average
<b>Domain 4: Safeguarding adults who circumstances make them vulnerable and protecting from avoidable harm</b>					
ASC 4A: The proportion of people who use services who feel safe	70.6%	68.0%	72.3%	72.3%	69.9%
ASC 4B: The proportion of people who use services who say that those services have made them feel safe and secure	83.9%	83.1%	88.0%	85.0%	86.3%
QL-018: Proportion of high risk Adult Safeguarding Concerns where immediate action was taken to safeguard the individual *Note 14	100%	100%	100%	100%	n/a
TCT14b: % repeat safeguarding referrals in last 12 months *Note 15	7.1%	8.3%	8.0%	8.0%	n/a

#### Notes:

1. The proportion of clients informed about the cost of their care (self-directed support)
2. The proportion of clients who receive direct payments
3. Proportion of adults in contact with secondary mental health services in paid employment
4. Proportion of adults with a learning disability who live in their own home or with their family
5. Proportion of adults in contact with secondary mental health services who live independently, with or without support
6. Proportion of clients receiving a review within 18 months
7. Proportion of clients receiving a care support plan
8. Proportion of assessments completed within 28 days of referral
9. Permanent admissions to residential and nursing care homes for older people (65+), per 100,000 population [a low value is better]
10. Number of people living permanently in a care home as at 31 March [a low value is better]"
11. Overall satisfaction of people who use services with their care and support - from annual user survey
12. The proportion of people who use services who find it easy to find information about services - from annual user survey
13. Carers receiving needs assessment, review, information, advice, etc.
14. Safeguarding Adults - % of high risk concerns where immediate action was taken to safeguard the individual
15. Proportion of repeat adult safeguarding referrals in last 12 months [a low value is better]"

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## 7. Looking after information

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Our aim in this section is to set out that we take our responsibility of safeguarding the information we hold very seriously. All incidences of information or data being mismanaged are classified in terms of severity on a scale of 0-2 based upon the Health and Social Care Information Centre *“Checklist Guidance for Reporting, Managing and Investigating Information Governance and Cyber Security Serious Incidents Requiring Investigation”*.

Risks to information are managed and controlled by applying a robust assessment against the evidence collected as part of the national data security and protection toolkit return. During the period 1 April 2018 to 31 March 2019 the following breaches of confidentiality or data loss were recorded by the Trust, which required further reporting to the Information Commissioner’s Office and other statutory bodies

<b>Date of Incident</b>	<b>Nature of Incident</b>	<b>Summary of Incident</b>	<b>Outcome and Recommendations</b>
09/07/2018	Paper: N/A	Letter sent to incorrect address containing Carers Emergency Card and returning information as provided by the carer; this includes detailed information about the carer and the cared-for parties’ situations.	Staff member spoken to and checking process amended, dedicated area now designated for inputting in order to reduce interruptions and subsequent errors.
28/09/2018	Electronic: N/A	Personal Health Budget email sent to third-party commercial exercise provider in error, contained medical diagnosis and wellbeing information	Discussed with staff and duty of candour completed
29/01/2019	Electronic: Patient Record	Wrong patient selected in system meant Intermediate Care Placement disclosed to wrong provider, includes Next-of-Kin details and mental health needs of other individuals.	ONGOING as patient has been affected by this error previously and investigation and correction of details is ongoing.

The three cases above relate to adult social care. A total of 32 out of 33 cases (1 ongoing) that were reported to the ICO during this period have been reviewed and a decision was made by the ICO to ‘close the case as no further action required’. Any other incidents recorded during 2018/19 were assessed as being of low or little significant risk.

The Trust published the Data Security and Protection toolkit by 6 June 2019, this is recorded as ‘Standards Not Met’ pending approval and agreement of an approved action plan by NHS Digital; this work is overseen by the Information Governance Steering Group which is chaired by the senior information risk owner (SIRO).

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## **8. Statement from Torbay Council's Overview and Scrutiny Board on the Adult Social care Local Account 2018/19**

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Torbay Council's Overview and Scrutiny Board has considered the Adult Social Care Local Account for 2018/2019.

The Board noted the increase in the number of people raising safeguarding concerns. However, the Board was reassured with the information behind this data – including the strong local partnership arrangements in place. Working in a multi-disciplinary and multi-agency context to understand the risks when safeguarding concerns are raised means that the Council and ICO can continue to provide good quality services.

Whilst there has been a focus on the delivery of the Torbay Carers Strategy over the course of the past year, the Board felt that carers were not as satisfied as they have been in previous years. It was questioned whether the Council and ICO were doing enough to support carers. Linked to this was the question of whether technology is being used as a supplement to or a substitute for face-to-face care. The Overview and Scrutiny Board accepted the Cabinet Member's invitation to be involved in the development of the emerging Digital Technology Strategy, which will be developed with the aim of freeing resources rather than reducing costs.

The Board shared the frustration of Healthwatch on the apparent lack of progress in establishing a Health and Wellbeing Centre in the vicinity of Paignton Library and Information Centre. The Board would be hoping to see progress on this issue over the coming months and will continue to seek assurance that such a Centre will be delivered.

Over the coming year the Board would undertake its role in ensuring that the Council, all NHS Trusts and partner organisations continue to work together for the benefit of the whole Torbay community, especially given the reducing availability of resources in the public sector.

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## 9. Healthwatch response to the Local Account 2018 -19

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This year's State of Care reported that most people in England receive a good quality of care. It also found that people's experiences of care often depended on how well local systems work together where they live.

We know people's experiences are often determined by how well different health and care services, and councils work together.

As local consumer champion for health and social care we monitor developments in adult social care services in Torbay, through our involvement in strategic boards and feedback from service users and their experience.

This monitoring has made us aware of the pressures caused by reduced budgets, workforce shortages and the ageing population in Torbay. However despite this challenging environment, there is commitment from partners to work together to support people to stay healthy and independent. Our Integrated Systems is vital moving forward to ensure services people receive are streamlined cost-effective and also meet the needs of our local community and continue to deliver a high quality of care. It is also essential that our community and voluntary sector play a part in supporting the outcomes outlined in this Local Account.

Assisted technology is a positive step forward and has a vital role to play but awareness that the public who need this are still worried about the potential for losing contact with professional support.

We are delighted to have been commissioned by TSDFT and Torbay Council to undertake discovery interviews to capture service user / representative feedback on how well local safeguarding responses supported them. This will ensure that "making safeguarding personal" is high on safeguarding agenda.

Healthwatch will continue gathering service user feedback, which has enabled us produce many reports to inform our partners what matters to our community. We are pleased that our partners engage with us at a local level to work together to ensure this happens.

Going forward we will continue to seek assurance that people who need help are adequately supported and ensuring that local people have a positive experience of care.

Many Thanks

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Kevin Dixon  
Chairman Healthwatch Torbay

**healthwatch**  
Registered Charity No: 1153480  
Torbay  
FREEPHONE 08000 520 029



**Meeting: Cabinet**

**Date: 23 July 2019**

**Wards Affected: Goodrington with Roselands**

**Report Title: Lease of Land and Buildings at Youngs Park, Goodrington, Paignton**

**Is the decision a key decision? No**

**When does the decision need to be implemented? As soon as possible.**

**Cabinet Member Contact Details:** Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, [Swithin.Long@torbay.gov.uk](mailto:Swithin.Long@torbay.gov.uk)

**Supporting Officer Contact Details:** Kevin Mowat, Director of Place, 01803 208433, [Kevin.Mowat@torbay.gov.uk](mailto:Kevin.Mowat@torbay.gov.uk)

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## **1. Proposal and Introduction**

- 1.1 The current leaseholder of the building known as Cantina, Youngs Park, Goodrington, Paignton proposes to redevelop the premises to create additional indoor seating facilities for customers, to enable the business to continue growing. The proposal will see previously unused land adjoining Cantina being built upon to provide the additional indoor seating, subject to obtaining the necessary statutory approvals.
- 1.2 The leaseholder of Cantina also proposes to (separately) lease the adjoining shelter for development into a functions facility, and has been granted planning consent for this use. The proposal will see investment into a shelter which is considered a maintenance liability for the Council, and which attracts anti-social behaviour. The granting of a lease will also provide a new revenue stream from the asset.

## **2. Reason for Proposal and associated financial commitments**

- 2.1 It is considered a surrender and re-grant of the lease coupled with the granting of a new lease for the shelter adjacent to Kantina Limited to be in the best interests of the Council and will secure the long term future of the facilities at this location.
- 2.2 The proposal will generate additional revenue income through an increase of rent under the proposed surrender and re-grant of the lease for the Cantina premises.
- 2.3 The proposal affecting the shelter will extinguish a maintenance liability for the Council, whilst generating additional revenue through the granting of the lease.

### **3. Recommendation(s) / Proposed Decision**

3.1 That the Interim Director of Place, in consultation with the Chief Executive, be authorised to:

- a) surrender and re-grant a lease for a term of 21 years of the land and building known as Cantina, Goodrington, Paignton to Kantina Limited as shown in plan EM3249 set out at Appendix 1 to the submitted report; and
- b) grant a lease for a term of 15 years of the land and building known as the Spanish Shelter, Youngs Park, Goodrington, Paignton to Kantina Limited as shown in plan EM3343 set out at Appendix 2 to the submitted report.

### **Appendices**

Appendix 1: Plan EM3249

Appendix 2: Plan EM3343

### **Background Documents**

None

## Section 1: Background Information

1.

### What is the proposal / issue?

- a) The existing tenant, Kantina Limited has been in occupation of the premises since 2017, having been assigned the lease. The tenant occupies under a protected tenancy under the Landlord and Tenant Act 1954 for a period of 16 years, with 6 years remaining.

The tenant approached the Council about the possibility of developing the land adjacent to the café / bistro which would provide for an extension to be built to house additional indoor seating for customers. Terms for the site have, subject to Council approval, have been negotiated and agreed. The Council will grant a Development Agreement, which will place conditions upon the tenant to obtain satisfactory planning approval, provide written confirmation of funding before then constructing the proposed facility in accordance with approved plans and specifications.

On practical completion of the redevelopment, the Council will then grant a new Landlord & Tenant Act 1954 protected lease of 21 years to the tenant. The new lease will provide for regular rent reviews.

- b) Kantina Limited wishes to enter into a lease of the shelter adjacent to Cantina Café, to facilitate the redevelopment of the asset to create a functions facility. The Council will grant a Development Agreement, which will place conditions upon the tenant to obtain satisfactory planning approval, provide written confirmation of funding before then constructing the proposed facility in accordance with approved plans and specifications.

On practical completion of the redevelopment, the Council will then grant a new Landlord & Tenant Act 1954 protected lease of 15 years to the tenant.

2.

### What is the current situation?

Kantina Limited have outgrown their existing premises and in order to facilitate growth of the business, require additional seating within the premises. The land adjacent is currently under-utilised and does not generate revenue for the Council. The boat swan operator at Youngs Park has agreed to relocate his storage from within the shelter premises, in order to facilitate the development.

The shelter is disused and in a state of disrepair. The shelter has been the subject of vandalism and attracts anti-social behaviour, it is a maintenance liability for the Council.



3.	<p><b>What options have been considered?</b></p> <p><u>Cantina:</u></p> <ol style="list-style-type: none"> <li>1. Do nothing: continue with the existing leaseholder Kantina Limited and refuse consent to the proposals to extend. This will stifle the company's growth along with investment into the Council's asset.</li> </ol> <p><u>Shelter:</u></p> <ol style="list-style-type: none"> <li>1. Do nothing: there has been little investment in this shelter for some years, the shelter is in a state of disrepair and will further deteriorate with the passing of time. TDA underwent an expression of interest exercise and no other expressions of interest were received relating to the shelter, it is therefore considered that demand for this asset is minimal.</li> </ol>
4.	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>The proposals will help ensure Goodrington continues to be an attractive place to visit. It will also help promote a healthy and active lifestyle, by encouraging the community to exercise within the park and visit Goodrington all year round.</p> <p>The proposal from the operator to invest in this redevelopment, if supported will help towards creating a more prosperous Torbay, through the creation of new jobs.</p>
5.	<p><b>How does this proposal contribute towards the Council's responsibilities as corporate parents?</b></p> <p>n/a</p>
6.	<p><b>How does this proposal tackle deprivation?</b></p> <p>n/a</p>
7.	<p><b>How does this proposal tackle inequalities?</b></p> <p>n/a</p>
8.	<p><b>How does the proposal impact on people with learning disabilities?</b></p> <p>n/a</p>
9.	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>It is likely the construction phase of the redevelopment would happen during the winter months when facilities in the vicinity are closed. As a consequence the physical impact of the works will be minimal.</p>

	The tenant has consulted with the local community group who are reportedly broadly supportive of the proposals.
<b>10.</b>	<p><b>How will you propose to consult?</b></p> <p>The extension of Cantina and redevelopment of the shelter will be subject to the usual statutory requirements including Planning Consent and Building Regulation approvals. This process requires formal consultation and provides an opportunity to comment on the proposal. Planning consent has been granted for both elements of the proposal.</p> <p>No further consultation is planned.</p>

## Section 2: Implications and Impact Assessment

<b>11.</b>	<p><b>What are the financial and legal implications?</b></p> <p>Financial Impact – There is no negative financial impact to the Council. If the development is approved the tenant will pay an increased rent under the negotiated terms of the new lease. The tenant will also pay a rent for the shelter, which currently does not generate an income for the Council.</p> <p>Legal Impact –</p> <p>Cantina Café: The tenant currently has a protected lease under the Landlord &amp; Tenant Act 1954. The intention is for the Council to grant Development Agreement, which will place conditions upon the tenant to obtain satisfactory planning approval, provide written confirmation of funding before then constructing the proposed facility in accordance with approved plans and specifications.</p> <p>On practical completion of the redevelopment, the Council will then grant a new Landlord &amp; Tenant Act 1954 protected lease of 21 years to the tenant. The new lease will provide for regular rent reviews.</p> <p>Shelter: The intention is for the Council to grant Development Agreement, which will place conditions upon the tenant to obtain satisfactory planning approval, provide written confirmation of funding before then constructing the proposed facility in accordance with approved plans and specifications.</p> <p>On practical completion of the redevelopment, the Council will then grant a new Landlord &amp; Tenant Act 1954 protected lease of 15 years to the tenant. The new lease will provide for regular rent reviews.</p>
<b>12.</b>	<b>What are the risks?</b>

	<p>If the proposal is not implemented the Council will retain the ongoing liability for the repair and maintenance of the existing shelter.</p> <p>If the proposal is approved the Council will need to ensure the tenant has sufficient funds to complete the works.</p>
13.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>N/A</p>
14.	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>No research undertaken.</p>
15.	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>No consultation undertaken.</p>
16.	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>No Amendments proposed.</p>

## Equality Impacts

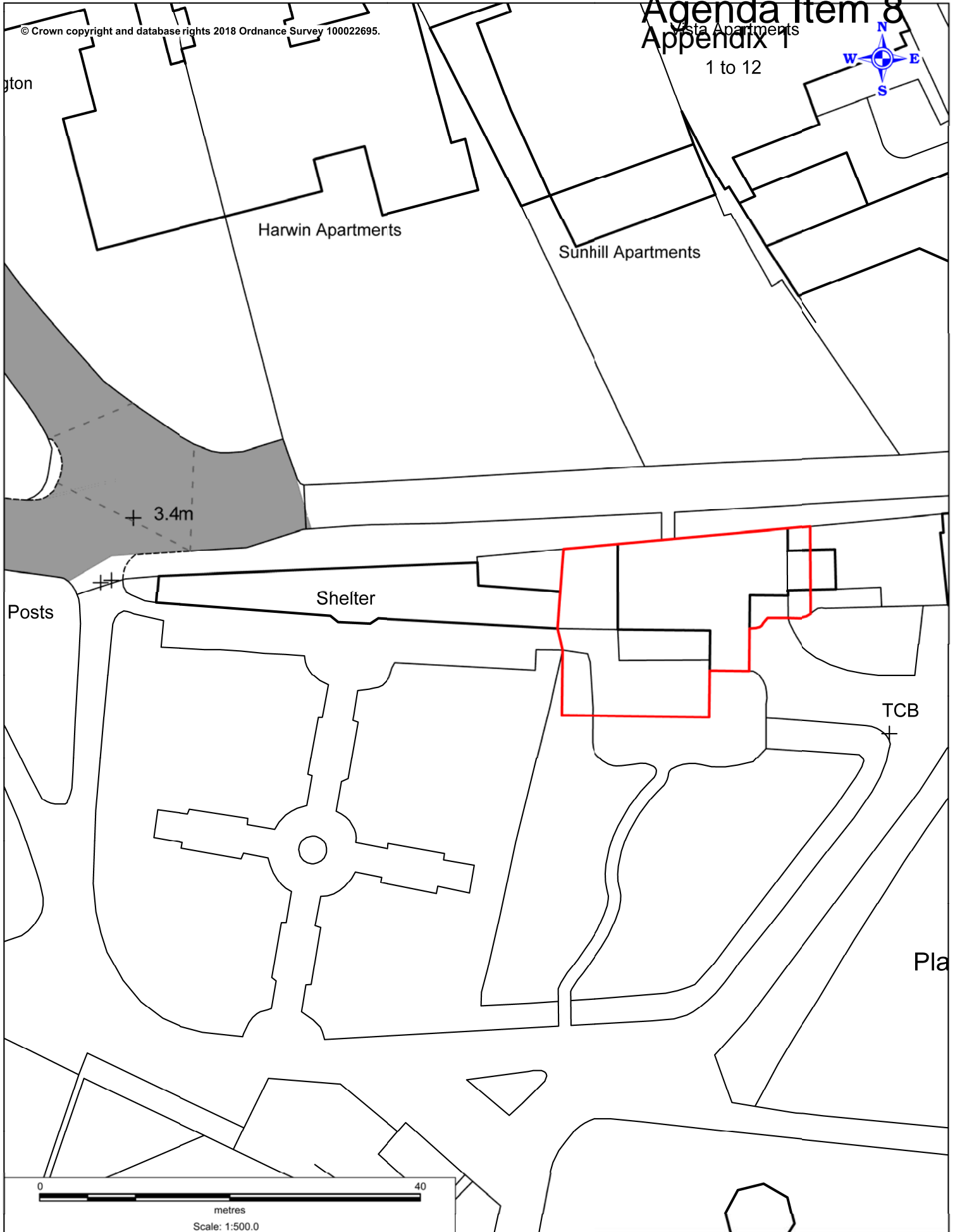
17.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			There is no differential impact.
	People with caring Responsibilities			There is no differential impact.
	People with a disability	Improvements will be accessible for people with disabilities.		
	Women or men			There is no differential impact.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact.
	Religion or belief (including lack of belief)			There is no differential impact.
	People who are lesbian, gay or bisexual			There is no differential impact.
	People who are transgendered			There is no differential impact.
	People who are in a marriage or civil partnership			There is no differential impact.
	Women who are pregnant / on maternity leave			There is no differential impact.

	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Investment in an area accessed and used by the public. Strong track record in working with apprentices, winning 2019 award for Best Small Employer Ambassador.	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Operators boast “zero to landfill” and promote environmental agenda, carrying out regular beach cleans and encouraging customers to join in.	
<b>16</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	None identified	
<b>17</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	None identified.	

# Agenda Item 8 Appendix 1

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1 to 12



EM Plan No: EM3249  
Date: 13th November 2018  
Title: Cantina, Youngs Park, Goodrington, Paignton.

Asset No: P0119AQ & P0119ZZ  
LR Title No: DN538187  
Scale: 1:500  
Area: 403.42m<sup>2</sup>

Page 94

TORBAY DEVELOPMENT AGENCY - ASSET MANAGEMENT



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Goodrington Lodge

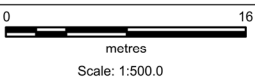
Harwin Apartments

Sunhill Apartments

+ 3.4m

Posts

Shelter



EM Plan No: EM3343  
Date: 2nd July 2019  
Title: Spanish Shelter & Store, Youngs Park, Goodrington, Paignton.

Asset No: P0119AG  
LR Title No: DN538187  
Scale: 1:500  
Area: 224.59m<sup>2</sup>





**Meeting:** Cabinet meeting

**Date:** 23<sup>rd</sup> July 2019

**Wards Affected:** All

**Report Title:** South Hams Special Area of Conservation (SAC) Greater Horseshoe Bats: Habitats Regulations Assessment Guidance

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** ASAP

**Cabinet Member Contact Details:** Councillor Mike Morey  
Cabinet Member for Infrastructure, Environment and Culture [mike.morey@torbay.gov.uk](mailto:mike.morey@torbay.gov.uk)

**Supporting Officer Contact Details:** Andrew England, Assistant Director Planning and Transport, 01803 208848, [andrew.england@torbay.gov.uk](mailto:andrew.england@torbay.gov.uk)

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## 1. Proposal and Introduction

- 1.1 The South Hams Special Area of Conservation (SAC), and associated Consultation Zone, cover an area which lies within five local planning authority areas: Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council. Greater horseshoe bats are one of the 'features of interest' associated with the South Hams SAC. Management of the SAC Guidance is co-ordinated by an officer group of representatives from each of the above authorities and Natural England, forming the South Hams SAC Greater Horseshoe Bats Steering Group.
- 1.2 Greater horseshoe bats are one of Britain's rarest bats with about 30% of the population found in South Devon. The South Hams SAC has been designated (under the EC Habitats Directive and UK Habitats Regulations) by Natural England to help protect the bats and includes both maternity and hibernation roosts vital to the survival of the species. SACs form part of a network of designated sites across Europe and have the highest level of protection. Five greater horseshoe bat roosts are designated as part of the SAC, including the Berry Head to Sharkham Point in Torbay.
- 1.3 Local Planning Authorities (LPAs) have a legal duty (under the Habitats Directive and Habitats Regulations) to ensure that there will be no adverse effect on the integrity of the South Hams SAC population of greater horseshoe bats as a result of any plan or project. Any which will lead to an adverse effect on the integrity of the South Hams SAC will be refused, other than in exceptional circumstances.



- 1.4 This Guidance will update and replace the 'South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance' published by Natural England in 2010. It provides advice on which applications may have a likely significant effect on the SAC greater horseshoe bat population and which may therefore require the relevant LPA to carry out a Habitats Regulations Assessment (HRA). It also provides advice on the information that applicants may need to submit with a planning application in order for the LPA to undertake the HRA.
- 1.5 A draft version of the guidance was published for consultation from 16th April until 13th June 2018. It has since been amended to take into consideration comments raised during the consultation. A summary of comments and responses is in Appendix 2 and the representations in full are available on the Devon County Council website at: [www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance/south-hams-sac-spd-consultation](http://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance/south-hams-sac-spd-consultation)

## **2. Reason for Proposal and associated financial commitments**

- 2.1 The South Hams SAC Consultation Area defines, as closely as possible, the geographical extent of the greater horseshoe bat population in the area. Within this Consultation Area, the Natural England 2010 South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance defines designated roosts, sustenance zones and strategic flyways as the main features used and populated by greater horseshoe bats. More recent evidence available from a wider source of datasets has, however, shown that many of the bats are also likely to travel through the South Devon landscape (outside of the Sustenance Zones and not confined to the strategic flyways) to access other smaller roosts at certain times of year (male bats can be found in small roosts during the summer and both males and females will fly to mating roosts in the autumn and spring). The bats may also travel between Designated Roosts (with stop overs at transitional roosts on the way).
- 2.2 All existing evidence (from research and records) indicates that the bats using this landscape are dispersed in low numbers, using a complex network of sheltered hedges, woodland edge, stream corridors etc. to move around the landscape. In order to maintain Favourable Conservation Status of the population it is therefore important that we keep sufficient connectivity across the whole of this landscape (allowing landscape scale permeability), rather than just protecting a number of flyways.
- 2.3 The net result of this work has been a more robust delineation of an area within which greater horseshoe bats are known to use. The Guidance will therefore replace the 2010 strategic flyways with a 'landscape connectivity zone' (LCZ) to protect the complex network of flight lines which link the designated roosts. This change affects interpretation of Local Plan Policy NC1. Therefore, until the Local Plan is reviewed, Policy NC1 will remain the statutory basis for decision making, however the new Guidance will form a material consideration (see para 2.7 below).
- 2.4 A further change arising from the shift away from flyways and to the landscape connectivity zone is how applications are screened for HRA. Currently, any application affecting a flyway requires HRA. Once the Guidance is in place, HRA will be limited to those applications picked up by the flow chart shown on Page 11 of Appendix 1. This approach better reflects how different types of uses have different impacts on greater horseshoe bats, thereby reducing the burden for

applications where there is likely to be no impact and ensuring that other applications which may have an impact will have an HRA, regardless of whether or not they fall within a tightly defined flyway.

- 2.5 A series of separate Advice Notes are being prepared on such matters as greater horseshoe bat ecology and mitigation (current best practice and lighting issues) to help clarify further more detailed aspects concerning management arrangements. These will be widely circulated to interested parties and placed on the Devon County Council Strategic Planning and Policy website with links to other useful guidance. However, the purpose of the Guidance is to act as a simple stand-alone source to give planners and developers clear and concise guidance on where and which developments may have a significant effect on the South Hams SAC Greater horseshoe bat population and therefore require a Habitats Regulations Assessment.
- 2.6 The partner authorities originally consulted on a document envisaged to be a Supplementary Planning Document (SPD). However, following the receipt of consultation responses and a review of legal challenges taking place elsewhere in the country on the legality of SPDs, further consideration has been given to the scope and status of the document.
- 2.7 Case law has confirmed (in relation to the Planning & Compulsory Purchase Act 2004 Regulations and the Town and Country Planning (England) Regulations 2012) that it is not possible to provide SPD as the basis on which planning applications can be determined. Instead determinations can only be made on the parent policy to which the document relates (i.e. policies contained in the Local Plan).
- 2.8 It has never been the intention for the Guidance to introduce policy. Instead, the guidance will help inform which developments are likely to require a HRA at an early stage and provide advice on information applicants may need to submit with their planning application. The non-statutory guidance will be used primarily at validation stage for planning applications received by the partner authorities to determine whether an HRA is required.
- 2.9 It will be given the same weight as has previously been delivered by the South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance published by Natural England in 2010.
- 2.10 The Guidance does not present new financial implications. Updated HRA requirements may lead to further assessment work commitments for the Special Planning which would be met from existing budgets.

### **3. Recommendation(s) / Proposed Decision**

- 3.1 That the South Hams Special Area of Conservation Habitats Regulations Assessment Guidance, set out at Appendix 1 to the submitted report be approved subject to the following modifications and the Assistant Director Planning and Transport, in consultation with the Cabinet Member for Infrastructure, Environment and Culture, be given delegated authority to approve any necessary minor amendments to the document:

- a) Add the following text at the end of first sentence in paragraph (5.1) on page 17: *(by the Steering Group)*.
- b) Add the following note to Existing Features as foot note on page 11 and update the text in paragraph 5.2 on page 17: *(The DCC Environment Viewer will be updated at regular intervals to show new Pinch Points or Mitigation Features but is not exhaustive. Only strategic features are likely to be shown. Therefore, applicants and LPAs will have to have due regard to any likely conditions or s106 obligations that require the retention or provision of existing mitigation features on or near, which may affect their individual sites)*.

3.2 That once approved by Torbay Council, the Guidance will hold interim guidance status until agreed by all partner authorities in the South Hams SAC consultation area. It is hoped this will be completed by September 2019.

## **Appendices**

Appendix 1: South Hams Special Area of Conservation: Habitats Regulations Assessment Guidance

Appendix 2: South Hams SAC Greater Horseshoe Bat HRA Guidance Consultation Summary

## **Background Documents**

South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance' published by Natural England in 2010.  
<http://webarchive.nationalarchives.gov.uk/20150303014524/http://publications.naturalengland.org.uk/publication/142010>

## Section 1: Background Information

1.	<p><b>What is the proposal / issue?</b></p> <p>The Guidance will be used to determine whether a Habitats Regulations Assessment (HRA) Screening is required on any application submitted within the South Hams Special Area for Conservation (SAC) consultation area and provides advice on the information that applicants may need to submit with a planning application in order for the Local Planning Authority to undertake the HRA.</p>
2.	<p><b>What is the current situation?</b></p> <p>The Guidance will update the current <i>South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance</i> published by Natural England in 2010.</p>
3.	<p><b>What options have been considered?</b></p> <p>The partner authorities originally consulted on a document envisaged to be a Supplementary Planning Document (SPD). However, following the receipt of consultation responses and a review of legal challenges taking place elsewhere in the country on the legality of SPDs, further consideration has been given to the scope and status of the document.</p> <p>The Guidance will be given the same weight as has previously been delivered by the <i>South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance</i> published by Natural England in 2010.</p>
4.	<p><b>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</b></p> <p>The Guidance supports the Council's priorities and Principles as set out in the Corporate Plan.</p>
5.	<p><b>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</b></p> <p>Not applicable.</p>
6.	<p><b>How does this proposal/issue tackle poverty, deprivation and vulnerability?</b></p> <p>Not applicable.</p>

7.	<p><b>How does the proposal/issue impact on people with learning disabilities?</b></p> <p>Not applicable</p>
8.	<p><b>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</b></p> <p>A full public consultation was held from 16<sup>th</sup> April until 13<sup>th</sup> June 2018 on a draft version of the Guidance which included statutory consultees, partners and the wider public. An invited stakeholder workshop session and public drop in was held at Dartmoor National Park Authority Offices, Bovey Tracey on 1<sup>st</sup> May. A summary of the comments received and officer responses are contained in the Statement of Public Participation (see Appendix 2)</p>

## Section 2: Implications and Impact Assessment

<b>9.</b>	<b>What are the financial and legal implications?</b>  The Guidance does not present new financial implications. Updated HRA requirements may lead to further assessment work commitments for the Spatial Planning which would be met from existing budgets.  The guidance will be used primarily at validation stage for planning applications to determine whether an HRA is required.
<b>10.</b>	<b>What are the risks?</b>  Not applicable.
<b>11.</b>	<b>Public Services Value (Social Value) Act 2012</b>  Not applicable.
<b>12.</b>	<b>What evidence / data / research have you gathered in relation to this proposal?</b>  See the References page in Appendix 1.
<b>13.</b>	<b>What are key findings from the consultation you have carried out?</b>  See Appendix 2.
<b>14.</b>	<b>Amendments to Proposal / Mitigating Actions</b>  A number of refinements and changes have been made to the guidance following the public consultation process:  <ol style="list-style-type: none"><li>1. amendments to SAC Consultation Area map;</li><li>2. addition of reviewing the guidance section;</li><li>3. revised landscape connectivity zone with explanation;</li><li>4. clarification to HRA requirement flowchart;</li><li>5. clarification of survey requirements for HRA; and</li><li>6. addition of list of references.</li></ol>

## Equality Impacts

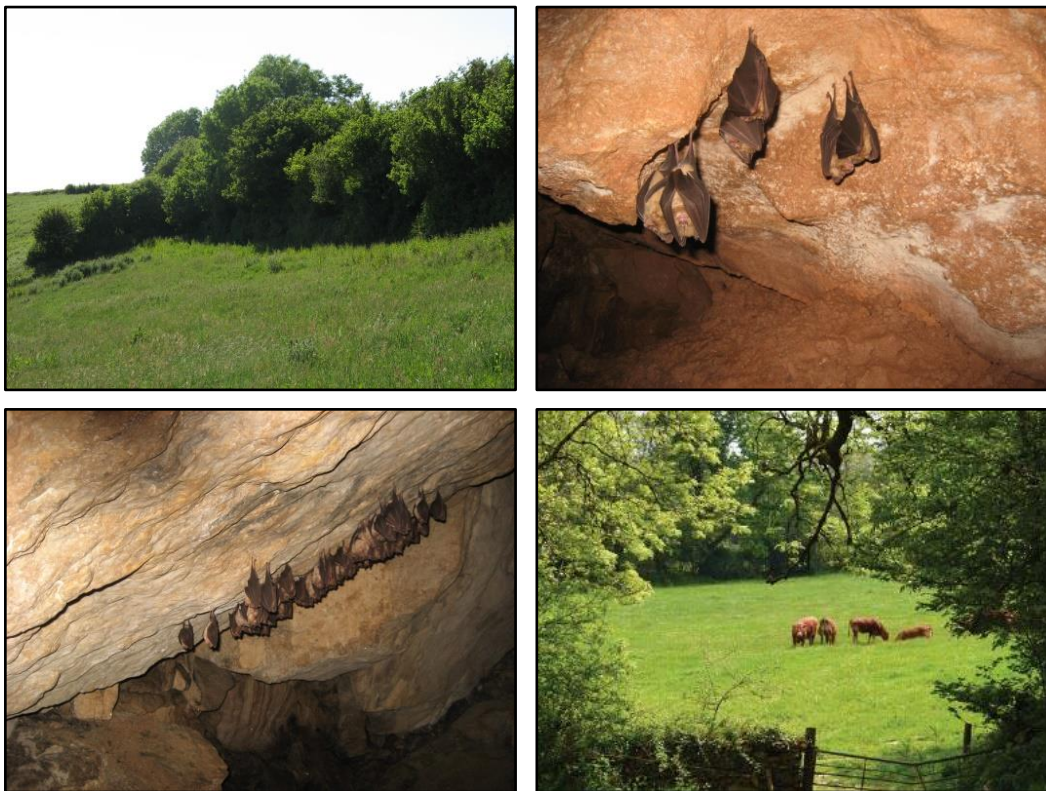
15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			No differential impact.
	People with caring Responsibilities			No differential impact.
	People with a disability			No differential impact.
	Women or men			No differential impact.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			No differential impact.
	Religion or belief (including lack of belief)			No differential impact.
	People who are lesbian, gay or bisexual			No differential impact.
	People who are transgendered			No differential impact.
	People who are in a marriage or civil partnership			No differential impact.
	Women who are pregnant / on maternity leave			No differential impact.

	Socio-economic impacts (Including impact on child poverty issues and deprivation)			No differential impact.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			No differential impact.
16.	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable.		
17.	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable.		



# South Hams Special Area of Conservation (SAC)

## Greater Horseshoe Bats



## Habitats Regulations Assessment Guidance

June 2019



**Photo credit:** Dave F Wills

## Contents

<b>1 Introduction.....</b>	<b>4</b>
1.1 South Hams SAC and greater horseshoe bats.....	4
1.2 What is the purpose of this document? .....	4
1.3 What are the HRA requirements for Local Planning Authorities and Applicants? .....	5
<b>2 The South Hams SAC Consultation Area.....</b>	<b>8</b>
2.1 General greater horseshoe bat ecological requirements .....	8
2.2 The South Hams SAC Greater Horseshoe Bat Consultation Area.....	8
<b>3 Flow chart.....</b>	<b>10</b>
3.1 Clarifying when an application may have a likely significant effect on the South Hams SAC greater Horseshoe bat population.....	10
<b>4 Information required for detailed HRA .....</b>	<b>13</b>
4.1 Overview .....	13
4.2 Survey Requirements.....	14
4.3 Avoidance, Mitigation and Monitoring Principles .....	15
<b>5 Reviewing the South Hams SAC HRA Guidance.....</b>	<b>17</b>
<b>Appendix 1 – Contact Details .....</b>	<b>23</b>
<b>Appendix 2 – Overview of updates to the 2010 Guidance.....</b>	<b>24</b>
<b>References.....</b>	<b>27</b>

# 1 Introduction

Every effort has been made to avoid technical terms and acronyms in this document. However, some terms and acronyms have had to be included due to the technical nature of this document and to reduce its length. Technical terms are highlighted in **orange text** when first used and defined, along with any acronyms, in the Glossary.

## 1.1 South Hams SAC and greater horseshoe bats

- 1.1.1 Greater horseshoe bats are one of Britain's rarest bats and are confined to South West England and South Wales [1]. Over 2500 greater horseshoe bats are found in South Devon (a significant proportion of the British population) and the Buckfastleigh **maternity roost** is thought to be the largest in Europe [2].
- 1.1.2 The **South Hams Special Area of Conservation (SAC)** has been designated, in part<sup>1</sup>, to ensure the **favourable conservation status** of this population of greater horseshoe bats. SACs, sometimes referred to as **European Sites**, form part of a network of designated sites across Europe. They are designated under the EU **Habitats Directive** and UK **Habitats Regulations**.
- 1.1.3 This legislation requires **Local Planning Authorities (LPAs)**, and other **competent authorities**, to assess **plans or projects** which may have a likely significant effect on a European Site, alone or in-combination with other plans or projects. Such plans or projects can only proceed if the competent authority is convinced they will not have an **adverse effect on the integrity** of a European Site, other than in exceptional circumstances [3]. These requirements are known as **Habitats Regulations Assessment (HRA)** requirements [4] [5] [6].

## 1.2 What is the purpose of this document?

- 1.2.1 This document is aimed at those preparing and validating **planning applications** in the South Devon area which may impact on the South Hams SAC population of greater horseshoe bats. It provides advice on which applications may have a likely significant effect on the SAC greater horseshoe bat population. It also provides advice on the information that applicants may need to submit with a planning application in order for the LPA to undertake an HRA.
- 1.2.2 This guidance is relevant to five LPA areas: Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council (referred to in this document as the LPAs) – see Figure 1. Contact details for the LPAs are given in Appendix 1.

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<sup>1</sup> The South Hams SAC is also designated to protect habitats including sea cliffs, heathland, semi-natural grasslands, scrub, caves and woodland see <http://publications.naturalengland.org.uk/publication/6279422093033472>

- 1.2.3 By providing clarity on HRA requirements, the guidance aims to reduce costs and unnecessary delays to both applicants and LPAs.
- 1.2.4 This document updates and replaces the South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance published by Natural England in 2010 [7]. The update takes on board feedback from applicants, consultants and planners as well as new data and knowledge on greater horseshoe bats. For those familiar with the 2010 Guidance, an explanation of changes is provided in Appendix 2.
- 1.2.5 This approach taken here can also be used to identify other plans or projects that may be required to meet HRA requirements relating to the South Hams SAC greater horseshoe bat population.
- 1.2.6 Additional advice on technical issues such as lighting will be added to the Devon County Council website as required at:  
<https://new.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance>
- 1.2.7 This guidance relates specifically to HRA requirements relating to the South Hams SAC greater horseshoe bat population. However, it is important to remember that all bats, including greater horseshoe bats, along with their breeding sites and resting places, are fully protected through separate legislation. The presence of any protected species is a **material consideration** when an LPA is considering a proposal that, if carried out, would be likely to result in harm to the species or its habitat [5] [8]

### 1.3 What are the HRA requirements for Local Planning Authorities and Applicants?

#### Local Planning Authorities

- 1.3.1 Simplistically, HRA requirements for LPAs include screening followed, if necessary, by an **appropriate assessment**. For more information please see Defra guidance (please note that this is draft)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/82706/habitats-simplify-guide-draft-20121211.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/82706/habitats-simplify-guide-draft-20121211.pdf)
  - **Stage 1 – HRA Screening:** An assessment of whether the proposal will, on its own or in-combination with other plans or projects, have a likely significant effect on the SAC's population of greater horseshoe bats before avoidance or reduction measures have been taken into account.

The flow chart in section 3 should be used to identify whether an application may have a likely significant effect on the South Hams SAC greater horseshoe bat population. Where it is clear that there is no likelihood of significant effect there is no need for further screening. However, where there may be a likely significant effect the LPA will need to use information provided by the applicant to undertake a **detailed HRA** screening. Where screening cannot rule out a likely significant effect then appropriate assessment must be carried out.

  - **Stage 2 - Appropriate Assessment:** An assessment of whether the proposal will adversely affect the integrity of the European Site taking into account avoidance and/or reduction measures. The Precautionary Principle applies, so

to be certain, the LPA should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

The LPA must secure any required avoidance and *mitigation* measures e.g. through conditions attached to the planning permission, or a legal obligation agreed with the applicant.

Note that for the purposes of this document the term detailed HRA refers to both detailed *HRA screening* (where, using the Flow Chart in Section 3, likely significant effect cannot be immediately screened out) and, when required, appropriate assessment.

### Applicants

- 1.3.2 It is the applicant's responsibility to provide the LPA with sufficient information to enable them to undertake HRA requirements.

### Information provided in this document

- 1.3.3 To help LPAs and applicants meet these requirements, this document includes:

#### **Section 2**

Background information on the South Hams SAC Greater Horseshoe Bat Consultation Area.

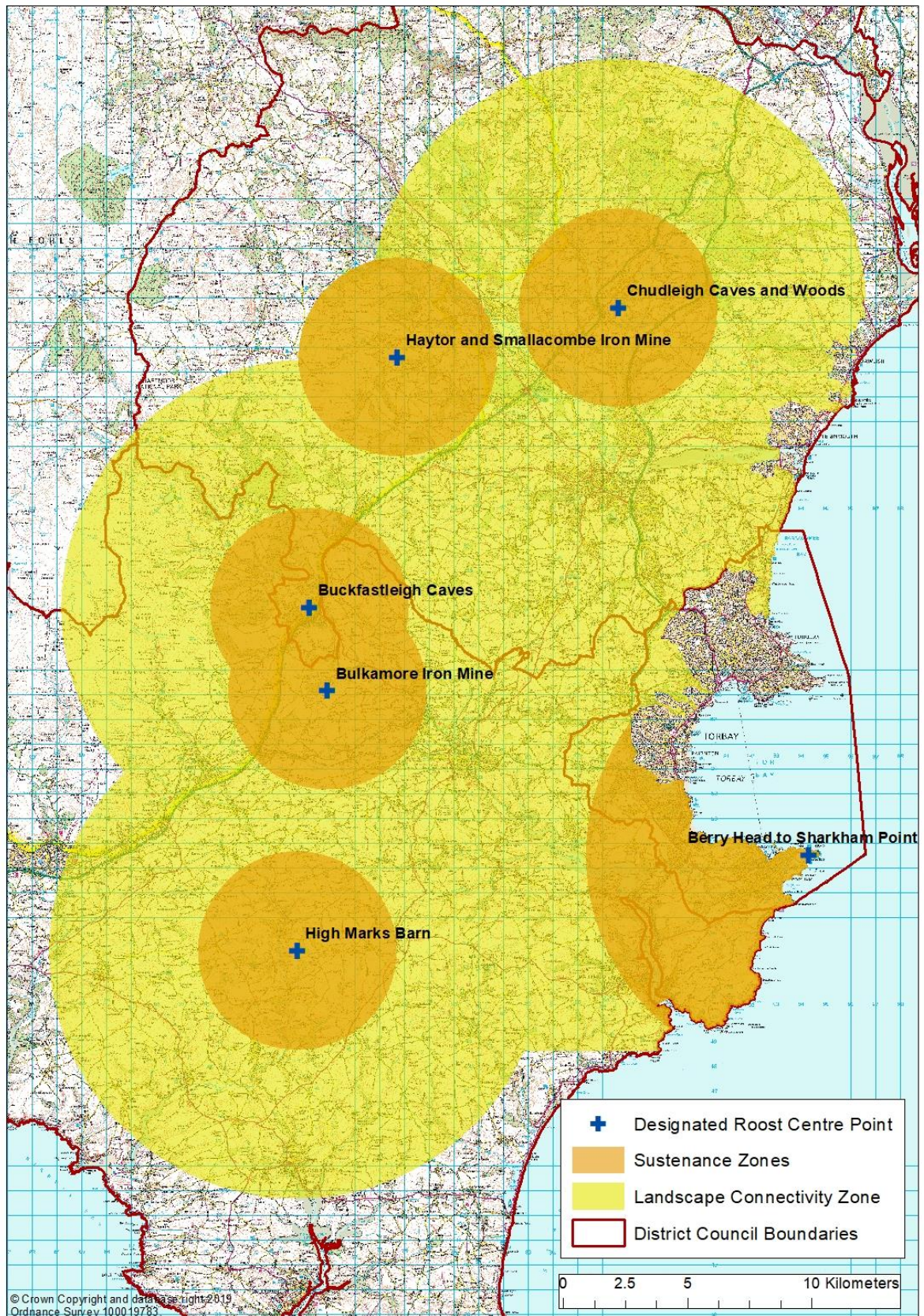
#### **Section 3**

A flow chart to help clarify when an application may have a likely significant effect on a European Site and therefore when detailed HRA is required.

#### **Section 4**

Guidance on the information required from the applicant.

**Figure 1:** South Hams SAC greater horseshoe bat Consultation Area  
For a more detailed map see: <http://map.devon.gov.uk/DCCViewer>



## 2 The South Hams SAC Consultation Area

### 2.1 General greater horseshoe bat ecological requirements

2.1.1 Greater horseshoe bats use a network of Roosts, *Foraging Habitats* and *Commuting Routes*. Definitions of these features are given below. Greater horseshoe bats are very sensitive to light levels and avoid lit areas [9].

Roosts - structures used by bats for shelter and protection

2.1.2 A variety of structures are used throughout the year for hibernating, raising young bats (maternity roosts), feeding, mating and resting. Greater horseshoe bats can live in excess of 30 years and remain faithful to their roosts for generations. Large numbers of bats can be found in *hibernation roosts* (used by bats during the winter) and maternity roosts (used during the summer by mothers and their young, some males may also be present). Other roosts tend to be used throughout the year by individuals or small numbers of bats at a time [10,11].

Foraging Habitat – areas where bats feed

2.1.3 Greater horseshoe bats feed in different habitats during the year as availability of their prey changes. Examples of Foraging Habitats include cattle grazed pastures, meadows, the edges of broadleaved woodland, stream corridors, wetlands, tree lines, tall and thick hedges, scrub, orchards and parklands - any places where prey is found (moths, dung beetles, cockchafer beetles and dung flies, crane flies, parasitic wasps and caddis flies) [12,13]. Adult greater horseshoe bats using maternity roosts largely forage within 4km of the roost while juveniles hunt mainly within 1km of the roost and are highly dependent on grazed pasture [12,13].

Commuting Routes - the routes bats use to move through the landscape, often linear landscape features.

2.1.4 Greater horseshoe bats have a 'weak' *echolocation* call (which bats use to navigate). They therefore generally fly close to the ground (up to ~ 2m) and close to linear landscape features such as hedges, woodland edge and vegetated watercourses which they use for navigation. Bats may use different Commuting Routes at different times of the year [11].

### 2.2 The South Hams SAC Greater Horseshoe Bat Consultation Area

2.2.1 The South Hams SAC Greater Horseshoe Bat *Consultation Area* (referred to in this document as the Consultation Area) has been developed to help clarify where and when impacts, on Roosts, Foraging Habitat and Commuting Routes, may have a likely significant effect on the SAC greater horseshoe bat population. The Consultation Area is shown on Figure 1 and consists of the features discussed below.

Designated Roosts - the six maternity and/or hibernation roosts designated as *SSSIs* and believed to support an important proportion of the total greater horseshoe bat population across South Devon.



2.2.2 Five of the **Designated Roosts** are included within the South Hams SAC designation. The sixth roost at High Marks Barn SSSI is considered integral to the SAC population. It was not included in the original SAC designation but is part of the SAC Consultation Area. The six Designated Roosts are listed in Table 1 and shown on Figure 1.

2.2.3 Proposals impacting on these roosts may have a likely significant effect on the SAC greater horseshoe bat population – see the flow chart in Section 3.

**Table 1: The Designated Roosts**

Site Name	Roost description	Maternity	Hibernation
Berry Head to Sharkham Point SSSI and NNR	Caves on sea cliffs	✓	✓
Buckfastleigh Caves SSSI (supports the largest known maternity roost in the UK)	Cave complex and barns	✓	✓
Bulkamore Iron Mine SSSI	Large disused mine		✓
Chudleigh Caves and Woods SSSI	Cave complex	✓	✓
Haytor and Smallacombe Iron Mines SSSI	Disused mines		✓
High Marks Barn SSSI (supports the second largest maternity roost in England)	Large agricultural barn	✓	

**Sustenance Zones** - the area within 4km of the Designated Roosts which includes critical Foraging Habitat and Commuting Routes<sup>2</sup>. See Figure 1.

2.2.4 The **Sustenance Zones** are based on research which shows that on average adult greater horseshoes using maternity roosts largely forage within 4km of the roost [12,13,14,15,16,17,18,19]. Due to the difficulties in monitoring hibernating bats, the distances which they travel from hibernation roosts to forage in the winter is currently unknown. It is possible that due to weather conditions, and the weaker physical condition of bats during the winter, they may forage closer to roosts within the hibernation Sustenance Zones. This needs to be considered when assessing impacts and carrying out HRA.

2.2.5 Proposals impacting on Foraging Habitat and Commuting Routes in Sustenance Zones may have a likely significant effect on the SAC greater horseshoe bat population – see the flow chart in Section 3.

2.2.6 Note that urban areas within Sustenance Zones may provide less suitable conditions for greater horseshoe bats.

<sup>2</sup> Due to its location next to the sea and urban development within Brixham Town the Berry Head Sustenance Zone is based on a sustenance area equivalent to a 4km radius circle. Note

Landscape Connectivity Zone - The area that includes a complex network of Commuting Routes used by the SAC population of greater horseshoe bats and providing connectivity between the Designated Roosts. See Figure 1 and Appendix 2 for further explanation.

2.2.7 Evidence from records held by Devon Biodiversity Records Centre and research conducted by the University of Sussex [20] indicate that greater horseshoe bats commuting through the **Landscape Connectivity Zone** are dispersed and found in relatively low numbers compared to within the Sustenance Zone. Only proposals which could severely restrict the movement of bats at a landscape scale (impacting on landscape scale permeability) may, therefore, have a likely significant effect on the SAC greater horseshoe bat population – see the flow chart in Section 3.

2.2.8 Pinch points - known, or potential, Commuting Routes which are restricted e.g. due to urban encroachment or proximity to the sea / estuaries.

2.2.9 Further restriction of **Pinch Points** could severely restrict the movement of bats and may therefore have a likely significant effect on the SAC greater horseshoe bat population – see the flow chart in Section 3.

Existing Mitigation Features – can include roosts, Commuting Routes and Foraging Habitat created, enhanced or protected to meet HRA greater horseshoe bat requirements for approved development.

2.2.10 Impacts on these features may have a likely significant effect on the SAC greater horseshoe bat population – see the flow chart in Section 3.

Designated Roosts, Sustenance Zones, the Landscape Connectivity Zone, Pinch Points and **Existing Mitigation Features** (greater horseshoe bats) are all shown on the Devon County Council (DCC) Environment Viewer at: <http://map.devon.gov.uk/DCCViewer>.

Where new Pinch Points and Mitigation Features are identified they will be added to the Viewer. Foraging Habitats and Commuting Routes are not mapped on the Viewer. For records of greater horseshoe bats please contact Devon Biodiversity Records Centre (contact details in Appendix 1).

### 3 Flow chart

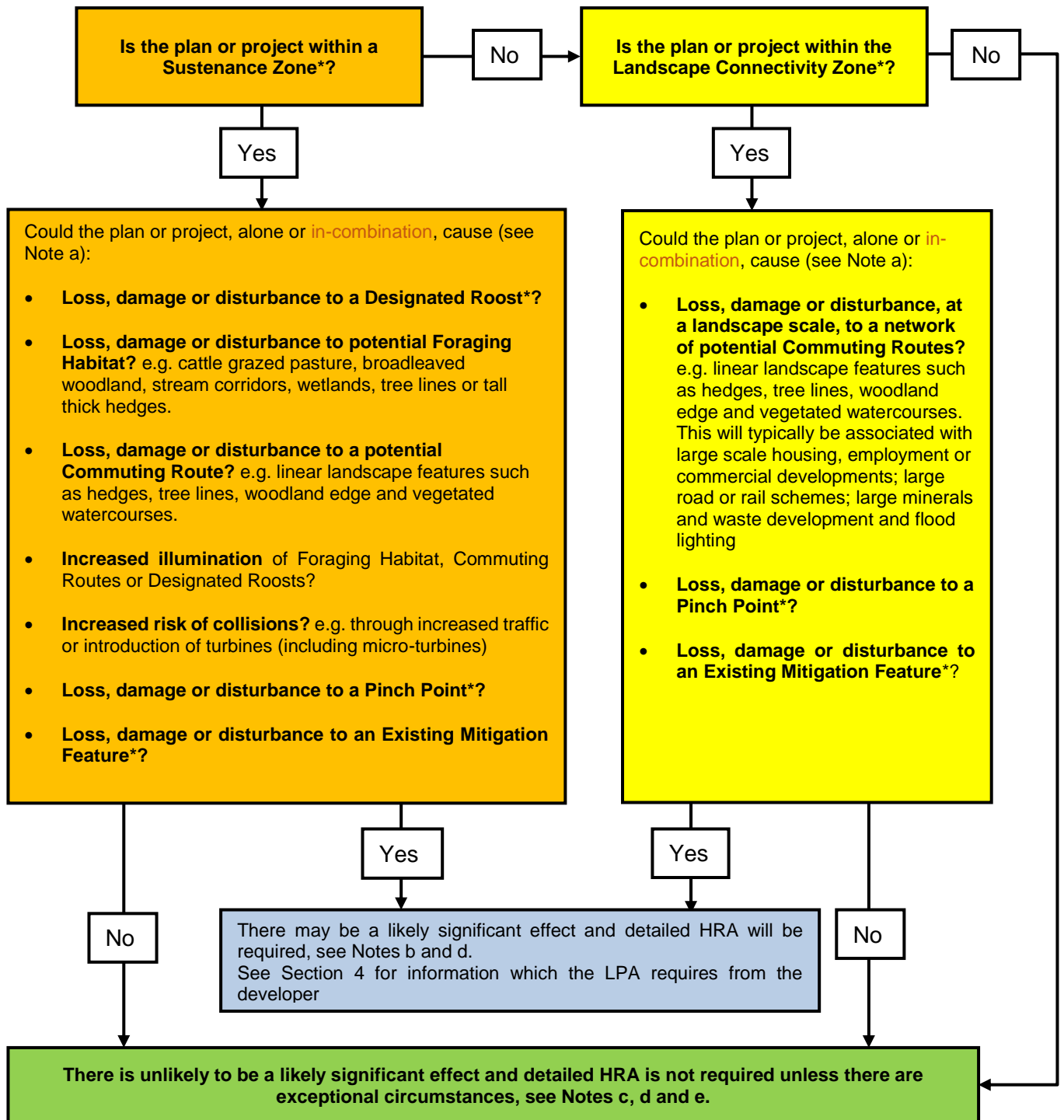
#### 3.1 Clarifying when an application may have a likely significant effect on the South Hams SAC greater Horseshoe bat population

3.1.1 As early as possible in planning of a development (pre-application stage) the LPA and applicant should discuss the proposal and, using existing knowledge, follow the Flow Chart and associated Notes below to clarify whether there may be a likely significant effect on the SAC. Please remember that this Flow Chart only relates to the South Hams SAC greater horseshoe bat population.

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that the boundaries of all the Sustenance Zones have changed slightly from those within the 2010 South Hams SAC guidance (see Appendix 2).

\*Feature is mapped on the DCC environment viewer at <http://map.devon.gov.uk/DCCViewer>



### 3.1.2 Flow Chart Notes:

- a. If there is any degree of uncertainty regarding how to answer questions in the flow chart e.g. whether there is loss, damage or disturbance to a potential Foraging Habitat or Commuting Route, an ecologist should be consulted. Examples of how a proposal could adversely affect greater horseshoe bat habitats include:
  - Foraging Habitat
    - Building on pasture, wetland, or converting to improved grassland
    - Felling woodland
    - Altering drainage of wetland areas.
    - Indirect impacts that would lead to deterioration of the feature e.g. introducing public access to a Foraging Habitat
    - Increased illumination of Foraging Habitat through internal, external and vehicular lighting sources.
  - Commuting Routes
    - Removal of a hedgerow / tree line
    - Increased illumination of sections of hedgerow/tree lines, including from internal, external and vehicular lighting sources
    - Building in close vicinity to a hedgerow / tree line
    - Having an indirect impact e.g. a change in management to hedgerows bordering residential gardens.
- b. It may be possible for the LPA to screen out **likely significant effects** relatively quickly where it is considered that, due to factors such as location, site characteristics, size/type of the application or numbers of greater horseshoe bats found the proposal will not have a likely significant effect on the SAC greater horseshoe bat population.
- c. Detailed HRA may be required in circumstances not listed on the flow chart if, following survey, the LPA or Natural England consider that the development could have a likely significant effect on the SAC population of greater horseshoe bats. This could include the discovery of a roost which is likely to provide significant functional support to the SAC (e.g. a roost which meets SSSI criteria or a significant mating site) or the in-combination impacts of small projects in the Landscape Connectivity Zone.
- d. Where detailed HRA is not required the LPA should formally record that likely significant effects have been screened out.
- e. Note that the applicant and LPA must ensure that other wildlife impacts (including impacts on bats as **European Protected Species**) are identified and mitigated appropriately through the planning process. See the Devon County Council website and Natural England standing advice for more information - <https://new.devon.gov.uk/wildlife-and-geology-planning-guidance> and <https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>

## 4 Information required for detailed HRA

### 4.1 Overview

Please note that the following information only relates to the HRA in relation to the South Hams SAC greater horseshoe bat population. For the majority of applications, the information provided by the applicant for HRA will form part of a broader Ecological Impact Assessment.

#### Pre-application Stage

- 4.1.1 Where detailed HRA screening is required the applicant should commission a suitably qualified ecological consultant, with experience of greater horseshoe bat survey and mitigation, to provide the LPA with the following:
- Greater horseshoe bat survey results and analysis, where required (see Section 4.2 below)
  - Impact Assessment
  - Avoidance, mitigation measures and monitoring details (see 4.3 below)
- 4.1.2 LPAs cannot recommend consultants but can provide a list of ecological consultants known to them. See: <https://new.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance>
- 4.1.3 The information provided should be up to date and follow current published guidance<sup>3</sup>. Departures from published guidance need to be fully justified in writing and agreed with the LPA.
- 4.1.4 It is advised, particularly for large or complex applications, that applicants seek pre-application advice on HRA requirements, survey and potential avoidance/mitigation measures from the LPA as well as from Natural England's Discretionary Advice Service. If detailed HRA is required and insufficient information is submitted the LPA may be unable to validate the application or may need to request further information or new mitigation measures which could affect design/layout. These scenarios may lead to delays and increased cost.
- 4.1.5 Applicants and LPAs should use Natural England's Conservation Objectives and related Supplementary Advice for the South Hams SAC when developing and assessing an application which may affect the SAC. See <http://publications.naturalengland.org.uk/publication/6279422093033472>

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<sup>3</sup> Including guidance from the Chartered Institute for Ecologists and Environmental Managers (CIEEM) <https://www.cieem.net/> and the [British Standard for Biodiversity](#) (BS 42020:2013).

- 4.1.6 Outline applications are subject to HRA requirements. It is acknowledged that not all design and layout details will be known. However, where detailed HRA is required appropriate survey must be undertaken and any required avoidance/mitigation measures and principles secured (such as locations of areas safeguarded from detrimental light spillage) in order to provide the LPA with the confidence required that there will be no likely significant effect or, (where appropriate assessment is required) no adverse effect on the SAC greater horseshoe bat population. These measures and principles must then be followed when developing details for the reserved matters application.

#### Submission of a Planning Application

- 4.1.7 The applicant submits the information required for HRA as part of the planning application. If insufficient information is supplied, the LPA may not be able to validate the application.

#### Use of HRA in Determining a Planning Application

- 4.1.8 The LPA uses the information provided to undertake an HRA and, when required, consults Natural England. Note: The LPA must consult Natural England on all Appropriate Assessments.
- 4.1.9 If insufficient information has been supplied the LPA may have to request further information. This can lead to a delay in determining the application.
- 4.1.10 The LPA will secure any mitigation measures required to ensure the project will not adversely affect the integrity of the SAC via conditions and/or legal obligations agreed with the developer.
- 4.1.11 If the LPA is unable to conclude that the application will have no adverse effect on the integrity of the South Hams SAC, the application will be refused (except for in exceptional circumstances) [3].

## **4.2 Survey Requirements**

- 4.2.1 Current national guidance should be followed as well as any local guidance. At time of writing this is Bat Surveys for Professional Ecologist, Good Practice Guidelines (Bat Conservation Trust, 2016). Exact survey requirements will need to reflect the sensitivity of the site and the nature, location and scale of the proposals. Early dialogue with the LPA and Natural England is therefore encouraged.
- 4.2.2 There is currently no national guidance available to inform winter bat activity surveys in the Sustenance Zones around hibernation roosts. Some foraging will occur during hibernation but at reduced rates to other times of year. The ecological consultant should discuss and agree any winter survey requirements with the LPA and Natural England.
- 4.2.3 Survey that is more than 2/3 years old will generally be considered out of date as per the *British Standard for Biodiversity* BS 42020, however see para 4.2.5.

- 4.2.4 Surveys and assessment of the results should be informed by any relevant greater horseshoe bat data from Devon Biodiversity Records Centre (see contact details in Appendix 1) and from projects within the vicinity of the proposal where data are available. New bat data should be shared with the Devon Biodiversity Records Centre in accordance with good practice guidelines.
- 4.2.5 In some circumstances it may be possible for the LPA and Natural England to agree to mitigation requirements without the need for a survey / full survey. Note that HRA will still be required. Circumstances may include:
- A minor development proposal where there is certainty (as evidenced by a competent ecological consultant) that impacts on greater horseshoe habitat can be avoided or are negligible.
  - A situation in which survey (or further survey) would not contribute further to the identification of impacts and avoidance/mitigation requirements.
  - A situation in which the LPA and Natural England agree that there is sufficient existing survey information for the site (see British Standard for Biodiversity BS2020 for more information).

### **4.3 Avoidance, Mitigation and Monitoring Principles**

- 4.3.1 The development should be designed (using the 'mitigation hierarchy'<sup>4</sup> as the standard approach) to avoid impacts through:
- Avoiding loss, damage or disturbance to greater horseshoe bat roosts, Foraging Habitats and Commuting Routes and maintaining connectivity to offsite habitats.
  - Where appropriate, creating sufficiently wide and dark buffers along or around habitats to protect them from impacts.
  - Designing any lighting schemes to prevent impacts on known or potential greater horseshoe bat habitat.
  - Designing the scheme to avoid future impacts e.g. impacts from the future introduction of householder lighting, safety lighting or householder hedge management.
- 4.3.2 Where it is not possible to avoid all impacts the applicant should put forward measures to reduce impacts (mitigation) and ensure no adverse effect on the integrity of the SAC. Required measures may include:
- Creating or enhancing new dark corridors through the development site to maintain a connected network of Commuting Routes for bats.

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<sup>4</sup> See Guidelines for Ecological Impact Assessment in the UK and Ireland (September 2018) Chartered Institute for Ecologists and Environmental managers (CIEEM) <https://www.cieem.net/> and the British Standard for Biodiversity (BS 42020:2013)

- Creating or enhancing new Foraging Habitat in suitable locations within the same Sustenance Zone.
  - Maintaining Commuting Routes across road and transport routes by creating safe greater horseshoe bat crossings following best practice. This could include, for example, culverts, underpasses and green bridges.
  - Imposing controls or restrictions on relevant operations, e.g. cutting turbine speeds.
  - Creating or enhancing a roost.
  - Contributing to any South Hams SAC strategic greater horseshoe bat fund which combines funding to deliver permanent high-quality greater horseshoe bat habitat and roosts in priority locations to increase population resilience. The LPAs will provide further advice where this is relevant.
- 4.3.3 There must be sufficient certainty that mitigation measures will be effective in ensuring no adverse effect on the integrity of the SAC and that they can be delivered. For example:
- Measures must be in place and functioning before impacts occur.
  - All financial and legal details relating to the delivery of mitigation requirements must be clear.
  - Measures should be secured and implemented to reflect the duration of the impacts. Where impacts are permanent and irreversible measures will need to be secured *in-perpetuity*.
- 4.3.4 All mitigation should follow current best practice.
- 4.3.5 Mitigation measures must be considered in the context of the wider area e.g. Commuting Routes through a development site must connect to routes outside the site.
- 4.3.6 Monitoring (which ensures that mitigation has been carried out as agreed and is effective) and appropriate follow up measures must be agreed with the LPA and implemented by the developer. Any required remedial measures must be completed to a timetable agreed with the LPA.
- 4.3.7 All avoidance, mitigation and monitoring information (relating to purpose, timing, delivery, long-term management etc) must be provided to the LPA in appropriate detail, at the agreed stage in the planning process, and in an agreed format. Generally, information required for the LPA to assess the planning application should be included in an Ecological Impact Assessment or, when required, an Environmental Statement. Further detailed information may be required through conditions imposed on any planning permission and in documents such as a Construction Environmental Management Plan (CEMP), and Landscape and Ecological Management Plan (LEMP).



Note: Whilst not required for HRA both the developer and LPA should seek enhancements for greater horseshoe bats in line with any national and local net gain policy and guidance.

## 5 Reviewing the South Hams SAC HRA Guidance

This guidance will be reviewed and updated as required. This may be as a result of national policy or legislative changes, the discovery of a greater horseshoe bat roost which meets the criteria for SSSI designation, or evidence of greater horseshoe bats from the SAC population using areas outside the Landscape Connectivity Zone where evidence indicates there is a functional link to the South Hams SAC.

The DCC Environment Viewer will be updated to show new Pinch Points or Mitigation Features.

## Glossary

Adverse effect on integrity	Where the competent authority is unable to confirm that the plan or project, without taking into account measures to avoid or reduce harmful effects (mitigation), will not have a likely significant effect on the SAC then the LPA will ask for further information in order to undertake an appropriate assessment and ensure that the plan or project will not have an adverse effect on the integrity of the site. The integrity of a European site can be defined as, 'the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.' [5] In practical terms this means the habitats necessary to maintain a healthy and viable population of greater horseshoe bats.
Appropriate Assessment	Stage 2 of HRA requirements required where a likely significant effect, alone or in-combination, can't be ruled out. An assessment of whether the proposal will adversely affect the integrity of the European Site taking into account avoidance and/or reduction measures. The Precautionary Principle applies, so to be certain, the LPA should be convinced that no reasonable scientific doubt remains as to the absence of such effects.
British Standard for Biodiversity	BS42020 – The first British Standard on biodiversity management. Consistent with the European Biodiversity Strategy and UN Aichi targets. The British Standard offers a coherent methodology for biodiversity management.
Commuting Routes	Linear features used as flight lines by greater horseshoe bats e.g. hedgerows, tree lines, woodland edge and vegetated watercourses.
Competent Authority	For the purpose of the Habitats Regulations, a Competent Authority includes any Minister of the Crown, government department, statutory undertaker, public body of any description or person holding a public office. For planning applications, the Competent Authority would typically be the relevant Local Planning Authority.
Consultation Area	The combined area of the Sustenance Zone and Landscape Connectivity Zone (Figure 1). Based on current evidence the LPAs consider that applications outside the consultation zone will not have a likely significant effect on the South Hams SAC population of greater horseshoe bats.
Designated Roosts	The six greater horseshoe bat maternity and/or hibernation roosts designated as SSSI. These are thought to support an important proportion of the total greater horseshoe bat population across South Devon. Five of the roosts are within the South Hams Special Area of Conservation. See Figure 1.
Detailed HRA	Where it is clear from the Flow Chart in Section 3 that the application may have a likely significant effect on the South Hams SAC, alone or in-combination with other plans or projects, the LPA will need sufficient information from the applicant to produce a detailed HRA screening,

	and then, when necessary, an appropriate assessment. These two stages are referred to in this guidance as ‘detailed HRA’.
Echolocation	The sonar-like system used by bats to detect and locate objects by emitting usually high-pitched sounds that reflect off the object and return to the animal’s sensory receptors, either their ears or in the case of horseshoe bats, their nose ‘leaves’.
European sites (sites protected under European legislation)	Sites within the European Union (EU) network of classified Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) designated under Article 4 of the EU Habitats Directive (EEC/92/43). Also referred to as Natura 2000 sites.
European Protected Species	Species of plants and animals (other than birds) protected by law through the European Union and listed in Annexes II and IV of the European Habitats Directive.
Existing Mitigation Features (greater horseshoe bats)	Roosts, Commuting or Foraging Habitat created, enhanced or protected to meet Habitats Regulations requirements for approved projects relating to the South Hams SAC greater horseshoe bat population.
Favourable Conservation Status	Article 1 of the Habitats Directive defines conservation status for habitats as “the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species. Furthermore, the Directive states that the conservation status may be considered ‘favourable’ when: (a) its natural range and areas it covers within that range are stable or increasing; and (b) the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and (c) there is and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis’
Foraging Habitat	Feeding areas for greater horseshoe bats, primarily cattle grazed pasture, semi-natural woodland, unimproved pastures, meadows, hedges and watercourses.
Habitats Directive	South Hams SAC has been designated under the European Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (“the Habitats Directive”) as part of a European network of strictly protected sites important conservation sites that will make a significant contribution to conserving habitats and species listed in Annex I and Annex II of the Directive. These habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).
Habitats Regulations	Various obligations of the Habitats Directive are transposed into domestic legislation by the Conservation of Habitats and Species Regulations 2017 (SI No. 2017/1012) (“The Habitats Regulations”). The Habitats Directives continues to have a direct effect in the UK and prevail in the event of a conflict between their provision and those of the Habitats Regulations. Decisions of the Court of the European Court of Justice are directly binding on UK competent authorities.

Habitats Regulations Assessment (HRA)	The assessment, required by the Habitats Directive and Habitats Regulations, carried out by the competent authority to assess the effects of projects or proposals on European protected sites. Stage 1 includes screening for likely significant effects. Stage 2 (Appropriate Assessment) assesses whether it is possible to avoid an adverse effect on site integrity.
HRA Screening	An assessment of whether the proposal will, on its own or in combination with other plans or projects, have a likely significant effect on the SAC's population of greater horseshoe bats before avoidance or reduction measures have been taken into account. The flow chart in section 3 should be used to identify whether an application may have a likely significant effect on the South Hams SAC greater horseshoe bat population. Where it is clear that there is no likelihood of significant effect there is no need for detailed screening. However, where there may be a likely significant effect the LPA will need to use information provided by the applicant to undertake a detailed HRA screening. Where screening cannot rule out a likely significant effect then appropriate assessment must be carried out.
Hibernation roost	Roosts where bats hibernate during the winter (greater horseshoe bats in South Devon largely use caves and disused mines but occasionally also use buildings with stable, cool temperatures and high humidity e.g. unheated cellars and ice houses).
In-combination effects	Effects that occur from a plan or project, in combination with other plans or projects to protect sites from cumulative effects of more than one project when the effects of project acting on the site alone would not be likely to be significant. Projects generally include [6]: Projects started but not finished Projects with consent but not started Applications lodged and not determined Refusals subject to appeal Known projects not needing consent Proposals in adopted plans Firm proposals in final draft plans
In-perpetuity	For the purposes of HRA, mitigation must cover the duration of impacts. Where impacts are permanent and irreversible mitigation should be delivered 'in-perpetuity'. Legal counsel may need to be sought in some cases when a defined time frame is required under The Perpetuities and Accumulations Act 2009.
Landscape Connectivity Zone	The area that includes a complex network of Commuting Routes used by the SAC population of greater horseshoe bats and providing connectivity between the Designated Roosts.
Likely significant effects	Effects, considered in HRA screening, which would undermine the SAC's Conservation Objectives. If, on the basis of information provided, a likely significant effect cannot be ruled out then Stage 2 of the HRA (an appropriate assessment) must be undertaken by the competent authority.

LPA – Local Planning Authority	The Local Planning Authority is the Authority responsible for planning and development management functions.
Material consideration	A material consideration is a matter that should be taken into account in deciding a planning application or in an appeal against a planning decision.
Maternity roost	The place where, during summer, female greater horseshoe female bats gather to have and raise their pups.
Mitigation	Measures to avoid and reduce significant adverse effects on the integrity of the South Hams SAC population of greater horseshoe bats.
Permitted development	Permitted development rights are a national grant of planning permission which allows certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impact and to protect local amenity. Rules relating to permitted development are set out in the General Permitted Development Order.
Pinch Point	Known or potential greater horseshoe bat commuting routes which are significantly restricted e.g. due to urban encroachment. or proximity to the sea / estuaries. Further restriction to a Pinch Point could significantly impact on the movement of greater horseshoes and potentially have a likely significant effect on the SAC.
Plans or projects	Plans or projects in the context of HRA are defined as [6]  A plan is: Any new document (or modification, modification alteration or revocation) whatever form or title it may have Which goes beyond mere aspiration and sets out an intended course of action OR A detailed proposal for doing, planning, regulating or achieving something OR An intention/decision about what is going to be done BUT Excluding statements of general aspiration or political will or general intentions  A project is capable of being: Anything that requires any form of new or renewed or periodically renewable authorisation or any variation, modification or revocation of an authorisation
Planning applications	As well as planning applications this term includes prior approval notices and non-material amendments.
SAC - South Hams Special Area of Conservation	South Hams Special Area of Conservation. Designated for its internationally important greater horseshoe bat population and habitats including dry heaths, semi-natural dry grasslands, scrub, woodland, cliffs and caves.

SSSI - Site of Special Scientific Interest	An area or site that is designated by Natural England under the Wildlife and Countryside Act 1981 for its nationally important biodiversity.
Sustenance Zone	The area within 4kms of Designated Roosts which includes critical Foraging and Commuting Habitat for greater horseshoe bats.

## Appendix 1 – Contact Details

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Natural England  
[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)  
Discretionary Advice Service Form:  
<https://www.gov.uk/government/publications/charged-environmental-advice-service-request-form>  
0300 060 3900

Devon Biodiversity Records Centre - <http://www.dbrc.org.uk/>  
[DBRC@dbrc.org.uk](mailto:DBRC@dbrc.org.uk)  
01392 274128

## Appendix 2 – Overview of updates to the 2010 Guidance

This guidance updates and replaces the South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance published by Natural England in 2010.

### **Evolving the Strategic Flyways into a Landscape Connectivity Zone**

#### Strategic Flyways

Strategic Flyways were mapped for the 2010 guidance using a combination of greater horseshoe bat data available at that time (including radiotracking data) and knowledge of greater horseshoe bat ecology. The Strategic Flyways were drawn to connect known roosts (particularly the Designated SAC roosts) and were based on contiguous landscape features which were thought most likely to be used by greater horseshoe bats (especially river corridors and sheltered valleys). For clarity it should be noted that, except for those used by radiotracking studies, there was no evidence for the majority of Strategic Flyways, as to whether or not they were used by greater horseshoe bats. The flyways were made 500 metres wide to offer several pathways and provide alternative routes to accommodate variance in weather.

The introduction of Strategic Flyways through the 2010 guidance was critically important in raising awareness of the importance of commuting routes (through the South Devon landscape) in supporting the SAC's population of greater horseshoe bats, and the potential for applications to have a likely significant effect on the SAC population of greater horseshoe bats away from the Designated Roosts and Sustenance Zones.

#### Data update

Since 2010 the number of records of greater horseshoe bats held by Devon Biodiversity Records Centre (DBRC) has increased, in part due to the Devon Bat Survey which began as part of the Devon Greater Horseshoe Bat Project in 2016. During 2015/16 in order to ensure that the evidence base for this Guidance was as complete as possible, the LPAs collated further records from planning applications and from local experts (through one-to-one meetings and a 2017 workshop with ecological consultants, bat workers and Devon Bat Group members). These records were added to the DBRC data set. The methodology for this work is available from Devon County Council and the majority of the bat data (other than in situations in which the source of the data does not want it shared) is available through DBRC's standard data services.

It is important to be aware that the updated evidence base is composed of ad hoc records and does not provide a complete picture of greater horseshoe bat distribution and activity. Blank spaces do not equate to no bats. However, the evidence base does illustrate that there are records of greater horseshoe bats and small roosts (away from the Designated roosts) across much of the South Devon landscape.

In addition to the evidence base collated by the LPAs, a University of Sussex research study collected data during 2016 from static recorders placed at increasing distances from three SAC maternity roosts (Buckfastleigh, Chudleigh and High Marks Barn). These data support the findings of the evidence review that SAC greater horseshoe bats are widely dispersed across the landscape at increasing distance from the designated roosts, using a complex and widely distributed network of commuting routes [20].



### Implications

All existing evidence (from research and records) indicates that away from Designated Roosts and Sustenance Zones greater horseshoe bats are dispersed across the landscape in low numbers. They use a complex network of sheltered hedges, woodland edge, stream corridors etc to move around the landscape between the Designated Roosts and also between other smaller roosts as required through the year (mating roosts, day roosts, hibernation roosts, transitional roosts etc). Schofield (1996) highlights the importance of maintaining access to smaller roosts in order to help ensure future population resilience. He states that regular use of satellite roosts over a number of years could promote the establishment of new maternity roosts as more individuals use them [21].

In order to maintain long term Favourable Conservation Status of the population it is therefore important that we maintain sufficient connectivity across the whole of this landscape (allowing landscape scale permeability), rather than just protecting a number of Flyways.

In order to achieve this broader landscape connectivity, the Strategic Flyways have been replaced with a Landscape Connectivity Zone (LCZ). This change was agreed at a Steering Group meeting which included Professor Fiona Matthews (greater horseshoe bat expert) and Steve Markham (bat consultant and one of the authors of the 2010 guidance).

The LCZ has been drawn up, using best available evidence and following the precautionary principle, to include the landscape most likely to be regularly used by the majority of the bats forming the SAC greater horseshoe bat population, noting that there will always be some movement of bats into and out of this zone and that very little is known on how bats use the landscape throughout the year.

The LCZ includes:

The landscape between the Designated Roosts - included to maintain landscape permeability between these key roosts.

The landscape up to 10kms from Designated Maternity Roosts. 10kms is based on:

Advice from Billington and Rawlinson (2006) to CCW to identify key radial zones which extend 10kms from roosts [22]. They state, 'only a small part of this area is likely to be used for foraging, but flight routes may lead further connecting to other roost sites. The aim should be to maintain habitat links through the area..... Before any major developments are allowed within 10km of any greater horseshoe roost .... detailed studies should be made to consider potential impacts'

Jones et al (1995) recorded many individuals flying distances of 10km from maternity roosts to hibernate [23].

This landscape includes all of the smaller roosts (largely day and night roosts) identified through radiotracking to be used by bats from the Designated Maternity Roosts [16,17,18,19]

As bats occur at a low density in this zone it is considered that impacts on individual commuting routes would be unlikely to have a significant effect on the population as a whole. However, impacts on a network of commuting routes within this area could result in a significant number of bats having to find new, longer routes across the countryside (potentially reducing their ability to survive due to using up energy pre and post hibernation) or being prevented from accessing roosts altogether. These impacts could have a likely significant effect on the South Hams SAC population as a whole.

Given that greater horseshoe bats in the Landscape Connectivity Zone are found in low numbers it is considered that there is sufficient evidence to reasonably assume that impacts on roosts and habitat beyond this boundary will impact on so few bats that there will not be a likely significant effect on the SAC's greater horseshoe bat population (unless there is evidence to the contrary).

The LPAs are committed to working with DBRC and others to keep records of greater horseshoe bats as up to date as is reasonably possible and to work with partners to ensure that surveys of any potentially significant roosts are undertaken. The LCZ boundary will be updated to reflect any new findings where appropriate.

#### Amended boundaries to the Sustenance Zones

Note that all the boundaries of the 2010 Sustenance Zones have been amended. The boundaries are now 4km from the centre of the roosts rather than 4km from the edge of the mapped SSSI. Due to its location next to the sea and urban development within Brixham Town the Berry Head Sustenance Zone remains (as for the 2010 Guidance) based on a sustenance area equivalent to a 4km radius circle.

#### Survey

In 2016 the Bat Conservation Trust (BCT) published new survey guidelines. The LPAs and Natural England have agreed that these guidelines should replace the survey specification in the 2010 South Hams SAC guidance.

## References

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- [4] Defra (2012) The Habitats and Wild Birds Directives in England and its seas. Core guidance for developers, regulators and land/marine manager (draft for publication)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/82706/habitats-simplify-guide-draft-20121211.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/82706/habitats-simplify-guide-draft-20121211.pdf)
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- [18] Robinson, M. F., Webber, M & Stebbins, R.E. 2000. Dispersal and foraging behaviour of Greater Horseshoe Bats, Brixham, Devon. English Nature Research Report No. 344. Peterborough: English Nature
- [19] Vincent Wildlife Trust (2012) Unpublished radiotracking data from High Marks Barn tracked bats.
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## South Hams SAC Greater Horseshoe Bat HRA Guidance Consultation Summary

The guidance was subject to a full 8-week consultation beginning in April 2018. Within the early stages of the consultation, a consultation event was held involving key stakeholders, local interest groups and interested residents.

A total of 35 responses were received from the following organisations (individuals not listed):

Abbotskerswell Parish Council	Harberton Parish Council
BSG Ecology	Mineral and Resources Planning Association
Buckfastleigh Town council	Natural England (no comment)
Corylus Ecology	Paignton Neighbourhood Planning Association
CPRE Teignbridge	PCL Planning
Dartington Hall Trust	Rattery Parish Council
Devon Bat Group	Sibelco
Devon Wildlife Trust	South West Water (no comment)
Eagle One Homes Ltd	Torquay Neighbourhood Plan Forum
Green Ecology	Wolborough Residents Association

The following headings provide a summary of the key themes of responses received and the changes made to the document in response to these comments in agreement with the relevant Local Planning Authorities and Natural England. The summary does not necessarily include all comments in detail, but the representations in full are available on the Devon County Council website at:

[www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance/south-hams-sac-spd-consultation](http://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance/south-hams-sac-spd-consultation)

### Status

A number of the responses raised concerns regarding the contents of the document and whether it was appropriate to be adopted as SPD rather than DPD. Further comments sought to elevate the status of the SPD to a DPD so that further protection and more prescriptive policy could be adopted to conserve and enhance the SAC. Whilst it is not thought that the document consisted of policy that guided the use of land and therefore could not have been SPD, it was not sufficient to require DPD status. In light of this and Legal Advice sought by the LPAs, the Steering Group agreed to amend the contents of the document to make clear that the document is only intended as a screening document and to seek approval of the document from members as guidance.

The document will not hold any weight in the planning decision process and is intended to be used by those preparing and validating planning applications to determine whether HRA is required and therefore identify the survey effort and potential mitigation that may be required.

### Structure

Various responses commented on the structure of the document and noted that it was legible and clear to follow. However, a small number of responses noted that the document used technical and inaccessible language. In response to this, the guidance has been edited to remove technical terminology and the glossary updated to ensure that necessary technical terms are fully defined.

A number of comments also raised that the purpose of the document was not clear. This point has been addressed through the redrafting of the document as guidance and the purpose made clear.

### **Strategic Flyways**

A main area of concern in the consultation responses was the principle of replacing the strategic flyways concept with the Landscape Connectivity Zone. Concerns included that there was little evidence for doing so and the replacement of strategic flyways would lessen the protection of GHBs from development pressure. Whilst these concerns are acknowledged, the approach taken in the new guidance (i.e. the LCZ) is considered to be more precautionary and better based on evidence than the flyways.

The designation of flyways was based on the best available evidence at the time. A review of this and further evidence demonstrated that GHBs make use of the wider landscape to travel between roosts and therefore protection of commuting routes and connectivity will give a greater level of protection and ensure all developments likely to have a significant effect on the integrity of the South Hams SAC undergo HRA.

### **Landscape Connectivity Zone**

Responses to the consultation raised concerns regarding the chosen boundary of the LCZ and whether this responded appropriately to evidence. The approach to the LCZ consulted upon looked at existing landscape features and a boundary was determined based on a best assumption of where bats may use the landscape to connect between roosts.

In response to the consultation, the boundary of the LCZ has been changed to reflect the maximum average distance that it is known a GHB will fly to connect to alternative roosts and to connect the maternity roosts to the other designated roosts. This approach is considered to be more proportionate and precautionary than the previous approach and provides adequate protection for commuting and connectivity.

Whilst it is acknowledged that there are roosts beyond the boundary of the LCZ which may be important to the South Hams SAC, the guidance is focused on the designated roosts. It is important to note that roosts and GHBs outside of the LCZ will still be protected through legislation.

### **Sustenance Zones**

A small number of responses questioned the size of the Sustenance Zones. The 4km zones have not been changed in response to the consultation as the distance selected is based on evidence as outlined in the guidance.

### **Monitoring and Review**

Responses to the consultation highlighted the need for the document to include detail as to how the approach will be monitored and reviewed. Information has now been included on this topic and a section included on how the proposed approach will be monitored for success and reviewed in light of new evidence.



**Meeting:** Overview and Scrutiny Board

**Date:** 10 July 2019

**Wards Affected:** All Wards

**Report Title:** Budget Monitoring 2018/19 – Quarter Four – Outturn

**Is the decision a key decision?** No

**When does the decision need to be implemented?** n/a

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## 1. Purpose and Introduction

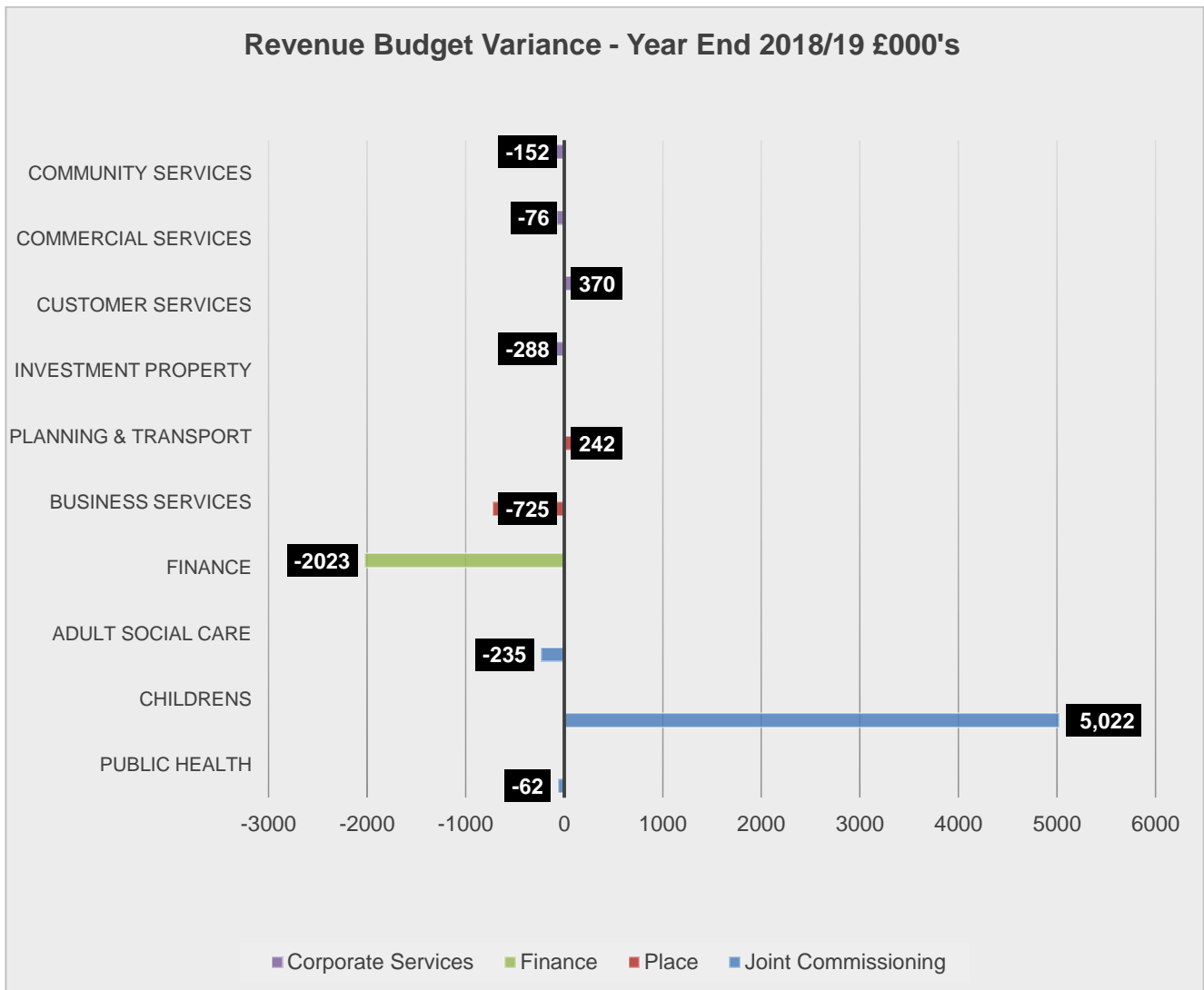
- 1.1 This report provides a **high level** budget summary of the Council's revenue and capital income and expenditure for the financial year 2018/19.
- 1.2 As at the end of 2018/19 the Council's **Revenue** budget is reporting an under spend of £0.5m for the financial year after the application of the previously reported one off funding. This was an improvement from the quarter three position as year-end figures and the moratorium continued to deliver financial savings. However this whole Council position is in the context of the overspend within Children's Services increasing to be £5.0m by the end of the year.
- 1.3 The year end position was in part achieved as following the Council's Senior Leadership Team putting in place in August 2018 arrangements for a moratorium on all spend or recruitment that was not urgent or required to meet statutory duties. The Chief Finance Officer also arranged additional processes to monitor and challenge orders and contracts placed by officers across the Council.
- 1.4 The Capital Plan Budget totals £212 million over the 4 year period. Capital expenditure of £67m was incurred in 2018/19 of which £35m related to the purchase of Investment Properties. The Capital Plan now requires approx. £2.1 million from (new) capital receipts and capital contributions over the life of the Plan to fund historic expenditure.
- 1.5 Under the officer scheme of delegation the Chief Finance Officer has approved the carry forward of unspent capital budgets (for expenditure or work in progress, together with their funding) from 2018/19 to 2019/20.

## 2. Recommendation (s) / Proposed Decision

- 2.1 That the Board consider the report and make any comments and/or recommendations for consideration by the Cabinet.

## 3. 2018/19 Revenue Budget Summary Position

- 3.1 As at year end the Council's revenue budget is reporting an under spend for 2018/19 of £0.5m after the application of one off funding. Within this position there is a £5.0m overspend in Children's Services, offset by under spends in other services and the application of one off funding. A bar chart summarising the budget variance by service for 2018/19 is as follows:



### Children's Social Care

- 3.2 The 2018/19 budget for Children's social care was increased by £3m, a 10% increase on the 2017/18 budget to reflect the levels of spend, in particular on Looked After Children. As previously reported in the six months to end of June 2018 the service experienced a 20% increase in Looked After Children numbers (in December 2017 the number of looked after children was 293 which had increased to 358 by the end of June 2018). Anecdotally other Councils in the south west and nationally also experienced a rise in numbers, but not at the percentage increase Torbay has experienced. Since June the total number of looked after children has stabilised, although with monthly variations in cases, their relative complexities and associated



cost. As at end March 2019 there were 361 looked after children, of which 34 were in residential placements. The number of residential placements has increased further to 43 (as at end May 2019).

3.3 The outturn position is an overspend of £5.0m. The reasons are as previously documented, namely, a clear trend that the complexity and unit cost of many care plans are increasing, and in part as a result of the national increase in demand for children's social care there is an ongoing challenge to attract and retain experienced social care staff. These challenges are in the context of the "inadequate" OFSTED judgement for the service in July 2018.

3.4 Based on recent activity it could be expected that, despite the allocation of £4.4m of additional funds to this service as part of the 2019/20 budget, the impact of the 2018/19 overspend will impact further on 2019/20. This is in particular a risk around the increase in the number of residential placements which are the highest cost placement type, where typical costs per child are between £5,000 to £10,000 per week. As a result the net underspend for 2018/19 will be transferred to the Comprehensive Spending Review Reserve to be held as a contingency for the costs of residential placements in 2019/20.

#### Higher Needs Block – Special Education Needs

3.5 As previously reported the schools' higher needs block in the Dedicated Schools Grant (DSG) has been under financial pressure as a result of an increasing level of referrals from schools for higher needs support for children, resulting in a forecast over spend in 2018/19 of £2.2m. The Council does not receive any funding for schools therefore the over spend will remain in the DSG to be funded in future years and is not a cost that the Council will fund. The cumulative deficit balance on the Dedicated Schools Grant reserve is now £2.8m.

#### Investment Property

3.6 In the fourth quarter of 2018/19 the Council completed the forward purchase of a property east of Exeter that will be developed as a distribution centre with an agreed tenant, for a total of £16m including purchase costs of which £2.3m was incurred in 2018/19. The costs of the borrowing required for the purchases are to be funded from future rental streams. Council approved a revised Minimum Revenue Provision (MRP) Policy in February 2019 which changed maximum asset lives used in the calculation based on the MHCLG statutory guidance issued in 2018. This change has been applied in 2018/19 generating an additional saving of £0.4m which is shown as a treasury management saving.

3.7 Detailed Position- The budget position for each service is shown in the table below:

Service	2018/19 Budget			Forecast Full Year Variance
	Expenditure £000s	Income £000's	Net £000's	£000's
Adult Social Care	52,740	(12,513)	40,227	(235)
Children's Services	82,709	(50,848)	31,861	5,022
Public Health	10,097	(721)	9,376	(62)
<b>Joint Commissioning</b>	<b>145,546</b>	<b>(64,082)</b>	<b>81,464</b>	<b>4,725</b>
Business Services	31,206	(16,853)	14,353	(725)
Planning and Transport	10,219	(2,599)	7,620	242
<b>Director of Place</b>	<b>41,425</b>	<b>(19,452)</b>	<b>21,973</b>	<b>(483)</b>
Community Services	4,559	(2,469)	2,090	(152)
Commercial Services	6,965	(2,090)	4,875	(76)
Customer Services	66,890	(63,468)	3,422	370
Investment properties	5,908	(8,961)	(3,053)	(288)
<b>Corporate Services</b>	<b>84,322</b>	<b>(76,988)</b>	<b>7,334</b>	<b>(146)</b>
Finance	21,113	(19,878)	1,235	(2,023)
<b>Gross Revenue Budget</b>	<b>292,406</b>	<b>(180,400)</b>	<b>112,006</b>	<b>2,073</b>
Sources of Funding	397	(112,403)	(112,006)	<b>(496)</b>
<b>Net Revenue Budget</b>	<b>292,803</b>	<b>(292,803)</b>	<b>0</b>	<b>1,577</b>
Application of one off funding				<b>(2,121)</b>
<b>Net Revenue Budget</b>				<b>(544)</b>
Transfer to CSR for CSC in 2019/20				544

A narrative of the position in each service area is as follows:

Service	Variance to Budget £m	Main Variances in 2018/19
Adult Social Care	(0.2)	Fixed payment agreed with ICO for 2018/19, with small underspends on some client budgets.
Children's Services	5.0	As detailed earlier
Public Health	(0.1)	Primarily a ring fenced budget

Director of Place	(0.5)	Agency staff & consultancy costs in spatial planning, offset by the impact of the moratorium of expenditure, higher than forecast savings in concessionary fares and lower than budgeted waste tonnages. In addition the revised car park tariffs generated higher income than forecast. The service also has allocated £0.450m to fund highways spend in 2019/20 as per the approved 2019/20 budget.
Corporate Services	0.2	Shortfall on printing income and lower than anticipated housing benefit subsidy offset by the impact of the moratorium and staffing savings.
Finance and Central	(2.0)	Primarily the £0.6m additional gain on NNDR Pilot and the £0.4m gain on a revised MRP calculation with confirmed reductions on pension costs, additional investment income, higher than forecast harbour surplus, release of unallocated contingency and a net saving within financial services.
Investment Properties	(0.3)	As detailed earlier
<b>Sub Total</b>	<b>2.1</b>	
Sources of Funding	(0.5)	One off release of 2018/19 NNDR funding by MHCLG announced in 2019/20 provisional local government finance settlement.
Application of one off Funding	(2.1)	Release of unspent capital budgets and earmarked reserve
<b>Total</b>	<b>(0.5)</b>	Projected under spend

#### 4 Risks & Sensitivity

4.1 There are a number of financial risks facing the Council as shown below:

<b>Risk</b>	<b>Impact</b>	<b>Mitigation</b>
Achievement of approved savings for 2019/20	Medium	2019/20 Budget monitoring and "saving tracker" monitored by senior staff.
Achievement of Children's Services cost reduction plan	High	Regular monitoring of performance and recovery plan, due to be revised for 2019/20
Identification, and achievement, of £18m of savings for 2020/21 to 2022/23 per Medium Term Resource Plan March 2019	High	Transformation Team set up to coordinate the implementation of potential transformation savings.  Senior Leadership Team and Cabinet will need to consider options for future years.
Unable to recruit staff and need to use agency staff.	High	Children's Services have experienced difficulties for several years. This issue is now appearing in other services including planning and legal services.
Pressure achieving income targets in some services	Low	A small number of services are not meeting their income targets (which increase by 3% each year).
Additional demand and cost pressures for services particularly in children's social care	High	19/20 Budget monitoring, use of service performance data and recovery plan.

Investment Property Income changes	Low	Regular review of income and tenant negotiation
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## 5 Statement of Accounts 2018/19

- 5.1 The Council's statutory accounts for 2018/19 were "authorised for issue" on the 31<sup>st</sup> May in line with legislation. The Accounts are available on the Council's website and will be audited by the Council's external auditor, Grant Thornton.

## 6. Balance Sheet issues

### Borrowing

- 6.1 In quarter four the Council borrowed a further £18m, primarily to fund investment property loans and acquisitions in 2018/19. Total borrowing as at 31 March was £303m. Borrowing is still below the approved Operational and Authorised limits for the year.

### Council Subsidiary Companies

- 6.2 The Council has interests in a number of companies. The financial performance for 2018/19 of these companies is included in the Council's statement of accounts (link below). <http://www.torbay.gov.uk/council/finance/statement-of-accounts/>
- 6.3 All of these companies form part of the Council's group boundary, therefore Members should be aware of the assets and liabilities of these companies.
- 6.4 In April 2019 the TDA, a Council subsidiary, acquired the shares in C&A Consultancy Limited.

### Debtor – Write offs

- 6.5 The total value of debtor "write offs" in the fourth quarter of 2018/19 was:

Service	Number of records written off	Value of write offs £000's
Council Tax	594	175
NNDR	17	182
Housing Benefit	337	106

- 6.6 Exempt Appendix 2 contains details of write offs over £5,000.
- 6.7 The 2019/19 "in year" collection rates for both Council Tax and NNDR were both higher compared to 2017/18.

Council Tax	96.3%	(up from 95.6% in 2017/18)
NNDR	96.6%	(up from 96.4% in 2017/18)

## **7 Capital Plan Summary Position**

7.1 The Capital Plan Budget total £212 million over the 4 year period. Capital expenditure of £67m was incurred in 2018/19 of which £35m related to the purchase of Investment Properties.

7.2 Appendix One shows the expenditure on each scheme in 2018/19 compared to level of spend estimated at quarter three. The final column shows the balance that will be carried forward to fund capital expenditure in future years.

### **7.3 Protecting Children**

7.4 Spend of £3.2m in 2018/19 including ongoing repairs and maintenance for schools, enhancements at both Ellacombe and Brunel academies plus an enhancement at Torquay Academy for secondary school places.

### **7.5 More Prosperous Torbay**

7.6 Spend of £19.3m in 2018/19. The premises at White Rock leased to Graphics Control became operational with spend in year of £1.6m. The EPIC building at White Rock is close to completion with spend of £5.6m in the year. Land at Edginswell was purchased in the year for a cost of £2.9m and proposals for the site will be brought forward to Members in 2019. Land for housing at two locations were surrendered by TCCT to the Council for £2.4m, again proposals for the site will be brought forward to Members in 2019. Ongoing major highway works at Western Corridor (£2.4m) and other highways spend (£2.9m) including payments in relation to the South Devon Highway.

7.7 Works also continued on the Claylands site for regeneration, Oxen Cove jetty, and the Hotel development on the Terrace car park. Although most of these schemes were in progress, the actual spend in year was lower than forecast by the project managers.

7.8 A loan agreed by Council to the TDA including the loan for industrial units in Paignton in December 2018 were not drawn down in year. The first drawdown took place in April 2019.

7.9 There was a significant variation in the payment due to Devon County Council for payments in relation to South Devon Highway compared to previous forecasts supplied.

7.10 Spend in year was lower than forecast on a number of schemes including ongoing delays in the Claylands development in relation to both the site and the proposed "pre let".

### **7.11 Attractive and Safe Place**

7.12 Spend of £5.6m on a wide range of schemes including a loan to Parkwood Leisure for investment at Clennon Valley leisure centre (£1.1m),

7.13 A significant number of other schemes commenced in the year including toilet refurbishment, Brixham Victoria breakwater, CCTV system replacement, Harbour Lights in Paignton, Haldon and Princess Pier work and Beacon Quay decking. Although most of these schemes were in progress, the actual spend in year was lower than forecast by the project managers.

7.14 In addition there were a number of schemes where although the intention was to progress a number of schemes further by the financial year end in a number of cases some expenditure has been delayed to 2019/20. These include Brixham Breakwater and Oxen Jetty, where there were issues in obtaining the appropriate licenses prior to work commencing, although both schemes are now progressing.

### 7.15 Supporting Vulnerable Adults

7.16 Spend of £2.2m in 2018/19 including spend of £0.9m on Disabled facility Grants and £1.3m on the purchase of a site in Torquay for extra care housing.

7.17 The only significant variances was the carry forward of unspent allocations for affordable housing and adult social care capital. In addition although the actual spend on disabled facilities grants was close to the 2018/19 allocation, the underspend carried forward from previous years was not fully spent on schemes in the year.

### 7.18 Corporate Support

7.19 Spend of £1.0m including £0.2m IT investment and £0.3m on office accommodation improvements to Electric House. These works have been part funded from revenue.

### 7.20 Investment Properties

7.21 Spend of £35.2m in the year. The expenditure reflects the purchase of investment properties at Gloucester, Bodmin, Exeter and Babbacombe. In addition the first tranche of payments in relation to a forward purchase on a distribution depot in Exeter.

7.22 The loan for the hotel development in Torwood Street was not drawn down in 2018/19 with the first drawdown occurring in April 2019. In addition no other property purchases occurred in the last quarter of the year therefore the balance of the Fund profiled for 2018/19 purchases is to be carried forward.

## 8 Funding

8.1 A summary of the funding of the 2018/19 Capital Plan is shown in the Table below:

2018/19 Funding	Totals @ Q4 £m
Unsupported Borrowing	47
Grants	14
Contributions	1
Revenue	2
Reserves	0
Capital Receipts	3
<b>Total</b>	<b>67</b>

## 9. Grants

9.1 The Council has been notified of the following **2018/19** capital grant allocations in the fourth quarter.

- a) MHCLG – Coastal Revival Grant - £50,000. A small grant to support Paignton and Preston Community Partnership to support the restoration of the sea front shelters. £20,000 was allocated to the Partnership in March 2019.
- b) Department for Education – SEND Grant (additional) - £233,000.
- c) Department for Education– Devolved Formula Capital Grant - £158,000.
- d) Great Western Railway – Edginswell Contribution - £8,000

9.2 The Council has also been notified of the following **2019/20** capital grant allocations in the fourth quarter.

- e) Department for Education – Schools Condition Funding - £418,000.
- f) Department for Education – Devolved Formula Capital Grant - £81,000.
- g) Department for Transport – Highways Grants – “potholes” - £95,000

9.3 All the above grants will be included in the Council’s 2019/20 capital budget.

## **10. Capital Receipts**

10.1 To date in 2018/19 under £1.0m of capital receipts have been generated of which £0.8m was received in February 2019 linked to the TCCT land purchase approved by Council in December 2018. The next largest receipt was under £0.1m from the disposal of Torhill Road day centre. Currently, primarily linked to the expenditure on the surrender of land from the TCCT, the approved Plan relies upon the generation of a total of £2.1 million additional capital receipts from asset sales.

## **11. Capital Contributions – S106 & Community Infrastructure Levy**

11.1 In 2018/19 under £0.7m of capital contributions were generated. Of this value, £0.3m was from s106 agreements and the balance being contributions to specific schemes by other partners.

11.2 The Council’s Community Infrastructure Levy (CIL) scheme came into effect in 2017/18. The main capital project identified for funding from CIL receipts is the South Devon Highway. No significant CIL funds have yet been received in 2018/19.

## **Appendices:**

Appendix 1 - Capital Plan expenditure and funding summary – Quarter Four 2018/19  
 Appendix 2 – EXEMPT – write offs over £5,000.

**CAPITAL PLAN - QUARTER 4 2018/19 - EXPENDITURE**

		Revised 4-year Plan May 2019								
	Cost Centre	Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Actuals 2018/19 Qtr 4	Total 2018/19 Revised	Total carry forward to 19/20	2019/20	2020/21	2021/22	Total for Plan Period
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>PB = Approved Prudential Borrowing schemes</b>										
<b>Protecting children and giving them the best start in life</b>										
	Brookfield Site / Brunel Academy Phase 1	YEC10	1,050	497	498	553	55			55
	Brunel Academy Ph 2 Vocation Classrooms	YEC14	1,000		22	250	228	750		978
	Capital Repairs & Maintenance 2014/15 (incl. Furzeham)	YEE39	743	743	0	0	0			0
	Capital Repairs & Maintenance 2016/17 and 2017/18	YEE41	113		112	113	1			1
	Capital Repairs & Maintenance 2018/19	YEE42	378		224	358	134	20		154
	Cockington Primary expansion	YEA24	3,144	3,142	2	2	0			0
	Devolved Formula Capital	YEE10	156		91	156	65			65
	Early Years - Ellacombe Academy Nursery	YEA41	908	275	617	633	16			16
	Early Years - White Rock Primary Nursery	YEA40	420	406	3	14	11			11
	Education Review Projects	YET01	857		40	3	(37)	125	729	817
	Healthy Pupils Capital Fund	YEE50	39		39	39	0			0
	Medical Tuition Service - relocation	YEC13	601		43	396	353	205		558
	New Paignton Primary school	YEA39	609	7	2	2	0	600		600
	Roselands Primary - additional classroom	YEA42	599		97	40	(57)	559		502
	Secondary School places	YEB22	2,187	937	1,202	1,250	48			48
	PCSA Expension	YEB24	0	0	5	0	(5)			(5)
	Special Provision Fund (SEND)	YEC12	616		165	282	117	167	167	451
	Torbay School Relocation	YEC11	1,200	182	2	18	16	500	500	1,016
	Youth Modular Projects	YEF11	372	372	0	0	0			0
			<b>21,553</b>	<b>6,561</b>	<b>3,164</b>	<b>4,109</b>	<b>945</b>	<b>2,926</b>	<b>1,396</b>	<b>0</b>
<b>Working towards a more prosperous Torbay</b>										
<b>PB</b>	Claylands Redevelopment	YNA12	10,400	185	538	1,529	991	7,310	1,376	9,677
	DfT Better Bus Areas	YJC02	1,183	1,095	0	88	88			88
<b>PB</b>	Edginswell Business Park	YNA14	6,620	25	2,912	3,095	183	3,500		3,683
<b>PB</b>	Employment Space, Torbay Business Park	YNA13	6,644	5,011	1,634	1,633	(1)			(1)
<b>PB</b>	Innovation Centre Ph 3 (EPIC)	YNA05	7,749	777	5,642	6,295	653	677		1,330
<b>PB</b>	Investment Fund	YAB42-44	200,200	119,744	35,163	49,883	14,720	30,573	0	45,293
	Land acquisitions from TCCT	YNA33	2,444		2,360	2,444	84			84
	Land Release Fund projects	YNA30-32	0	0	0	0	0	0		0
	Old Toll House, Torquay	YCE26	20	9	19	11	(8)			(8)
<b>PB</b>	Oxen Cove Landing Jetty	YMB05	1,966	119	619	1,847	1,228			1,228
	Oxen Cove Shellfish processing facility -design work	YMB06	0	0	0	0	0	0		0
<b>PB</b>	South Devon Highway - Council contribution	YJC07	20,224	17,694	600	2,123	1,523	407		1,930
<b>PB</b>	TEDC Capital Loans/Grant	YNA11 / 06	4,040	1,965	0	2,075	2,075			2,075



**CAPITAL PLAN - QUARTER 4 2018/19 - EXPENDITURE**

		Revised 4-year Plan May 2019									
	Cost Centre	Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Actuals 2018/19 Qtr 4	Total 2018/19 Revised	Total carry forward to 19/20	2019/20	2020/21	2021/22	Total for Plan Period	
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
<b>PB = Approved Prudential Borrowing schemes</b>											
PB	Town Centre Regeneration Programme	YNA20-23 / Y	25,016		311	266	(45)	16,750	8,000		24,705
	Transport Highways Structural Maintenance	YJA01/YJB01			1,326	2,201	875	1,174	1,174		3,223
	Transport Integrated Transport Schemes	YJC01/YJD01			896	787	(109)	550	562		1,003
	Transport - Torquay Gateway Road Improvements	YJC18	2,927	1,050	56	63	7	1,764	50		1,821
	Transport - Torquay Town Centre Access	YJC17	530	414	6	116	110				110
	Transport - Tweenaway Junction	YJC06	4,899	4,899	4	0	(4)				(4)
	Transport - Western Corridor	YJC14	12,271	7,324	2,435	2,877	442	1,870	200		2,512
PB	Upton Place, Lymington Road (Student Accom - Town Hall Car Park)	YNA15	0		0	0	0	0			0
			307,133	160,311	54,521	77,333	22,812	64,575	11,362	0	98,749
<b>Ensuring Torbay remains an attractive and safe place to live and visit</b>											
	Babbacombe Beach Road	YJE02	70	0	0	70	70				70
	Brixham Harbour - Breakwater	YMB04	3,853	0	2,496	3,853	1,357				1,357
	Brixham Harbour - Fendering	YMB07	300	6	(6)	294	300				300
PB	CCTV equipment	YBD02	472	0	226	152	(74)	320			246
	Torbay Community Partnership	YCE31	20	0	20	0	0				0
	Clennon Valley Sport Improvements	YCE28	70	2	30	68	38				38
	Flood Alleviation - Cockington	YKA30	328	6	37	125	88	197			285
	Flood Alleviation - Monksbridge	YKA31	412	10	39	200	161	202			363
	Flood Defence schemes (with Env Agency)	YKA17/20/21/	630	630	0	0	0				0
PB	Freshwater Cliffs Stabilisation	YKA27	375	330	1	45	44				44
	Haldon Pier - Structural repair Phase I&2	YMA04	3,045	3,045	0	0	0				0
	Hollicombe Cliffs Rock Armour	YKA26	1,351	1,330	21	21	0				0
	Libraries Unlimited ICT Upgrades	YCA04	107	0	0	107	107				107
PB	Paignton Harbour Light Redevelopment	YMC01	600	0	78	100	22	500			522
PB	Parkwood Loan re Torbay Leisure Centre	YCE29	1,700	515	1,185	1,185	0				0
	Princess Gardens Fountain	YCE30	122	117	65	5	(60)				(60)
	Princess Pier - Structural repair (with Env Agency)	YMA04	1,683	85	721	950	229	648			877
PB	Public Toilets Modernisation Programme	YKA29	1,180		558	780	222	400			622
	Torbay Leisure Centre - structural repairs	YCE21	541	541	0	0	0				0
	Torre Abbey Renovation - Phase 2	YCB04	5,010	4,992	0	18	18				18
	Torre Abbey Renovation - Phase 3 (Torbay Council commitment)	YCB06	0		0	0	0	0			0
	Torre Valley North Enhancements	YCE25	127	40	0	87	87				87
	Torquay Harbour - Beacon Quay Decking	YMA11	98		98	80	0				0
	Torquay Harbour - Town Dock Pontoons Replacement	YMA10	276	263	13	0	0				0
			22,370	11,912	5,582	8,140	2,609	2,267	0	0	4,876

**CAPITAL PLAN - QUARTER 4 2018/19 - EXPENDITURE**

		Revised 4-year Plan May 2019								
Cost Centre	Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Actuals 2018/19 Qtr 4	Total 2018/19 Revised	Total carry forward to 19/20	2019/20	2020/21	2021/22	Total for Plan Period	
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
<b>PB = Approved Prudential Borrowing schemes</b>										
<b>Protecting and supporting vulnerable adults</b>										
Adult Social Care	YQD10		42	780	738				738	
Affordable Housing	YTB05		0	497	497	2,385			2,882	
Extra Care Housing		1,400	1,301	0	(1,301)	1,400			99	
<b>PB</b> Housing Rental Company - Loan	YTB52	25,000	0	0	0	12,500	12,500		25,000	
Housing Rental Company - Aff Hsg Developments	YTB53	100	0	100	100				100	
Sanctuary HA - Hayes Road Pgn	YTB31	250	250	0	0				0	
Disabled Facilities Grants	YQA01	1,497	897	1,497	600				600	
Empty Homes Scheme	YTB51	43	43	0	0				0	
Private Sector Renewal	YTA01		0	0	0				0	
		<b>28,290</b>	<b>294</b>	<b>2,240</b>	<b>2,874</b>	<b>16,285</b>	<b>12,500</b>	<b>0</b>	<b>29,419</b>	
<b>Corporate Support</b>										
<b>PB</b> Corporate IT Developments	YAA12	1,035	417	243	618	375			375	
<b>PB</b> Council Fleet Vehicles	YLA01	4,771	333	0	130	130	2,694	1,614	4,438	
<b>PB</b> Essential Capital repair works	YBB03	872	0	65	0	(65)	872		807	
Enhancement of Development sites	YAB32	327	125	(18)	202	220			220	
Flexible Use of Capital Receipts (NB. Not Capital expenditure)		657	300	357	357	0			0	
Office Rationalisation Project - Electric House refurbishment	YAB38	700	326	254	374	120			120	
Payroll Project	YAA11	370	358	1	9	8	3		11	
Capital expenditure from Revenue	YAB07	99	0	99	0	0			0	
General Capital Contingency	YBB01	631	0	0	0	0	631		631	
		<b>9,462</b>	<b>1,859</b>	<b>1,001</b>	<b>1,690</b>	<b>788</b>	<b>4,200</b>	<b>1,614</b>	<b>0</b>	<b>6,602</b>
<b>TOTALS</b>			<b>180,937</b>	<b>66,508</b>	<b>94,146</b>	<b>27,788</b>	<b>90,253</b>	<b>26,872</b>	<b>0</b>	<b>144,913</b>
<b>CAPITAL PLAN - QUARTER 4 2018/19 - FUNDING</b>										
Unsupported Borrowing			46,499	67,684	21,093	73,907	23,470		118,470	
Grants			13,686	19,991	6,751	10,315	3,336		20,402	
Contributions			512	781	352	1,485			1,837	
Revenue			2,210	735	(1,492)	1,640	203		351	
Reserves			504	1,045	2,410	526	(137)		2,799	
Capital Receipts			3,097	3,910	(1,326)	2,380			1,054	
<b>Total</b>				<b>66,508</b>	<b>94,146</b>	<b>27,788</b>	<b>90,253</b>	<b>26,872</b>	<b>0</b>	<b>144,913</b>

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