



Town Hall, Castle Circus,
Torquay, Devon TQ1 3DR
Main Switchboard (01803) 201201
Fax (01803) 207006 DX 59006

Wednesday, 30 November 2011

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Ballroom, Oldway Mansion, Torquay Road, Paignton, TQ3 2TE** on **Thursday, 8 December 2011** commencing at **2.00 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

Elizabeth Raikes
Chief Executive

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

Our vision is working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207012

Email: democratic.services@torbay.gov.uk

(i)
THE MJ
2010
Achievement Awards
COMMENDED

Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

To confirm as a correct record the minutes of the meeting of the Council held on 31 October 2011.

(Pages 1 - 18)

4. **Declarations of interests**

(a) To receive declarations of personal interests in respect of items on this agenda

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial 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 Democratic Services or Legal Services prior to the meeting.)

5. **Communications**

To receive any communications or announcements from the Chairman, the Mayor, the Overview and Scrutiny Co-ordinator or the Chief Executive.

6. **Members' questions**

To answer any questions asked under Standing Order A13.

7. **Mayoral Decisions**

- (a) Mayoral Decision - Adoption Activity Report (Pages 19 - 30)
To note the attached report on the Adoption Activity for 2011/2012.
- (b) Mayoral Decision - Annual Report for the Virtual School for Children Looked After (Pages 31 - 82)
To note the above report from the Virtual School Governing Body.
- (c) Mayoral Decision - Revenue Budget Monitoring 2011/12 Quarter 2 - Subject to Call-In (Pages 83 - 126)
To note the attached report* and consider any recommendations of the Overview and Scrutiny Board on revenue budget monitoring.
- (d) Mayoral Decision - Revenue Budget 2012/13 - Provisional Spending Targets
The Mayor to present his provisional spending targets for 2012/13 for a six week consultation period.
- (e) Mayoral Decision - Capital Investment Plan for 2012/13 to 2015/16
The Mayor to present his provisional Capital Investment Plan for 2012/13 to 2015/16 for a six week consultation period.
- (f) Mayoral Decision - Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods - Subject to Call-In (Pages 127 - 134)
To consider the attached report on the annual review of the above policy.
- (g) #Mayoral Decision - Employment Growth and Enterprise Programme - Subject to Call-In (To Follow)
To consider the attached report on the above.
8. **Adjournment**
To consider adjourning the meeting until 5.30 p.m.

(Please note that items with an # will be discussed after 5.30 p.m.)
9. **#Beach Hut Charges** (To Follow)
To consider the submitted report on proposed increases to beach hut charges.
10. **Capital Budget Monitoring 2011/12 (2nd Quarter)** (Pages 135 - 158)
To consider the attached report and any recommendations of the Overview and Scrutiny Board on capital budget monitoring for the quarter ending September 2011.
11. **Council Tax Base 2012/13 and other Financial Matters** (To Follow)
To consider a report on the setting of the Tax Base in respect of Council Tax for 2012/13 and related issues.

- 12. Torre Abbey Village Green Application** (Pages 159 - 166)
To consider the submitted report on an application for Village Green Status for Torre Abbey.
- 13. Proposed Amendment to Byelaws to Allow Cycling in Torbay Parks and Pleasure Grounds** (Pages 167 - 172)
To consider the submitted report on the proposed amendment to the Byelaws in respect of parks and pleasure grounds.
- 14. Urgent Decision taken by the Chief Executive under the Officer Scheme of Delegation - Recruitment of Directors** (Pages 173 - 174)
To note the details of decision taken by the Chief Executive on the grounds of urgency as set out in the submitted Report.

Minutes of the Extraordinary Council

31 October 2011

-: Present :-

Chairman of the Council (Councillor Mills) (In the Chair)
Vice-Chairman of the Council (Councillor Stringer)

The Mayor of Torbay (Mayor Oliver)

Councillors Addis, Baldrey, Barnby, Bent, Brooksbank, Butt, Cowell, Davies, Darling, Ellery, Excell, Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Morey, Parrott, Pentney, Pountney, Pritchard, Richards, Scouler, Stockman, Stocks, Thomas (D), Thomas (J) and Tyerman

349 Opening of meeting

The meeting was opened with a prayer. Members then observed a minute's silence as a mark of respect in memory of Lance Corporal Jonathan McKinlay of the Rifles who lost his life in Afghanistan on 14 September 2011.

350 Apologies for absence

Apologies for absence were received from Councillors Amil, Doggett, Faulkner (A) and Faulkner (J).

351 Minutes

The Minutes of the meeting of the Council held on 29 September 2011 and the adjourned meeting held on 30 September 2011 were confirmed as a correct record and signed by the Chairman.

352 Declarations of interests

The following personal interests were declared:

Councillor	Minute Number	Nature of interest
Baldrey	357	Chairman of Brixham Arts and Theatre Society
Barnby	357	Member of Brixham Operatic and Amateur Dramatic Society

Ellery	357	Member of Brixham Town Council
James	357	Member of Brixham Town Council
Morey	357	Member of Brixham Town Council
Stockman	357	Member of Brixham Town Council

353 Communications

The Chairman:

- (a) advised members of the Remembrance Sunday services that were taking place on Sunday 13 November 2011. Services were due to be held at Brixham and Torquay at 11.00 am at the war memorials and a service at Paignton Parish Church at 3.00 pm; and
- (b) stated that although this meeting started at 5.30 pm it was still the Chairman's intention to start all future Council meetings at 2.00 pm to avoid the need for adjournments to another day. Items of significant public interest would be considered after 5.30 pm and meetings would start at 5.30 pm when the agenda was short.

The Mayor thanked all members and voluntary organisations for joining him in celebrating the opening of Parkfield House, Paignton. He added that the new facilities would provide a great service for young people.

354 Members' questions

Members received a paper detailing the questions, as set out at Appendix 1 to these Minutes, notice of which had been given in accordance with Standing Order A13.

Councillor Darling presented the question submitted by Councillor Faulkner (J) in her absence.

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered by Mayor Oliver (question 3 and 4), Councillor Scouler (question 5) and Councillor Tyerman (question 6).

355 Notice of motion

Members received a motion in relation to the timing of Council meetings, notice of which was given in accordance with Standing Order A14 and as set out on the agenda.

Prior to consideration of the motion, the Chairman advised members that he and the Chief Executive could determine the time and arrangements of meetings.

In accordance with Standing Order A16.9, Councillor Cowell, with consent of Councillor Parrott as seconder, withdrew his motion.

356 Mayoral Decision - Disposal of Assets - Subject to Call-in

The Council made the following recommendation to the Mayor:

It was proposed by Councillor Thomas (D) and seconded by Councillor Parrott:

- (i) that the three assets listed in Appendix 1 of the submitted report be declared no longer required for service delivery and that the Chief Executive of the Torbay Development Agency be requested to advertise their intended disposal in accordance with the Council's Community Asset Transfer Policy; and
- (ii) that, subject to any expressions of interest received in respect of (i) above, the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency, be authorised to dispose of the assets listed in Appendix 1 of the submitted report.

On being put to the vote, the motion was declared carried (unanimous).

At the meeting, the Mayor considered the recommendation of the Council (as set out above) and the record of his decision, together with further information, is attached to these minutes.

357 Mayoral Decision - Transfer of Brixham Town Hall to Brixham Town Council - Subject to Call-in

A revised officer recommendation was circulated at the meeting. The Council made the following recommendations to the Mayor:

It was proposed by Thomas (D) and seconded by Councillor Morey:

- (i) that, subject to receiving the South West Regional Development Agency's consent, the Executive Head Commercial Services be authorised, in consultation with the Chief Executive of the Torbay Development Agency, to transfer the freehold of the Brixham Town Hall to Brixham Town Council (as identified on plan EM2151 of the submitted report) for no capital receipt. The transfer to include provision, satisfactory to the Executive Head Commercial Services, that 50% of any receipt from a disposal of the property, within 15 years of its transfer to Brixham Town Council, be paid to Torbay Council; and
- (ii) that, subject to receiving the South West Regional Development Agency's consent, the Executive Head Commercial Services be authorised, in consultation with the Chief Executive of Torbay Development Agency and the Executive Head Children, Schools and Communities, to simultaneously enter into a 125-year lease at a peppercorn rent from Brixham Town Council

for use by Torbay Council for an area within the Town Hall for the Torbay Youth Service.

On being put to the vote, the motion was declared carried.

AT the meeting, the Mayor considered the recommendation of the Council (as set out above) and the record of his decision, together with further information, is attached to these minutes.

(Note: Prior to consideration of Minute 357, Councillors Baldrey, Barnby, Ellery, James, Morey and Stockman declared their personal interests.)

358 Proposed Business Case for Review of Parking Services

The Council established the Productivity Improvement Programme (PIP) in October 2010 to identify significant savings and meet the financial challenges over the next four years. The submitted report set out the PIP's review of parking services. The Council was requested to make recommendations to the Mayor and consider the funding for the investment of new equipment and services.

It was proposed by Councillor Excell and seconded by Councillor Hill:

- (i) that the Mayor approve the recommendations of the Transport Working Party in respect of the outcome of the Parking Review identified below:
- Clamp persistent PCN evaders who do not pay their fines – clamping to be implemented when there are over 5 outstanding fines unpaid on a vehicle.
 - Rent space to car washing and valeting services in car parks.
 - Increase the cost of parking permits for off street car parks by 10%.
 - Review of seasonal tariffs in relation to non seasonal tariff rates (being developed separately, and will be advertised in accordance with good practice for implementation from 1 January 2012).
 - Use mobile enforcement vehicles to enforce illegal parking at schools/bus stops and where necessary to improve safety.
 - Offer parking management solutions to private car park operators.
 - Differentiate off street parking charges related to location (being developed separately, and will be advertised in accordance with good practice for implementation from 1 January 2012).
 - Review options on provision of parking charges for disabled permit holders and charge a nominal administration fee of £20 for permits at renewal.
 - Charge skip providers the on street parking charges as well as the skip licence where located on chargeable spaces.
 - Introduce more on street parking areas (as proposed in Appendices 6 and 7 to the submitted report), subject to evidence of return on investment and details of payback period being to the satisfaction of the Executive Head of Finance, in consultation with the Executive Lead for Finance and Audit.

- Review management options of on street and off street motorbike parking areas.
 - Provide additional commercial advertising hoarding space in car parks.
 - Pay on exit options in car parks if the business case shows a return on investment within four years. Business case to be signed off by the Executive Head of Finance in consultation with the Executive Lead for Finance and Audit.
- (ii) that the Mayor be recommended to authorise the advertisement of Orders introducing paying parking places (parking meters) on highways as identified in Appendices 6 and 7 to the submitted report subject to evidence of return on investment and details of payback period being to the satisfaction of the Executive Head of Finance, in consultation with the Executive Lead for Finance and Audit;
- (iii) that the Mayor be recommended to authorise the Commissioner for Place and Environment, in consultation with the Executive Lead for Safer Communities and Transport, to consider any objections received and approve or reject the making of any such Orders; and
- (iv) that, the Council approves the Council's Capital Plan be amended to include up to £369,000 for the investment in new equipment and services, and that this is funded from prudential borrowing, as an invest to save project. This will be financed over a 10 year period from additional revenue provision of up to £47,000 per annum.

An amendment was proposed by Councillor Stocks and seconded by Councillor Pentney (additional wording to (i) second bullet):

- Rent space to car washing and valeting services in car parks, with priority being given to charities and social enterprises to deliver these services with no rental being levied on them.

On being put to the vote the amendment was declared lost.

The original motion was then put to the vote and declared carried.

At the meeting, the Mayor considered the recommendations of the Council in (i), (ii) and (iii) above, and the record of his decisions, together with further information, is attached to these minutes.

359 Princess Promenade Refurbishment

At the adjourned meeting of the Council on 30 September 2011 it was decided to defer consideration of the above to this meeting. A new report was submitted setting out proposals to repair the defective structure of the 'banjo' and the eastern section of Princess Parade, Torquay, to enable the closed sections to be reopened as soon as possible.

It was proposed by Mayor Oliver and seconded by Councillor Excell:

- (i) that the capital programme for 2011/12 be amended to provide £800,000 to carry out the first phase of repairs to the promenade and upper level of the Banjo to be opened for the Summer of 2012;
- (ii) that the capital programme for 2012/13 be amended to provide £2.15 million to fund the second phase of the repairs to the structure to secure its long term future;
- (iii) that tenders be invited and a contract let to carry out repairs to the Eastern Promenade and minimal repairs to the banjo. The contract is to commence in early 2012 to allow the promenade and banjo to be open for the summer 2012;
- (iv) that the second phase of the works to provide long term repairs to the banjo and eastern promenade be progressed and a contract let in July 2012 unless alternative proposals to redevelop the area have been approved by the Council; and
- (v) that, subject to alternative capital resources being identified, the project is funded from prudential borrowing to be financed from the Council's revenue budget. The financial implications to be reflected in future year revenue budgets.

An amendment was proposed by Councillor Darling and seconded by Councillor Pentney:

- (i) that the capital programme for 2012/13 be amended to provide £2.95 million to fund the regeneration of the Princess Promenade area, including the Eastern Promenade and Banjo area (the Area), subject to the following:
 - (a) The outcome of the public consultation currently being undertaken and ongoing dialogue with the relevant community stakeholders; and
 - (b) A contract being entered into with a developer on terms acceptable to the Executive Head Commercial Services, in consultation with the Chief Executive of Torbay Development Agency, such contract to include a commitment for the works to the Area commencing no later than January 2013; and
 - (c) The regeneration to include:
 - an events space in the area where the Banjo is now sited; and
 - a long term design solution, with a life span of a minimum of 50 years, which will require only routine maintenance;
- (ii) that officers seek tenders for the repair of the Banjo and Eastern Promenade to twin track the project should private investment not be forthcoming; and
- (iii) that, subject to alternative capital resources being identified, the project is funded from prudential borrowing to be financed from the Council's revenue

budget. The financial implications to be reflected in future year revenue budgets.

On being put to the vote the amendment was declared lost.

The original motion was then put to the vote and declared carried.

Chairman

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Meeting of the Council

Monday, 31 October 2011

Questions Under Standing Order A13

<p>Question (1) by Councillor McPhail to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas</p>	<p>Can you tell me what we are doing to meet the housing needs of older people in Torbay?</p>
<p>Question (2) by Councillor Barnby to the Executive Lead for Adult Social Care and Older People – Councillor Scouler</p>	<p>What is the Bay Wide CCG (Clinical Commissioning Group) and what are the full implications it will have for the residents of Torbay?</p>
<p>Question (3) by Councillor Parrott to the Mayor – Mayor Oliver</p>	<p>Is the Mayor aware that the Localism Bill includes a clause allowing ministers to levy unlimited EU fines on local authorities - as described in official Explanatory Note 18 as follows;</p> <p>‘Explanatory Notes to the bill: PART 2: EU FINES 18. This part creates a power to recover funds from local authorities and other public authorities in England in order to pay all, or part of, a European Court of Justice financial sanction imposed for a failure of the United Kingdom to comply with an obligation under the EU treaties.’</p> <p>and, that this clearly defines his party’s approach to greater local democracy (ie) that Brussels is in ultimate control of Torbay’s finances?</p>
<p>Question (4) by Councillor Cowell to the Mayor and Executive Lead for Employment Regeneration – Mayor Oliver</p>	<p>With the latest unemployment figures revealing Torbay has the highest level of jobless in the South West (4.3%, 6.0% of men), can the Mayor confirm his plans for economic regeneration.</p> <p>In particular,</p> <ul style="list-style-type: none"> • When will the Torbay Development’s Agency register of employment land and buildings be published and how is it intended to be used? • What measures are being taken to recognise and deal with the alarmingly high levels of jobless 18-24 year olds?

	<p>While welcoming the investment in areas such as Torwood Street, Palm Court and the MDL/Banjo area, the business park at Whiterock has so far only seen the development of yet another hotel. When will jobs from other sectors be provided there and elsewhere?</p> <p>Does the Mayor agree with me that more has to be done now, especially with the increasing number of job losses in the public sector because of the Government imposed cuts, to help create urgently needed jobs ahead of any successful bid for the Link Road?</p>
<p>Question (5) by Councillor Faulkner (J) to the Executive Lead for Adult Social Care and Older People - Councillor Scouler</p>	<p>What is the latest update on the closure of the John Parkes Unit?</p>
<p>Question (6) by Councillor Pentney to the Executive Lead for Finance and Audit – Councillor Tyerman</p>	<p>Is the contract already signed, regarding the lease on Oldway Mansion to be adjusted to reduce the capital receipt Torbay Council will eventually receive?</p>



Title: **Adoption Activity Report**

Public Agenda Item: **Yes**

Wards Affected: **All Wards in Torbay**

To: **The Mayor / Council** On: **8th December 2011**

Contact Officer: **Rhona Lewis**
Telephone: **01803 207870**
E.mail: **Rhona.lewis@torbay.gov.uk**

1. Key points and Summary

1.1 This report is to inform members of the Torbay Council Children's Services adoption Agency activities for the period 1st April 2011 to 30th September 2011.

2. Introduction

2.1 The legal concept of adoption

Adoption is a legal concept which creates a complete and permanent transfer of parental responsibility from a birth parent to an adoptive parent when a court makes an adoption order. Adoption orders, once made, cannot be revoked. Children, who were in the care of a local authority before an adoption order was made, are no longer 'looked after' by that authority once the adoption order has been made.

2.2 The changing face of adoption - 1926 to 2011

There have been many developments since adoption first became a legal concept in this country in 1926, the year of the first Adoption Act. Initially and for many years, adoption was seen as offering a solution to the stigma and shame attached to illegitimacy and unmarried motherhood, at the same time as meeting the needs of childless couples to have a child. Adopters were given little background information about children they adopted and there was no recognition that those who were adopted might want to know anything about their birth family when they grew up.

2.3 By the 1970's, all of this was changing, alongside and as part of more general changes in society, leading to a reduction in the number of babies available for adoption. The number of children adopted in England has declined from a peak of around 25,000 in 1968 (most of whom were babies) to 3,200 in the 12 months to April 2010.

2.4 At the same time as the number of healthy babies available for adoption decreased, there was a growing awareness that there were many older children

in the care system who could benefit from the permanence and security of adoption. Today, adoption is seen as a positive way of meeting the needs of some of those children who, for whatever reason, cannot grow up with any of their birth family. Most children are now adopted following care proceedings. These children have complex backgrounds and most have experienced inconsistent and poor early parenting, serious abuse or neglect prior to being taken into care. They are generally older, have their own early histories and memories, and many are part of sibling groups. Younger children who are adopted include many who have been removed from the care of their birth parents immediately or soon after birth, because of parental drug or alcohol misuse, or serious mental health problems. A significant number of the youngest children placed for adoption are either permanently affected by their mother's alcohol use in pregnancy or themselves born drug dependent and withdrawing from drugs because of their mother's drug misuse in pregnancy.

2.5 The profile of children needing adoptive homes also reflects other changes in society. For example, as Britain has become more diverse ethnically, the number of children in care and needing adoptive homes from ethnic groups other than white British has also increased. In the 1960's and 1970's most of the children who were adopted were of white British ethnic origin, whereas in the year up to the end of March 2010, over 16% of those adopted were of an ethnicity other than white British. These children were also the ones who usually waited longest for a permanent adoptive family.

2.6 The age and background of the children placed for adoption nowadays means that many adoptive families will continue to need ongoing support after the adoption order is made. The effects on these children of early abuse and neglect from pregnancy onwards, means that by the time the child has been placed for adoption, they will have suffered long term physical or emotional damage, which will inevitably affect them throughout their childhood and into adulthood. In recognition of this, the Adoption and Children Act 2002 introduced statutory responsibilities on local authorities to provide adoption support services to all of those affected by adoption living in their area. The local authority which placed a child for adoption is responsible for most of these services for the first three years after an adoption order has been made, with the responsibility then transferring to the local authority where the child and adoptive family live.

2.7 A further change since the 1960's and 70's, partly as a result of the age at which children are now adopted, and partly in recognition of the importance of identity and knowing about roots, is that most children adopted now have some form of ongoing contact with their birth family. This is usually through indirect letterbox arrangements which are administered by the local authority between the adopters and birth family, but can also sometimes include direct contact. Where these arrangements work well, whether indirect or direct, they can help to promote a child's sense of self esteem and identity. Arrangements are set up to focus on what is in the child's best interests, not to meet the needs of the adults involved. All arrangements are very carefully managed and reviewed over time as an individual child's needs change.

2.8 What are the statutory duties of local authorities in respect of adoption?

All local authorities have a statutory duty under the Adoption and Children Act 2002 to provide an adoption service for all of those affected by adoption living in

their area. These include adopters and prospective adopters, adoptive families, children in need of adoptive homes and those already adopted, adopted adults, and birth relatives of those who are being or have been adopted.

2.9 How are adoption services organised in Torbay?

In Torbay, these services are provided within Children's Services. Until April 2011 the child care teams took responsibility for care planning for those children for whom adoption is the plan, including direct work with the birth family and the lead in the court process until an adoption order is granted. The Adoption team took responsibility for the recruitment of prospective adopters, family finding alongside the childcare worker and the provision of adoption support services. The Adoption team members, all of whom have built up expertise in this specialist area of work, also had a role in offering advice, guidance, and support to child care social workers as needed. The Adoption team also advised on the preparation of children being placed for adoption, and helped with the preparation of life story books and direct life story work with individual children where appropriate.

The adoption team also recruit, assess and support prospective adopters, provide adoption support services to all parties affected by adoption, including counselling services for adopted adults. They are responsible for all contact arrangements. The team have also recently taken on the responsibility for Special Guardianship Orders once the order has been made and provide all the statutory support services for these.

- 2.10 In April 2011, two posts were transferred from the permanency planning service to the adoption team. This was to enable these two adoption childcare workers to concentrate on the adoption plans for children and finding placements for them, without the distraction of other ongoing court proceedings. The plan was for the adoption worker to become involved at the point where adoption was identified as the plan, working alongside the permanency childcare worker, who would focus on the court proceedings, allowing the adoption worker to get to know and work with the child and to prepare and take the plan to adoption panel. The adoption worker would then take over once the court proceedings had concluded and the local authority on obtaining a Placement Order, had the authority to place the child. The adoption worker would by then know the child well and could concentrate on finding an appropriate placement.
- 2.11 At the time of this change, there were a large number of children for whom placements were being sought and the reality has been that cases so far have not been able to be jointly worked early on, but are being transferred at the conclusion of proceedings. This was also due to staffing issues with the two new posts. Efforts to find placements for children have been strenuous but not easy, as the majority of these children are considered more difficult to place because they are older, part of a sibling group, or have particular special needs.
- 2.12 The proposed new structure will consolidate this new way of working and it is anticipated that this will further help to minimise delays for children.
- 2.13 Further information on the organisation and delivery of adoption services in Torbay can be obtained from the Adoption Service Statement of Purpose, which is reviewed annually.

2.14 The inspection framework

Local authority adoption services are regulated and inspected by Ofsted, under the Care Standards Act 2000, on a 3 yearly cycle. All local authority adoption services are required to meet the National Minimum Standards for Adoption Services. These were initially published in 2003, amended in 2005 and new standards were implemented in April 2011. As part of these standards, this report covers specific information which must be reported to the executive side of the Council every six months. The last inspection of the Torbay Council Adoption Service was in November 2009.

2.15 Adoption in the media

Adoption has had a high profile in recent months, though much of the coverage has had negative overtones. The Times newspaper ran a campaign to highlight the fall in the numbers of children adopted from care nationally in recent years, after an increase at the end of the last and beginning of this century. The Times campaign also highlighted poor adoption practices in some local authorities. They ran a series of articles suggesting that adoption had fallen out of favour in some local authorities, that where adoption plans are made there were too many delays in the process, that ethnic minority children waited longer than white youngsters to be adopted, and that prospective adoptive parents were being turned away because they are 'too white or middle class to adopt'.

2.16 The Times campaign culminated in the newspaper commissioning Martin Narey, former chief executive of Barnardos, to draw up a report to appraise the adoption system nationally, and to offer advice. Mr Narey's report was published in The Times on 5th July 2011. He came up with 20 recommendations, which can be accessed at The Times website.

2.17 Following the publication of Mr Narey's report, the Government appointed Mr Narey as the new Ministerial Adviser on Adoption on 12th July 2011. However, the Children's Minister, Tim Loughton, has so far given only a guarded welcome to Mr Narey's report, disregarding some of his proposals and stating it would not become the government 'blueprint' for adoption reform, as the newspaper had suggested.

2.18 Recently there has been more media attention regarding the length of time taken before children are adopted and the publication of league tables for local authorities showing timescales. There is a suggestion that the government may look at introducing measures to transfer the functions of failing local authorities to other local authorities or voluntary agencies.

2.19 Unfortunately, statistics alone do not always present an accurate picture as they do not take into account all the factors. The timescales reported are from the date where the adoption agency has decided following adoption panel, that a child should be placed for adoption to the date the actual adoption order is made. There is often a considerable period of time between the first date and the making of a Placement Order in the court process, until which time the local authority has no authority to place the child. This length of time is out of the control of the local authority. When a child is placed, an application cannot be made for ten weeks, a further six weeks are allowed by the court for the writing

of the reports, then a court date is identified. Again, there is no recognition within these statistics of delays which are not within the power of the agency to control. The statistics will also be heavily influenced by the age and type of children placements are being sought for at any particular time. For example, a sibling group of three will be more difficult to find a place for and where the numbers of children are small this will adversely affect their statistics.

- 2.20 The recent publicity has also been negative about local authorities turning away potential prospective adopters, which is unhelpful at a time when all agencies are struggling to recruit.
- 2.21 The negative comments about adoption practice in local authorities made by Mr Narey are not a picture we recognise in Torbay. Adoption remains a high priority for the Council and child care social workers are not ignoring adoption as an option for permanence for Torbay children. Social work staff within Children's Services look upon adoption positively if it is considered the right option for an individual child. This is evidenced in the fact that out of the 58 children under the age of 9 (those for whom adoption is more likely to be an appropriate option) who were in care on 30th September 2011, 36 of these children had plans for adoption. This includes children placed but not yet adopted and those where we await the outcome of Court proceedings before being able to progress the plans.
- 2.22 There is also no evidence locally to support Mr Narey's view that children from backgrounds other than white British are left waiting indefinitely whilst a search is made for a family who are a 'perfect' ethnic and cultural match. A child's ethnic and cultural heritage is just one of many factors which are taken into consideration in looking for a family who can best meet their needs. A child's need to be settled permanently with a loving family at as young an age as possible has to be the priority and the priority is to find a family who can meet all of their needs and can also promote their heritage positively. Where it has taken longer to place children, it is usually because of their age, the number of children in a sibling group who need to be placed together or because they are children with significant developmental delay, often as a result of exposure to drugs and alcohol in pregnancy, and abuse or neglect in these children's early lives.
- 2.23 Nor is there any evidence that prospective adopters are being turned away by Torbay adoption social workers for spurious reasons, for example, for being 'too white or middle class', criticisms made in The Times campaign. Those approaching the Torbay Adoption team to enquire about adoption or for advice on adoption related matters are welcomed and treated with courtesy and respect. Many enquiries from prospective adopters are by word of mouth from recommendations from families already assessed and approved by Torbay.

Rhona Lewis
Adoption Team Manager

Appendices
N/A

Documents available in members' rooms
N/A

Background Papers:

The following documents/files were used to compile this report:

N/A

1. Plans for children

- 1.1 During the six month period there were 15 children who the adoption panel recommended should be placed for adoption, and the agency decision maker agreed all these plans. This figure is the same number as the whole of the previous year and almost as many as two other years. Three of these children have already had placements identified, there is active family finding for two pairs of siblings and the remaining eight are all still awaiting the outcome of legal proceedings. A sibling group of four in this category do not have a final court hearing until January 2012, so with the plan being agreed in August, there will already be a timescale of 5 months before Torbay will be in a position to place them, should the court agree.
- 1.2 Plans for 5 children, including a sibling group of 4, were changed to a plan for long term fostering. The older children in the sibling group were able to clearly state their wish not to be adopted, but to remain with their current carers. The other child had had a previous adoption breakdown some years ago and also wished to remain with her current carer.

Table 1
Plans for children

Adoption Plans Approved	06/07	07/08	08/09	09/10	10/11	1/4/11-30/9/11
Children for whom a formal decision has been made that they should be placed for adoption						
White British	20	15	12	9	13	10
Other ethnicity	1	1		7	2	5
Aged 0 to 2 years	10	8	12	8	6	9
Aged 3 to 5 years	7	5		4	6	6
Aged 6 to 10 years	3	3		4	3	
Aged 11 years plus	1					
Total	21	16	12	16	15	15

2. Placements

- 2.1 Six placements were approved following the adoption panel recommendation. The adoption panel did not recommend one of these placements, and the decision maker initially did not agree the placement, but later reversed this decision on receipt of further information. Three of these children have now been placed and one has already been adopted.
- 2.2 Unfortunately the other three children, who included a sibling pair, did not proceed to placement, the adopters withdrawing during the introductions. Placements are again being sought for these children.
- 2.3 On the 30th September 2011, there were 21 children for whom adoption placements were being sought. This is the highest number there has ever been

in Torbay. 13 of these are girls and 8 boys. There are 4 sibling pairs and one sibling group of 3. Most of the sibling groups included at least one school aged child. A number of these children had been waiting a long time for a placement, mainly because of age and particular special needs. With an increased emphasis on family finding when the cases were transferred to the adoption team, by the time of writing this report, families had been identified for 6 of these children. Unfortunately, 3 of these were also the ones where the adopters withdrew during introductions. Plans have also since been changed for 2 of the children.

- 2.4 Strenuous efforts are being made to identify placements for these children using local and national resources. This includes the use of the south west adoption consortium, the national register, advertising in adoption publications and attending family finding exchange days.
- 2.5 There have been no disruptions of placements during this period.

Table 2
Number of children placed from 1/4/11-30/9/11, by age and the agency providing the placement

Age of child	Torbay	Reciprocal arrangement (no cost)	Other L.A/Voluntary agency	Total
0-2 years	1		1	
3-5 years				
6-10 years				
11+ years				
All	1		1	2

3. Adoption Orders

- 3.1 There have been 3 children who have been adopted in this 6 month period. There are a further 4 children who are currently placed, but are not yet adopted.
- 3.2 The percentage of children adopted from local authority care is based on the number of children adopted during the year from the number of children looked after (for over 6 months). As the number of children looked after has increased and more than two thirds of these are over the age of 9 (for whom adoption is unlikely to be a realistic option), the small number adopted so far this year, even counting those who are placed but not adopted, is likely to result in a very small percentage of approximately 4% next year. This will show as badly performing. However, there is likely to be a dramatic increase again the following year, when the children for whom there are currently plans for adoption are placed and adopted.

**Table 3
Percentages of children adopted from care**

Date	Total number of children looked after	Percentage of all children adopted from care	Children aged 0-9 years	Percentage of children aged 0-9 years adopted from care
31/3/07	151	6.6%	61	16.39%
31/3/08	164	6.1%	69	13.0%
31/3/09	156	7.69%	62	19.35%
31/3/10	149	10.06%	50	33.55%
31/3/11	167	6.58%	61	18.03%
30/9/11	189	1.58%	58	5.17%

Performance regarding this percentage figure can be translated according to the following table

Under 3%	3%-6%	6%-7%	7-8%	8-25%
	Ask questions about performance	Acceptable, but possible room for improvement	Good	Very good

4. Prospective adopters

- 4.1 The number of prospective adopters coming forward in the last eighteen months has sharply declined in most local authorities and voluntary adoption agencies. The reasons for this are unclear, but are thought to be linked to the financial crisis and peoples uncertainties about this. All agencies report a decline in the number of prospective adopters being approved to take more than one child, which is having an adverse affect on the ability to place sibling groups. The placement of all children is affected by this, with the National register reporting that as prospective adopters are able to have more choice of children, the children with complex needs are less likely to be considered.
- 4.2 The year 2010 to 2011 Torbay Council approved 7 prospective adopters, its lowest number since the agency began its own assessments (These were previously undertaken by a voluntary agency on its behalf). 4 prospective adopters have been approved in the first 6 months, but the current number of assessments is low and the total number who will be approved for the year will also be low. Having placed children with 11 prospective adopters in the year 2010 to 2011, some of whom were approved the previous year, there is now a limited pool of available prospective adopters. 4 of these adopters were matched with Torbay children, and 7 had children placed with them from other local authorities, which generated income from the placement fees each local authority makes when placing a child with another agency.
- 4.3 Where an agency is minded to turn down an application, following a recommendation from the adoption panel, applicants have the right to ask that their application is considered by an independent panel – the Independent review Mechanism (IRM). There have been no cases during this period which

have not been approved.

- 4.4 In response to the fall in numbers, Torbay Adoption Team have been running a recruitment campaign and have had regular events throughout Devon promoting adoption. These have been held at venues in town centres, garden centres and leisure centres.
- 4.5 Other recruitment measures, such as sending out posters to be displayed in communities, adverts on payslips and in other media, have also continued. The team have updated the information and format on the Council website. A recent enquirer gave very positive feedback on this in comparison to other agencies that they had looked at.
- 4.6 The effects of this campaign are not likely to be felt in the immediate future as most people, having received some information, take some time to think about adoption before progressing to a more formal enquiry.
- 4.7 The adoption team will continue to actively encourage enquiries and promote itself positively in order to encourage potential prospective adopters to choose to become adopters for Torbay Council, rather than one of the other three agencies operating in the same area.
- 4.8 The timescales for sending out information and inviting potential adopters to information sessions are all being met. Timescales for completing assessments are being met, unless there are specific reasons, such as an agreed delay because of circumstances of prospective adopters, e.g. sickness, family bereavement.

**Table 4
Prospective adopters approved**

Age of child	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	1/4/11-30/9/11
0-2 years	7	2	7	7	1	
3-5 years	5	4	1	4	3	2
6 to 10 years	4	3	2	3	3	2
11 years plus						
Total	16	9	10	14	7	4

Families are counted in the age range corresponding to the maximum age of children for whom they can be considered. All applicants were male/female couples. All applicants only wished to be considered for single placements.

Of the four applicants approved, three are actively being considered, two for children from Torbay, one from another local authority. One of the applicants has withdrawn. This further indicates the difficulties for placing children, when approved adopters are being matched so quickly.

**Table 4a
Prospective adopters matched 1/4/1-30/9/11**

Age of child	Torbay	Reciprocal arrangement (no cost)	Other L.A/voluntary agency	Total
0-2 years	2			
3-5 years			1	
6-10 years				
11+ years				
Total	2		1	3

All placements were for one child. There have been no disruptions of children placed with Torbay adopters.

5. Intercountry adoptions

5.1 Enquiries and assessments of people wishing to adopt from abroad, continues to be contracted out to a voluntary agency, Parents and Children together (PACT). Torbay pay PACT an annual fee for this service. PACT deal regularly with these cases and can therefore provide applicants with more up to date specialist advice than could be given if these assessments were undertaken in house. This is the only area of work which can be charged for, and PACT charge the applicants directly. Work following placement, which cannot be charged for, is dealt with by Torbay Adoption Team. There is also one remaining couple, previously assessed by Torbay Council, still awaiting a placement (of a relative).

6. Adoption Support work

6.1 The Adoption support services regulations, effective from November 2003, place duties on adoption agencies to provide counselling, advice and information, support groups for adoptive families, financial support, assistance with contact arrangements, therapeutic services for adopted children and services to ensure the continuity of adoptive relationships. The adoption support service has undertaken all these requirements and with the complexity of needs of children being placed for adoption, this places a strain on these services.

6.2 Services for Special Guardianship Orders, which have just been taken on by the adoption team, are very similar, but cannot always be met with the same resource. e.g. groups for adopters cannot be combined with groups for those who hold Special Guardianship Orders as their needs are not always the same.

6.3 The adoption support service provides a service for birth relatives, independent from the child's social worker, and this has included a birth parent group.

6.4 Therapeutic services are provided by two part time social workers, whose direct work with children is aimed at preparation for moving on to adoption, attachment work and increased placement stability. The demand for this work is high and increasing.

6.5 The majority of placements of children for adoption now involves some contact with birth family members in the form of either letterbox contact (the exchanging

of information via a third party) or face to face contact, usually once or twice a year. The letterbox exchanges are dealt with by adoption support services and include the monitoring and exchange of all information as well as help and advice to all involved on the appropriateness of the content. As can be seen from the following table, the number of these exchanges has risen dramatically over the years, and continues to rise. Face to face, or direct contact, arrangements have remained more static as whilst more of these commence, some end. This is due to the changing needs of the child, and the ongoing arrangement no longer being appropriate. Each contact is time consuming, averaging over 15 hours work (even though the actual contact may only be for 2 hours), as it includes the preparation and debrief of all involved, as well as the organisation of the practical arrangements and the supervision of the contact itself. A lot of the contacts involve school age children and cannot all be done during school holidays, so take place at weekends, to avoid disruption for the child. (See table 6)

- 6.6 Work with adoptive families include social events 3 times a year, training sessions on topics such as attachment, the safe use of social networking sites, trauma and loss. Individual work is also undertaken with adoptive families, following an assessment of need for support services. Groups are also run for adopted young people. Torbay Adoption Team also set up and run a group for siblings of adopted children. There was an identified need for such a group, even though this is not required under the regulations.
- 6.7 Work with adults who have been adopted to provide counselling, information and help in tracing and sharing their records, is undertaken by workers who have had specific training in this area. Whilst a number of additional workers undertook training to do this, the reality is that because of the volume of their other work, these cases are not able to be prioritised. However, in the last 6 months, the waiting list has been greatly reduced. This work does not include the tracing of relatives and acting as an intermediary service. This is not a statutory requirement, and Torbay chose not to register as an intermediary service in December 2005 when this was introduced, as the time and resources available for this work would not enable Torbay Council to provide the level of services people are entitled to and require.

Table 6
Contact arrangements

	2008	2009	2010	2011
Letterbox-number of exchanges	380	421	473	657
Letterbox-number of people involved			290	343
Direct contacts	32	39	45	35

Addendum to Adoption Activity Report

8th December 2011

Introduction

The Adoption Activity Report contains information relating to the statutory duties under taken by Torbay Council Adoption Agency. The report describes the performance relating to children placed for Adoption.

In common with other local authorities Torbay Children's Social Care consider a number of options to achieve permanence for a child unable to remain with their birth parent. Adoption is not always the preferred option and cannot always meet the child or young person's assessed or expressed need. Other forms of permanence should not be considered inferior to adoption and indeed Special Guardianship Orders infer upon local authorities similar post placement requirements for support to both the young person and their special guardian. For this reason many local authorities including Torbay Council locate their Special Guardianship services within their adoption teams.

Torbay Adoption Panel will be becoming a Permanence Panel to consider the plans for placement of all children requiring permanent arrangements under an order. It is anticipated this panel will be operational by April 2012 and the panel will include some new members to enhance this new function.

The table below illustrates the number of Torbay Children who have permanent status achieved by orders other than adoption.

Residence Order	Special Guardianship Order	Kinship Care (Friend or Family Member)
34	15	9

Georgina Dunk
Service Manager
Accommodation Services – Torbay.



Title: **The Annual Report of the Governing Body of Torbay Virtual School**

Public Agenda Item: **Yes**

Wards Affected: **All wards in Torbay**

To: **Council** On: **8 December 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Jane Inett**
Telephone: **01803 402814**
E.mail: **Jane.Inett@torbay.gov.uk**

1. What we are trying to achieve and the impact on our customers

1.1 To inform the full Council (Corporate Parents) on the previous academic year's work of the Torbay Virtual School.

2. Recommendation(s) for decision

2.1 That the Annual Report of the Torbay Virtual School Governing Body set out at Appendix 1 to this report be noted.

3. Key points and reasons for recommendations

3.1 All councillors are corporate parents of Children Looked After and in this respect the report informs the corporate parents of the achievements of the Children Looked After and the work of the Virtual School.

3.2 The report should enable those councillors who are also school governors to be able to challenge and support their own school's governing bodies with regard to the education of Children Looked After.

3.3 The attainment of Children Looked after at the end of their Y11 in July 2011 was greatly improved on previous years.

For more detailed information on this proposal please refer to the supporting information attached.

Richard Williams
Acting Director Children's Services and Chair of the VSGB

Jane Inett
Headteacher of Torbay Virtual School



TORBAY VIRTUAL SCHOOL

ANNUAL REPORT OF THE VIRTUAL SCHOOL GOVERNING BODY

November 2011

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Torbay Virtual School
Governing Body Annual Report

November 2011

This is the first annual report of the VSGB as the VSGB was formed during the academic year 2010/11.

The purpose of the VSGB is to take the lead in ensuring that schools fulfil their responsibilities to Children Looked After and maximise their attainment and achievement. The VSGB mirrors the role of school governing bodies in that it provides a strategic view, acts as a critical friend and ensures accountability. It also expects that all its members will be actively committed to the success of the Virtual School.

The VSGB constitution was adopted in September 2011 and can be seen in Appendix 1 - this also describes the membership of the VSGB.

The Virtual School

All of the data about the Virtual School contained in this report will be from the academic year 2010/11.

The Virtual School consists of three groups of CLA

- all Torbay CLA who are educated in Torbay schools
- CLA from other local authorities and educated in Torbay schools
- Torbay CLA who are educated in other local authority or independent schools

The main focus of the work of the Virtual School relates to CLA who are of statutory school age. However the Virtual School also has oversight of the Early Years and post 16 CLA.

The school roll at the end of the academic year is shown in the table below:

Age group	Total in Virtual School	All CLA in Torbay schools	Out of area CLA in Torbay schools	Torbay CLA in out of area schools
Early Years	63			
Reception	7	6	1	0

Year 1	5	5		
Year 2	8	8		
Year 3	13	9	0	4
Year 4	6	6		
Year 5	8	5	2	3
Year 6	12	11	3	1
Year 7	18	14	3	4
Year 8	14	10	0	4
Year 9	19	13	2	6
Year 10	22	16	1	6
Year 11	20	12	3	8
Year 12	3	2	0	1
Post 16	57			
Total of statutory school age	153			
GRAND TOTAL	276			

The school roll increased steadily throughout the year. At the start of the academic year there were 115 CLA of statutory school age whereas at the end of the school year the number of CLA of statutory school age was 153.

The Virtual School staff team consists of a full time Advisory Teacher who is based at Union House and a 0.5FTE Headteacher.

Outcomes for CLA

The table below describes the outcomes for the cohort of CLA who were in continuous care by September 2010. It should be noted that the DfES has the definition for CLA in continuous care and for 2011 the date is set at 31 March 2011.

KS2 results	All Torbay CLA 2009/10	SW CLA 2009/10	National CLA 2009/10	All Torbay CLA 2010/11
English L4+	11.11%	44%	45%	50%
Maths L4+	22.22%	43%	44%	33.3%
Eng & Maths L4+	11.11%	34%	36%	33.3%

KS4 Results	All Torbay CLA 2009/10	SW CLA 2009/10	National CLA 2009/10	All Torbay CLA 2010/11
5+A*-C inc Eng&Maths	6.3%	9.8%	11.6%	38.5%
5+A*-C	41.2%	54.2%	26.1%	46.1%
1+A*-G	70.6%	71.9%	72.5%	93%

Attendance

The table below gives the attendance over the last two years. On the whole the attendance of CLA is good and there were four CLAs who achieved 100% attendance during the 2010/11 academic year. This was acknowledged with an award at the Celebration of Achievement Awards Ceremony.

	Torbay CLA 2009/2010	National all CLA	SW CLA	Torbay CLA Target for 2010/11	Torbay CLA 2010/11 (using raw data)
Primary	95.3%	Not available	Not available	97%	96.2%
Secondary	94.37%	Not available	Not available	96.5%	94.4%
Overall	96.3% (taken from DFES)	95.8%	93.5%	No target set for overall.	95.1%

Exclusions

The table below shows the fixed term exclusions for those CLA who have been in continuous care for 12 months for 2010/11.

Year Group	Number of FTX	Reasons	Days excluded
Y6	2	Assault on pupil x 2	3.5
Y6	1	Assault on pupil	3
Y8	1	Damage	2
Y8	4	Drug&alcohol related x2; Persistent disruptive behaviour; Verbal abuse of a pupil.	14
Y9	1	Assault on adult	1
Y9	1	Verbal abuse of an adult	1
Y9	3	PDB x2; Verbal abuse of a pupil	7
Y9	3	PDB; Assault on a pupil; Verbal abuse of a adult.	6
Y10	1	Verbal abuse of an adult	2
Y10	4	PDB x3; verbal abuse of an adult	6
Y11	1	PDB	1
Total	22		46.5

*PDB - persistent disruptive behaviour

The VS Headteacher is working hard with schools to reduce the number of FTX and find alternatives to FTX.

There was one permanent exclusion of a CLA. This young person was in Y10 and has now been placed with an out of area independent provider.

The work of the Virtual School

The three key responsibilities of the Virtual School are:

1. To make sure that there is a system to track and monitor the attainment and progress of children looked after.
2. To ensure that all children looked after have a robust and effective personal education plan and access to 1:1 support, including personal tuition.
3. To champion the educational needs of children looked after across the authority and those placed out of authority.

Tracking and monitoring - this has been quite a time consuming task as it has seen the advisory teacher contacting schools for this data. However a web based software package has been acquired which will make tracking far easier. This system will enable schools to put the progress and attainment data on to the system once a term which can be accessed by the Virtual School Headteacher.

Personal Education Plans

Every CLA is required to have a PEP. The PEP format was been updated during the academic year 2010/11 and from this September the new format has been in place. The improvements to the PEP were put together with consultation with the Designated Teachers in the schools. Early indications are that the new format is now fit for purpose and that the CLA also have a better opportunity to voice how they feel about their education.

DT Forum

The DT Forum meets termly and is for the Designated Teacher for CLA in schools. Every school is required to have a DT who is a qualified teacher. The purpose of the sessions are to provide training, highlight good practice, discuss alternatives to exclusion and the roll of the Virtual School.

Foster carers

There are three training sessions promoted by the Virtual School for foster carers. The areas covered were: attachment and its relationship to positive relationships in the classroom; e-safety; and special educational needs.

Support documents - documents have been collated by the Virtual School in order to assist school governors in their work. These include:

- a template for the Designated Teacher's Annual Report to the Governing Body on Children Looked After (appendix 2)
- ten questions for use by the nominated governor at a visit to the school's Designated Teacher for Children Looked After (appendix 3)

Every school governing body has been requested to send their annual report on CLAs to the VSGB. This will enable the VSGB to see trends in the provision of education to CAL and give opportunities to support and challenge school governing bodies.

Service Improvement - there is a development plan for the Virtual School and this is attached as appendix 4.

APPENDICES

Appendix 1



Torbay Virtual School for Children Looked After Governing Body

DEFINITION

The Virtual School for **C**hildren **L**ooked **A**fter aims to ensure that children and young people in care receive a 'first class education'. The concept of the Virtual School is based on the same principles as for any other school but rather than being an 'actual' or 'real' school, the Virtual School Headteacher uses a virtual school improvement framework to drive up standards for the children on roll regardless of where they are educated.

The three key responsibilities of the Virtual School are:

1. To make sure that there is a system to track and monitor the attainment and progress of Children Looked After.
2. To ensure that all Children Looked After have a robust and effective personal education plan and access to 1:1 support, including personal tuition.
3. To champion the educational needs of Children Looked After across the authority and those placed out of authority.

Therefore, the Virtual School does not replace a child's existing school but instead, seeks to raise attainment by supporting and challenging their educational provision and progress by working in partnership with all agencies concerned

PURPOSE

The Virtual School Governing Body has been established to take the lead in ensuring that schools fulfil their responsibilities to Children Looked After and maximise their

attainment and achievement. The VSGB will mirror the role of school governing bodies providing a strategic view, acting as a critical friend and ensuring accountability and all members will be expected to be actively committed to the success of the Virtual School.

MEMBERSHIP

The VSGB will have fourteen members.

Three Parent Governors: Those eligible will be Torbay Councillors or Foster Parents nominated by the Council's Corporate Parent Group. All governors in this category will serve for a 2 year term.

Current Parent Governors:

- 1 **Cindy Stocks** ~ Chair of the Corporate Parent Group -
- 2 Either a councillor or a nominated Foster Parent
- 3 Either a councillor or a nominated Foster parent

Five Staff Governors: Those eligible will be staff representing early years, primary and secondary phases plus the Virtual School's Head Teacher. The staff representing secondary and primary phases will be nominated by TASH and TAPS, respectively, and will serve for a two year term. An early-years advisory teacher and the Virtual School's Head Teacher will serve *ex officio* for as long as they hold the position from which governorship derives.

Current Staff Governors

- | | |
|------------------|--|
| 1 Jane Inett | Virtual School Head Teacher |
| 2 Mark Treadwell | Early Years Advisory Teacher |
| 3 Jane Young | Head Teacher, Barton Primary School |
| 4 Jane English | Principal, Paignton Community and Sports College |

Three Authority Governors: Those eligible will be Children's Services staff in key roles relevant to CLA. They will be nominated by the Director of Children's Services and will serve for a three year term.

Current Authority Governors

- 1 Richard Williams Executive Head, Children, Schools and Communities
- 2 Claire Hummerstone Service Manager Permanency Planning
- 3 Adrian Williams Care to Community 16+

Three Community Governors: This category will be appointed by other members of the governing body and will serve for a three year term. It is intended to enable the governing body to include individuals with specific expertise or experience.

Current Community Governors

- 1 Liz Childs Director Of Nursing & Governance/Dep.Ch Exec. S .Devon
Healthcare NHS Foundation Trust
2. Tish Laing-Morton Semi-retired Ex-GP and Consultant in Public Health
3. David Bubbear Retired - ex-police and Further Ed teacher

Resignation

A governor may, at any time, resign from office by giving written notice to the Clerk to the Governing Body. The original nominating body will be expected to nominate a substitute.

Substitute Governors

A substitute governor holds office until the expiry of the term of office of the governor being replaced.

Removal of Governors

Any nominating body may remove a governor from office. The reason for removal shall be notified in writing to the VSGB Clerk and to the governor so removed.

The governing body may remove any governor at the request of the nominating body.

A resolution to remove a governor from office must include the reason for removal and afford an opportunity to the named governor to make a statement in response.

The resolution to remove a governor shall be confirmed by a resolution passed at a second meeting of the governing body held not less than fourteen days after the first meeting.

Both resolutions shall be specified as an item of business for each meeting.

MEETINGS

An individual (employed by Torbay Council) with suitable experience should be nominated to act as Clerk.

Meetings will usually be held six times a year. As far as is possible, all paperwork will be circulated to members by the Clerk five working days before any meeting.

The quorum for any meeting will be seven members.

All members will have equal voting rights and the Chair will have an additional casting vote in the event of a tie.

A Chair and Vice-Chair will be elected from the governing body at the first meeting of each autumn term. Nominations should be sought from members by the Clerk and a secret ballot conducted by the Clerk (even if only one candidate).

The Chair will work with the Head of the Virtual School, the Clerk and others as appropriate to draw up purposeful agendas.

If members are unable to attend meetings, they are expected to inform the Chair and/or Clerk. The Chair will be expected to follow up members' absences of more than two meetings to discuss continued membership.

The governing body may establish working parties or commission individuals to carry out specific tasks as required.

Accountability

The VSGB will report annually to Torbay Council normally in November. This report is to be adopted at the November VSGB meeting.

Training

The VSGB will be responsible for identifying and planning training for Governors. This training is to be delivered via Torbay Council.

Annual Tasks

The VSGB will be responsible for drafting an annual list of routine tasks to be performed throughout the year.

Additional Voices

At least once a year the VSGB will invite the Chair of Children's Council to attend. Representatives from other groups will be invited on an ad hoc basis as and when a need is identified by the VSGB.

Review of Virtual School Governing Body Composition and size

This may be conducted as and when required. Either Torbay Council or the VSGB may propose amendments which need to be agreed by both bodies before implementation.

Effective Date

This document shall take effect on 13th September 2011 and reviewed annually.

Appendices

Appendix A Checklist year planner

Appendix B Glossary

Year Planner Checklist for Governors

General tasks to be performed on a regular basis

- Monitor the resourcing and delivery of the school improvement/development plan
- Organise support and training for governors
- Arrange governors' visits to schools and the Designated Teacher Forum
- Governing body meeting

General tasks to be performed any time throughout the year

- Preparation for OFSTED
- Induction for new governors
- Appoint clerk [Torbay Council function]
- Review terms of reference
- Receive SEN report

Autumn Term

- Set objectives for the governing body for the year
- Approve the school improvement/development plan
- Receive the assessment and examination results from the previous year
- Review the annual performance of CLAs
- Receive Head Teacher's report
- Elect chair and vice chair (and schedule next election)
- Review performance management policy
- Review Head Teacher performance
- Decide committee structure, membership and terms of reference
- Prepare and publish an Annual Report for Torbay Council

Spring Term

- Review school improvement/development plan progress
- Review budget and staffing structure and make recommendations
- Receive Head Teacher's report
- Review special educational needs policy
- Review CLA exam predictions

Summer Term

- Set dates of meetings for the year
- Review of governing body's performance
- Receive Head Teacher's report
- Review attendance of pupils/staff/governors
- Review pupil exclusions for the year
- Review school improvement plan progress
- Review governors visits

Appendix B

Glossary

CLA = Child Looked After The term "looked after children and young people" is generally used to mean those looked after by the state, according to relevant national legislation which differs between England, Northern Ireland, Scotland and Wales. This includes those who are subject to a Care Order or temporarily classed as looked after on a planned basis for short breaks or respite care.

The term is also used to describe "accommodated" children and young people who are looked after on a voluntary basis at the request of or by agreement with their parents. We refer to these children as "child/ren in care".

There is also a broader and more inclusive definition of looked after children to include all those in out-of-home care. This includes, for example, children who are locked up in young offender institutions and prisons because of the offences they have committed; children who are in secure immigration and removal centres because of the parents' status as asylum seekers, and children who are privately fostered.

TASH = Torbay Association of Secondary Heads

TAPS = Torbay Association of Primary & Special School Heads

TORBAY VIRTUAL SCHOOL

Designated Teacher's Annual Report to the Governing Body on Children Looked After

Name of School:

Date:

Report is for
the academic year:

Prepared for the full

Governing Body

Meeting to be held on:

A copy of the completed document should be shared as Part Two minutes at the Governing Body meeting

To protect a child's need for confidentiality it is also important to ensure that the reports do not mention individual children by name. The report should enable the governing body to make judgements about the designated teacher role

N.B. Details of this information are confidential – names and specific circumstances cannot be discussed.

Author:

Name of Designated Teacher and Position within the School, e.g. SENCO, Assistant Headteacher, (as indicated by the annual register) etc;

.....

Name of Nominated CLA Governor

This page must be completed by the Designated Teacher and attached to the minutes of the meeting for the Governing Body. If there are currently no children who are looked after on the school roll, please sign and date below. **In this circumstance only this page should be attached to the minutes:**

I confirm there are currently no children looked after on the school roll.

Signed:

Date:

WHOLE SCHOOL ISSUES:

Summary of Designated Teacher Training:

- *It is recommended that all designated teachers should attend designated teacher training every two years.*
- *It is recommended that the Designated Teacher attend the termly Virtual School meetings.*
- *It is recommended that all nominated CLA governors attend training on the education of Children Looked After.*

Role in School	Date Of Training	Name of course	Provider
Headteacher			
Designated Teacher			
Nominated CLA Governor			
Other Staff e.g. learning support assistants, pastoral staff, SENCO, etc			

Training provided by Designated Teacher to colleagues about the education and well being of CLA:

Focus of Training	Date of Training	Colleagues trained

Policy and other documents relating to the education of Children Looked After:

Policies and/or procedures for Safeguarding	Date approved by Governing Body	Next review date
Policy on the Education of Children Looked After		
Any other related procedures/policies		

Is a record maintained to evidence that all relevant staff/volunteers have access to the above policy, including one to one tutors? YES/NO

Who is responsible for maintaining that record?

Children Looked After Additional Information :

Definition of a CLA – a child looked after by a local authority either under a court order or through a voluntary arrangements made with the child's parents (section 20). More detail is contained in the Virtual School Designated Teacher Manual.

On the 1 June 2011 how many pupils on roll are defined as Children Looked After?	
How many of the pupils have Torbay Council as their Corporate Parent?	
How many pupils on roll have a different Local Authority as corporate parent? Please note the local authorities.	
How many PEPs are fully up to date and formally reviewed at least annually?	
How has the Pupil Premium funding been used to support the children looked after in school? e.g. allocated on an individual basis or used generally to support CLA.	
Has the Designated Teacher quality	

<p>assured all PEPs and reviewed the targets on at least a half termly basis?</p>																										
<p>How many CLA are making the expected progress in English, Maths and Science?</p> <p>Please delete Key Stages not applicable to your school</p>	<table border="1"> <thead> <tr> <th data-bbox="719 640 863 871"></th> <th data-bbox="863 640 986 871"></th> <th data-bbox="986 640 1106 871">Number making progress English</th> <th data-bbox="1106 640 1228 871">Number making progress Maths</th> <th data-bbox="1228 640 1351 871">Number making progress Science</th> </tr> </thead> <tbody> <tr> <td data-bbox="719 871 863 1072">Number of CLA at KS1</td> <td data-bbox="863 871 986 1072"></td> <td data-bbox="986 871 1106 1072"></td> <td data-bbox="1106 871 1228 1072"></td> <td data-bbox="1228 871 1351 1072"></td> </tr> <tr> <td data-bbox="719 1072 863 1274">Number of CLA at KS2</td> <td data-bbox="863 1072 986 1274"></td> <td data-bbox="986 1072 1106 1274"></td> <td data-bbox="1106 1072 1228 1274"></td> <td data-bbox="1228 1072 1351 1274"></td> </tr> <tr> <td data-bbox="719 1274 863 1476">Number of CLA at KS3</td> <td data-bbox="863 1274 986 1476"></td> <td data-bbox="986 1274 1106 1476"></td> <td data-bbox="1106 1274 1228 1476"></td> <td data-bbox="1228 1274 1351 1476"></td> </tr> <tr> <td data-bbox="719 1476 863 1597">Number of CLA at KS4</td> <td data-bbox="863 1476 986 1597"></td> <td data-bbox="986 1476 1106 1597"></td> <td data-bbox="1106 1476 1228 1597"></td> <td data-bbox="1228 1476 1351 1597"></td> </tr> </tbody> </table>			Number making progress English	Number making progress Maths	Number making progress Science	Number of CLA at KS1					Number of CLA at KS2					Number of CLA at KS3					Number of CLA at KS4				
		Number making progress English	Number making progress Maths	Number making progress Science																						
Number of CLA at KS1																										
Number of CLA at KS2																										
Number of CLA at KS3																										
Number of CLA at KS4																										
<p>What is the % of attendance for CLA and how many have an attendance figure below 90%?</p>																										

<p>How many CLA have been subject to a FTX? How many occasions and days? What are the causes of the FTX and what are you putting in place to prevent such occurrences?</p>							
<p>How many pupils are registered on the SEN register and at what stage?</p>	<table border="1"> <tr> <td data-bbox="719 629 823 831">School Action</td> <td data-bbox="823 629 924 831"></td> <td data-bbox="924 629 1027 831">School Action Plus</td> <td data-bbox="1027 629 1131 831"></td> <td data-bbox="1131 629 1248 831">Statement</td> <td data-bbox="1248 629 1351 831"></td> </tr> </table>	School Action		School Action Plus		Statement	
School Action		School Action Plus		Statement			
<p>How many CLA pupils are registered on the G&T register?</p>	<div style="border: 1px solid black; width: 60px; height: 60px; margin: 0 auto;"></div>						
<p>List three interventions which are being used to support the educational attainment and achievement of Children Looked After?</p> <p>List three partner agencies who have been supportive of your work with CLA</p> <p><i>E.g., social worker, Virtual School, educational psychologist, SIPs etc.? (List number of meetings, reports prepared and outcomes)</i></p>							
<p>Number completing KS4</p> <div style="border: 1px solid black; width: 60px; height: 60px; margin: 0 auto;"></div>	<p>Please list destinations:</p>						

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Other comments on Children Looked After and actions to be taken:

.....

.....

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.....

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.....

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Signed.....

Dated.....

Appendix 3

Recommended - Ten questions for use by the nominated governor at a visit to the school's Designated Teacher for Children Looked After

1. Has the DT had appropriate training to carry out the role?
2. What arrangements are in place to allow the DT sufficient time and resources to discharge her/his responsibilities as set out in the statutory guidance? (e.g. to chair the PEP meetings; attend CLA reviews; liaise with staff; etc)
3. How does the senior leadership team have oversight of this role and the progress of/issues for CLA?
4. How does the DT manage the PEP meetings? (The DT should chair all PEPs, gathering the information ready for the meeting, talking to the child to obtain his/her views and follow up of the PEP action plan after the meeting.)
5. How are the staff informed about CLA? How do they find out about:
 - The name of the DT and who else performs this role.
 - The children in their class who are looked after.
 - Personalised strategies to use in class and around school.
6. What training have the staff had on CLA?
7. How does the school support a child who is in care and new to the school to quickly feel at home?
8. How are additional resources that come into school for CLA used to raise achievement? (Pupil premium of £430 and rising in future years.)
9. Are there any school related issues that prevent CLA from achieving?
10. What arrangements are in place which have contributed to successful provision and/or the child making good or better than expected progress?

TORBAY VIRTUAL SCHOOL DEVELOPMENT PLAN
2010 - 2012

Updated
July 2011

The Development of the Virtual School in Torbay

INTRODUCTION

Directors of Children's Services have a statutory responsibility to make sure that their local authority promotes the educational achievement of the children they look after, regardless of where they are placed. The virtual school head role is one of the key ways in which a local authority can demonstrate to inspectors that it is discharging that legal obligation.

The core purpose of this role is to be relentless in driving up improvements in the educational progress and attainment of all children looked after by their authority, including those that have been placed in schools in other authorities. They will also have an important role in working in partnership with virtual school heads in other authorities to support the educational progress of children in their schools but looked after by other authorities.

KEY RESPONSIBILITIES OF VIRTUAL SCHOOL HEAD

The three key areas of responsibility of a Virtual School head for which she should be accountable are:

- **To make sure that there is a system to track and monitor the attainment and progress of looked after children to:**
 - rigorously track and monitor data on where looked after children are at school and their progress, in a similar way to a head teacher of any school.
 - ensure that schools know which children are looked after and make sure that there is a Personal Education Plan (PEP) for all looked after children and one-to-one support where appropriate.
 - maintain an accurate record of the location and educational progress of looked after children in their authority, including those whom they look after but are placed in another authority or a non local authority school and those who are looked after by another authority but educated in this one.
 - act where necessary and work towards improving overall attainment at the virtual school, by maximising achievement and progress of both individual and cohorts of looked after children.
 - ensure that the head teacher and the designated teacher in each school know which of the children on their roll are in care, and what can be done to support them.

- **To ensure that all looked after children have a robust and effective personal education plan and access one-to-one support, including personal tuition where appropriate by:**
 - working with relevant professionals to ensure PEPs are of a high quality, subject to a rigorous monitoring and evaluation process, with impacts and outcomes that are followed up. In conjunction with School Improvement Partners they should challenge schools and others when appropriate to improve the quality of the PEP and promote faster progress.
 - They should also ensure that looked after children are able to access one-to-one tuition and Personal Education Allowances (PEAs) (see link below) wherever appropriate. They should also explore other sources of additional funding/support e.g. disadvantaged subsidy/home access project.

- **To champion the educational needs of looked after children across the authority and those placed out-of-authority by:**

- championing the needs of looked after children across the authority and spread effective practice, particularly in relation to improving behaviour and attendance, promoting stability of placement and school stability through admissions policies and use of school transport.
- working with others in local authorities and schools to ensure that measures are taken across the authority to promote positive behaviour, good attendance, and reduce exclusions, which should in turn lead to good progress and improved attainment.
- ensuring social workers adequately consider the educational needs of looked after children when a child/young person comes into care or when taking decisions about moving placements. Where moving placements is absolutely essential, wherever possible a new placement should be found which enables continuity of schooling but at KS4 ensures there is no change of educational placement. The virtual school head should take responsibility for making sure that admissions powers to admit looked after children to the most appropriate school are used wherever necessary, and they should ensure that school transport is provided as required to help children stay in the same school.

THE TORBAY VIRTUAL SCHOOL

Torbay appointed its current Virtual School Headteacher following the publication of "Care Matters" and as part of the transformational agenda with the remit to look initially at existing good practice across Torbay regarding the promotion of educational achievement and well being of its Children Looked After (CLA).

Torbay's Virtual School works with children from the age of 4 reception class to the end of their post 16 education. In view of the significant number of CLA's who go on to Higher Education it would wish to involve those young people within the Virtual School as role models for others.

Currently the Virtual School also has an advisory teacher, Suzanna Kleczkowski, who has been working for Torbay Council since September 2000 and has many years of experience of working with Torbay schools in the promotion of achievement of CLA.

Prior to setting up the Virtual School the authority had an Education Action Group which involved a range of agencies to monitor CLA.

Every school in Torbay is committed to supporting CLA and has a designated person responsible for their achievement and well being. This group of designated professionals now meet regularly to monitor Torbay's CLA's.

In addition the Head of the Virtual School and the advisory teacher meet fortnightly to look at the progress of individual year groups within the Virtual School.

The new Ofsted framework for schools means a greater focus on the CLA's as one of the Ofsted groups. This means that a wealth of information and data is available to the Virtual School headteacher on individual pupils and by group in each school.

This Development Plan has now been written in partnership by the Head of the Virtual School and the Joint Head of School Leadership & Improvement, in recognition of the key priority for the Local Authority and schools is improved educational outcomes for Children Looked After.

Jane Inett, Virtual School Headteacher

Jane English, Joint Head of School Leadership & Improvement

July 2010

Torbay Virtual School Development Plan 2010 - 2012

Priority 1	Formally set up Virtual School		
Objective	Create an effective virtual school which leads to improved outcomes for CLA	Person(s) with overall Responsibility:	JI

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
1.1 Confirm vision, aims, objectives, core functions and admission criteria to the virtual school	Sept 2010	JI	<ul style="list-style-type: none"> ▪ Approved by Children's Services Management Team and agreed and published on Virtual School web pages ▪ Shared with schools and partners across Torbay ▪ Shared with carers and Children Looked After 	MJE	Amber Green
1.2 Formalise the constitution of the Governing Body. Recruit Governing Body members which will provide rigour and accountability	October 2010	JI	<ul style="list-style-type: none"> ▪ Constitution which is fit for purpose is in place ▪ Full complement of effective governors in place ▪ Meeting schedule and code of practice ▪ Training provided from National Strategies 	MJE	Green

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
			team		
<p>1.3</p> <p>Develop policies - initially admissions; protocol with schools</p> <p>Review existing policies, target setting, monitoring progress</p>	October 2010	JI	<ul style="list-style-type: none"> ▪ Policies fit for purpose are put in place by the Governing Body ▪ Clear protocol established with schools ▪ Policies lead to improved outcomes for CLA 	MJE	A
<p>1.4</p> <p>Review existing staffing structure which includes defining roles and responsibilities</p> <p>Performance management system in place</p>	Sept 2010	JI	<ul style="list-style-type: none"> ▪ Staffing structure meets the needs of the virtual school ▪ Clear job descriptions produced ▪ Effective performance management in place which leads to identifying training needs 	SF	Green
<p>1.5</p> <p>Provide a training session to raise awareness of the Virtual School ensuring that CLA; Carers; Social Workers; Schools;</p>	annually	JI	<ul style="list-style-type: none"> ▪ Virtual School has a high profile with all relevant partners 	SF	Amber green

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
Headteacher/Principals; Health; elected members; Designated Teachers; etc are fully informed.					
1.6 Ensure all schools have a nominated Governor for CLA.	Sept 2011	JI	<ul style="list-style-type: none"> Collate a list of the names of the nominated CLA Governor. 	SF	Amber green
1.7 Produce a template for use by all Governing Bodies for their Annual Report on CLA	July 2011	JI	<ul style="list-style-type: none"> Template agreed and sent to all schools Designated Teachers have been informed of the template. 	SF	Green
1.8 Virtual School Governing Body requests a copy of each school's Annual Report for CLA and uses them to ensure that any training and development needs are highlighted and discussed at the VS Governing Body meetings.	Sept 2011	JI	<ul style="list-style-type: none"> All schools return their CLA report The VS Governors monitor to identify any training needs or matters which need support and challenge. 	SF	Amber Green

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
<p>1.9</p> <p>Deliver an annual training event on raising the attainment of <i>CLA</i> for all nominated <i>Governors</i> through the <i>Torbay Governing Support Training Programme</i>.</p>	October 2011	JI	<ul style="list-style-type: none"> ▪ Date advertised through <i>Governing Support Training Programme</i> ▪ Nominated governors have a range of strategies to support and challenge their own schools 	SF	Amber green
<p>1.10</p> <p>Ensure all schools have an up to date and relevant policy on the education of <i>CLA</i>.</p>	December 2011	JI	<ul style="list-style-type: none"> ▪ Highlight through <i>DT Forum</i> ▪ <i>VSGB</i> requests policies from all schools 	SF	Amber

Torbay Virtual School Development Plan 2010 - 2012

Priority 2	Support Provision for CLA in Virtual School		
Objective	Ensure CLA's receive their entitlement to support and that support impacts on their progress and development	Person(s) with overall Responsibility:	SF

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
<p>2.1</p> <p>Develop audit tool to Quality Assure Personal Education Plans (PEPS) and act as a process of self evaluation.</p> <p>Undertake audit of PEPS on a termly basis</p>	Sept 2011	JI	<ul style="list-style-type: none"> ▪ Audit of 30 PEPS per term with a formal written report produced ▪ Audit tool is effective in both QA of PEPS with measurable improvements seen in the quality ▪ Audit tool also provides some self evaluation of provision for CLA ▪ PEPS are focussed, fit for purpose and impact on provision/interventions for CLA 	MJE	G
<p>2.2</p> <p>Provide an infrastructure and CPD to the Designated Teachers Forum and</p>	Sept 2010	JI	<ul style="list-style-type: none"> ▪ Dates set for DT Forum to meet every term ▪ Membership of DT Forum by all schools ▪ Terms of reference for DT Forum published ▪ Training programme published 	SF	Green

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
provide suitable training for them on all aspects of the care system; clarity on how to support carers and social workers; an understanding of their role as a resource for school governors; and developing and influencing policies and the sharing of good practice amongst colleagues.			<ul style="list-style-type: none"> ▪ Training is accessed and attended by DTs according to need ▪ All schools with CLA attend the DT Forum ▪ Training provided leads to improvement in outcomes for CLA and is evidenced through Good Practice Case Studies 		
2.3 Implement induction programme/peer support programme for new DTs/inexperienced DTs.	Oct 2011	JI	<ul style="list-style-type: none"> ▪ Introduce induction programme for newly appointed DTs and inexperienced DTs and a support network of peers willing to mentor ▪ CPD is provided from Torbay Good Practice and external trainers as required 	SF	A
2.4 Pupil Premium - ensure clear policy is shared with schools, carers of the purpose of PP and how to access for CLA and evaluation processes to ensure impact	Nov 2011	JI	<ul style="list-style-type: none"> ▪ Through the PEP process the PP is accessed in order to support the education progress of the CLA ▪ The spending of the PP is monitored to ensure it is providing value for money and impacting on the progress and development of CLAs 	SF	Amber Green
2.5	Ongoing	JI	<ul style="list-style-type: none"> ▪ Attendance is monitored fortnightly using 	MJE	Amber

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
<p>FFT data is used to set targets for CLA</p> <p>Attendance targets for individual pupils</p> <p>Engage with the school matrix being developed by Torbay to ensure appropriate and timely data is produced on the progress of CLA.</p> <p>Data is used by the virtual school management team to identify underperformance.</p> <p>Governors have a termly update on pupil progress and development.</p>			<p>Base to Base system</p> <ul style="list-style-type: none"> ▪ Attainment and social development targets monitored half termly ▪ Provide training for social workers ▪ Provide training for carers 		
<p>2.7</p> <p>Ensure all schools are providing, promoting and implementing 1:1 (Making Good Progress) Tuition for all CLA</p>	<p>Dec 2010</p>	<p>JI</p>	<ul style="list-style-type: none"> ▪ Take up of 1:1 tuition is achieved for all CLA ▪ The impact of 1:1 tuition can be evidenced on the progress and levels of attainment of CLA 	<p>SF</p>	<p>Not yet started</p>

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
<p>2.8</p> <p>Ensure schools promote the Universal Curriculum and Foundation Learning at both KS4 and KS5.</p> <p>Ensure all CLA, carers, SW, Independent Reviewing Officers are aware of Torbay Universal Curriculum at KS4 and encourage CLA to take advantage of it if appropriate</p>	Ongoing	JI	<ul style="list-style-type: none"> ▪ Annual information sessions in advance of start of KS4 ▪ Included in induction training for SW ▪ Contact made with carers prior to Y9 Option Evenings 	SF	A/G
<p>2.9</p> <p>Ensure the utilisation of appropriate technologies in the support of learning.</p>	On-going	JI	<ul style="list-style-type: none"> ▪ All CLA have access to technology including the internet ▪ All CLA have training on e-safety ▪ All CLA have training on effective use of internet for academic study 	SF	A
<p>2.10</p> <p>To undertake with the IEHS a pilot</p>	January 2012	JI	<ul style="list-style-type: none"> ▪ All CLA who would benefit from a THRIVE approach have access to it 	SF	A

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
<p>project for THRIVE for CLA; and to support THRIVE schools in delivering the programme to CLA</p> <p>Ensure social workers/carers are fully informed of the THRIVE philosophy and ways of working</p>			<ul style="list-style-type: none"> ▪ Maintain a list of CLA who have received THRIVE ▪ The emotional development of CLA is enhanced by THRIVE approaches 		
<p>2.11</p> <p>To plan three training events for Foster Carers in order to support them in their role in supporting their CLA in educational attainment.</p>	By Sept each year	JI	<ul style="list-style-type: none"> ▪ Foster carers are sent details of the dates and content of the sessions. 	VSGB	G
<p>2.12</p> <p>Produce a booklet on 'Advice to Foster Carers - What you need to know about education for your looked after child'</p>	Sept 2011	JI	<ul style="list-style-type: none"> ▪ 	VSGB	A/G

Torbay Virtual School Development Plan 2010 - 2012

Priority 3	Data Analysis		
Objective	Ensure that quality data provides evidence to challenge CLA and their schools and brings about better outcomes for CLA	Person(s) with overall Responsibility:	CT

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Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
3.1 Develop effective use of data by establishing a Management Information System e.g CLA Target Tracker	End of Sept 2011	JI	<ul style="list-style-type: none"> ▪ CLA tracker in place ▪ CLA progress is monitored half termly ▪ Training provided on effective use of CLA Tracker to interrogate relevant data for school and virtual school personnel 	SF	Amber Green
3.2 Monitor the performance of CLA by gender, SEN and transience Monitor performance of CLA against	Oct 2011	JI	<ul style="list-style-type: none"> ▪ Clear data is provided on the performance of specific groups of CLA ▪ Action is taken to ensure all groups at the expected level 	MJE	A

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
<p>statistical neighbours and Out of Area CLA in Torbay schools</p> <p>Monitor progress against non-CLA pupils</p>					
<p>3.3</p> <p>Ensure consistency of reporting exclusions from schools; analysis of reasons for the exclusion and identification of any mitigating circumstances; encourage schools to be proactive in avoiding exclusions; and that CLA exclusions are in line with/or less than the school target for all pupils</p>	<p>Nov 2010 and annually thereafter</p>	<p>JI</p>	<ul style="list-style-type: none"> ▪ Policy on exclusions in place ▪ Monitoring of exclusions through B&A Partnership ▪ Reasons for exclusion are analysed and strategy put in place to reduce incidence of exclusions 	<p>MJE</p>	<p>A</p>
<p>3.4</p> <p>Monitor the impact of transience and support schools in the implementation of personalised packages for supporting transient</p>	<p>Jan 2011</p>	<p>JI</p>	<ul style="list-style-type: none"> ▪ Transient CLA have a realistic full time package which provide opportunity for academic success 	<p>SF</p>	<p>G</p>

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
CLA where necessary					
3.5 Through the B&A Partnership ensure that data on CLA achievement is shared between schools to identify good practice and influences curriculum planning	Jan 2012	JI	<ul style="list-style-type: none"> ▪ Schools compare performance of their CLA ▪ Greater personalised curriculum provided for CLA 	MJE	A/G
3.6 Expected levels of progress, average points score, progress against FFT targets and CVA for CLA is collated and analysed and challenged and praised accordingly	Oct 2011	JI	<ul style="list-style-type: none"> ▪ Evidence of a great interrogation of CLA data by schools and the virtual school which leads to changes in policy and practice to bring about improvement 	SF	Amber Red

Torbay Virtual School Development Plan 2010 - 2012

Priority 4	Raising Attainment and Aspiration		
Objective	The attainment of <i>CLA</i> in Torbay is raised to be in line with the National Average and then exceeds the National Average	Person(s) with overall Responsibility:	Ji

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
4.1 Ensure all schools have a collective and individual target for CLAs	End Sept 2011	Ji	<ul style="list-style-type: none"> ▪ CLA and carers are clear of individual targets ▪ Through the SIP target setting process all schools set attendance and attainment targets for CLA 	SF	Amber Green
4.2 Ensure CLA have equal access to school activities and events	Jan 2012	Ji	<ul style="list-style-type: none"> ▪ Schools to monitor CLA engagement in extra curricular activities, pupil voice, positions of responsibility ▪ Virtual school collects and analyses data to monitor engagement on an annual basis ▪ Annually, a focus group of CLA attend a Governors meeting to discuss engagement 	SF	A

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
			opportunity		
<p>4.3</p> <p>Ensure guidance on career, vocation and continuing education is based on early, optimistic assessments of the CLA potential</p>	Jan 2012	JI	<ul style="list-style-type: none"> • Careers South West prioritises CLA and provides evidence of involvement twice a year to Governors of the virtual school • 100% CLA move on to training or employment or remain in school or progress to Further Education. 	MJE	A/G
<p>4.4</p> <p>Review the current Torbay PEP format, CS0014, and make it more focussed on educational attainment, targets and progress</p>	Sept 2011	MJE	<ul style="list-style-type: none"> ▪ A PEP which is more rigorous in identifying progress towards educational attainment ▪ PEP available for all Key Stages ▪ PEP available on Torbay website ▪ Improved educational outcomes for CLA 	CH	Amber Green
<p>4.5</p> <p>At KS4 at the latest, within the PEP. progression opportunities for post 16 studies are discussed and planned</p>	Feb 2012	JI	<ul style="list-style-type: none"> ▪ DTs in all secondary schools actively promote post 16 studies, including FE and HE, to the CLA group ▪ Y10s and Y11s are encouraged to attend Open Events at local 6th Form Colleges and FE Colleges. ▪ Torbay Care Leavers who are in Higher Education are used to promote the 	SF	A

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
			opportunities of HE and the support afforded to CLA when in HE.		
<p>4.6</p> <p>Review each schools' Gifted and Talented Register to identify which CLA are identified and ensure CLA have no barriers to participating in the training days promoted for G&T pupils</p>	October 2012	JI	<ul style="list-style-type: none"> ▪ The Virtual School keeps a G&T register ▪ Participation of CLA in G&T events is monitored and CLA views are collected on potential barriers to their participation 	SF	R
<p>4.7</p> <p>Provide an opportunity for all KS3 and 4 CLA to have access to free and impartial Careers Information, Advice and Guidance regarding opportunities within school 6th Forms, FE and HE.</p>	Sept 2012	JI/AH	<ul style="list-style-type: none"> ▪ Actions identified within PEP Interviews conducted by Careers South West, School 6th Form Managers, Helpzone Manager at South Devon College. 	JE	A/G

Torbay Virtual School Development Plan 2010 - 2012

Priority 5	Student Voice		
Objective	Engage with CLA to ensure a clear understanding of their views on the strengths and weaknesses of the provision in place for them	Person(s) with overall Responsibility:	JI

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Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
5.1 Survey CLA at least once a year on impact of school/virtual school, feeling safe, progress, healthy lifestyles, economic well-being and making a positive contribution	April 2012	JI	<ul style="list-style-type: none"> Information provided is part of virtual school self evaluation process and leads to future policy and strategy 	SF	R
5.2 Monitor student views from PEPs	Annually	JI	<ul style="list-style-type: none"> Monitor PEPs each term - 30 per term. Written report will provide views of CLA on their education Evidence the impact of their views on change in practice 	MJE	Amber Red

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG
<p>5.3</p> <p>The Governing Body of the Virtual School. Survey carers, SW and IRO on school/virtual school</p>	April 2012	JI	<ul style="list-style-type: none"> ▪ Survey provides information on the effectiveness of policy and strategy on supporting the voice of SW and carers 	SF	R
<p>5.4</p> <p>Elected Members to meet a student voice group to gauge their views on an annual basis</p>	January 2012	JI	<ul style="list-style-type: none"> ▪ Information provides Elected Members with a clear picture on students' views which Elected Members are able to use to influence strategy as appropriate 	MJE	R
<p>5.5</p> <p>Virtual School Head and advisory teacher engage termly with a focus group of CLA</p>	April 2012	JI	<ul style="list-style-type: none"> ▪ Discussion focus on the ways the virtual school can improve provision and support for CLA outcomes and lead to their inclusion in the virtual school development plan ▪ Evidence the impact of their views on the changes in practice 	SF	R

JI Jane Inett, Torbay Virtual School Headteacher

SF Suzie Franklin, Head of School Support and Challenge

MJE Jane English, Joint Head of School Improvement

CH Claire Hummerstone, Operations Manager, Specialist Services

AH Alex Howarth, SDC Helpzone Manager

VSGB Virtual School Governing Body



Title: **Revenue Budget Monitoring 2011/12**

Public Agenda Item: **Yes**

Wards Affected: **All Wards in Torbay**

To: **Council**

On: **8 December 2011**

Contact Officer: **Paul Looby**

☎ Telephone: **01803 207283**

✉ E.mail: **paul.looby@torbay.gov.uk**

1. Key Points and Summary

- 1.1 The Council is projecting an overspend of £1.525m at the end of the financial year based upon the latest information available to finance officers. Whilst it is encouraging that progress has been made in addressing the £3m projected overspend reported to Members as at the end of quarter 1, there are continued pressures within Adults and Children's at this time. A £1.525m overspend is a large deficit to recover in the second half of the year and it is unlikely there will be a significant reduction to the projected overspend for both Children's and Adults services due to the number of client commitments. This means savings will have to be found from other services, uncommitted budgets and, as a last resort, uncommitted reserves to ensure a balanced budget can be achieved at the end of the year.
- 1.2 Children's and Adults have updated their recovery plans to provide Members with the progress made to address their overspends and the pressures faced by these services.
- 1.3 Commissioners and Executive Heads are continuing to review all areas of expenditure to identify where further savings can be made and a series of actions that will be taken in the following months are included within this report. This includes the continuation of the vacancy freeze and an embargo on expenditure not yet committed and bringing forward proposed budget savings currently being proposed for the next financial year.
- 1.4 The key variations identified to date within services are:
 - Children's Services are projected to overspend by £1.9m. The overspend is primarily within the Safeguarding and Wellbeing service due to increasing numbers and the costs for looking after Children and the costs for the continued use of agency social workers within the Children In Need service.

- Adult Social Care is projected to overspend by £1.650m. This is due to pressures within Learning Disability, Older People and Mental Health.
- Services within the Environment portfolio are currently projected to spend within their approved budget however, budget pressures have been reported within Residents and Visitors and Spatial Planning which have been offset by savings within Waste and Cleaning and the Torbay Development Agency.
- All other services are projected to contain expenditure within their approved budget with most services making a contribution to offset the overall projected overspend for the council.

1.5 A summary of how the projected overspend is shown in the table below:

	£m	£m
Council Overspend		3,550
Managed by		
In Year savings identified to date by services	(1,340)	
Balance remaining		2,210
Further options to balance budget:		
Uncommitted Income:		
- New Homes: Bonus	(305)	
- Local Services Support Grant	(380)	1,525
Savings to be identified (appendix 5)	to be confirmed	
Uncommitted reserves (if required)	to be confirmed	(1,525)
Balance		0

1.6 As a comparator, the position at this time last year was a projected underspend of £0.553m.

- 1.7 At this stage of the financial year the council still has an opportunity to ensure there is further reductions to the projected overspend. Children's and the Torbay Care Trust must continue to monitor, update and ensure the robustness of their recovery plans and every effort must be made so they are fully implemented to ensure expenditure is contained within budgets. However, as it is now unlikely that Children's and Adults will remain within their approved budget, this will mean all other services will have to find savings in addition to the ones already identified. Commissioners and Executive Heads will be working to ensure savings will be identified to achieve a balanced budget at year end. It should be noted that the Council must achieve a balanced budget at year and this will be achieved by a combination of further in year savings and use of uncommitted income, however some of these actions will not be applied until the final outturn position is confirmed.
- 1.8 As part of the Council's corporate approach to resolving the projected overspend Commissioners, Executive Heads and Executive Leads will be exploring all opportunities to identify where other efficiencies can be made to ensure a balanced budget is achieved. As stated previously, in the current financial climate Officers and Members must ensure that any new initiatives that emerge throughout the year are fully costed and resources have been identified before any commitment to incur expenditure has been made. It is essential that where possible expenditure is contained within the approved budget, and preferably below the approved budget, due to the difficult financial challenges faced by the Council in 2012/13 and beyond.

2. Report Overview

- 2.1 The purpose of this report is to provide Members with a summary of the projections of income and expenditure for all Business Units within the Council and to set out how the Council will maintain expenditure within its approved budget of £125.8m.
- 2.2. The revenue monitoring statement shows the expenditure and projected outturn position based upon the latest information available to finance officers in consultation with service departments. Where possible, the implications or consequences arising from the variations are reflected in the key performance indicators for that service.
- 2.3 Ongoing performance and financial monitoring will be provided to Members through the SPAR system and quarterly updates of performance management will be reported to Overview and Scrutiny Board.

Paul Looby
Executive Head of Finance and Chief Finance Officer

Appendices

Appendix 1 Summary of Main Variations

Appendix 2 Children's Services Recovery Plan

Appendix 3 Pooled Budget with Torbay Care Trust

Appendix 4 Torbay Care Trust Recovery Plan

Appendix 5 Savings Proposals

Appendix 6 Write-Off's over £5,000 (Exempt Appendix)

Documents available in Members' rooms

None.

Background Papers:

The following documents/files were used to compile this report:

Torbay Council's Financial Information and Management System (FIMS).

Budget Digest 2011/12.

Summary of Main Variations

A. Performance

A1.1 The table below provides a summary of the projected outturn position for Council services based upon the four Commissioning areas.

Business Unit/Service	A 2011/12 Budget	B Spend to Date	D Projected Out-turn	E Variation at Out-turn
	£'000	£'000	£'000	£'000
Adults & Operations				
- Adult Social Care	41,937	17,147	43,587	1,650
- Business Services	2,615	1,886	2,488	(127)
- Chief Information Officer	3,999	2,115	3,949	(50)
- Commercial Services	2,586	1,297	2,509	(77)
- Finance	11,961	(2,454)	10,634	(1,327)
- Supporting People	6,379	3,861	6,312	(67)
	69,477	23,852	69,479	2
Children, Schools & Families	21,123	9,288	23,023	1,900
Communities & Local Democracy				
- Community Safety	2,864	824	2,637	(227)
- Community Engagement	1,427	702	1,377	(50)
	4,291	1,526	4,014	(277)
Place & Environment				
- Residents & Visitors	9,960	3,902	10,025	65
- Spatial Planning	5,565	2,727	5,751	186
- Torbay Development Agency	4,853	3,931	4,753	(100)
- Torbay Harbour Authority	0	(461)	0	0
- Waste & Cleaning	10,518	7,518	10,267	(251)
	30,896	17,617	30,796	(100)
Total	125,787	52,283	127,312	1,525

A2. **Main Variations**

A2.1 The following paragraphs identify, within each Commissioning area, identified variations against the approved budgets or concerns about emerging issues and risks in that area. Service managers consider the sensitivity of budget variations

and the projected outturn position which is based on the most likely position at the time of writing this report.

Environment

A2.2 Services within the Environment portfolio are projecting to underspend their approved budget. However there are a number of variations within the three main services including budget pressures within Residents and Visitors and Spatial Planning which will need to be monitored closely over the next quarter.

(a) Resident's and Visitors

There is a projected overspend of £65,000 for this service. This is predominantly the result of a projected £208,000 overspend on energy costs for Street Lighting due to an in-year increase in energy tariffs of 50% from October 2011 and delayed implementation of the 'part night lighting' regime. As the final decision to implement "part night lighting" was not made until late February 2011 the time taken to procure the new switches and to receive the new parts meant work was not able to commence until the middle of May 2011. Officers are devising a recovery plan to help redress the impact of this increase.

Car parking income is projecting a minor shortfall of £20,000 against a budget of £5.230m. There have been savings of £135,000 within Decriminalised Parking Enforcement (DPE) due to vacancy management and accommodation savings.

Vacancy management and associated administrative savings within other service units of Resident's & Visitors have contributed further savings of £28,000.

(b) Waste and Cleaning

There is a projected underspend of £251,000 reported within Waste and Cleaning. This is due to reductions in waste tonnages sent to landfill, resulting in savings on landfill tax, gate fee and transportation costs which have been achieved by diversion of waste and recycling arising from the contract with TOR2.

(c) Spatial Planning

Concessionary Fares are projected to overspend by £60,000. Members will be aware this is one of the Council's volatile budgets and is subject to variation as it is partly influenced by the number of local residents and visitors to the Bay who utilise the service. The increase in expenditure results predominately from the full impact of a new bus service that commenced in 2010/11 and the increased usage this has generated as the service becomes more established. Increased demand and associated costs

within this budget (which stands at £4.208m) are outside of the control of Torbay and will be monitored closely throughout the year.

With the demise of Planning Delivery Grant, the planning department has seen a significant reduction in its budgeted grant income this year. This and the impact of a reduction in fee income, reflecting the continued weakness in the national and local economy, has resulted in a shortfall in income. This has been partly offset through vacancy management but overall Spatial planning is projected to exceed its budget by £186,000.

Torbay Development Agency (TDA)

- (d) In response to the overall projecting overspend, £0.1m of budget for the repairs and maintenance budget will not be committed. This will be kept under review over the remainder of the financial year.

Children's Services

A2.3 Children's Services are projecting an overspend of £1.9m. The net overspend represents 9% of the total net revenue budget for Children's Services.

A2.4 Children's Services can be split into three main areas:

- Children's, Schools and Communities.
- Commissioning and Performance.
- Safeguarding and Wellbeing.

A2.5 The overspend is within Safeguarding and Wellbeing, due to increasing numbers and costs for Children In Care and placements within the independent sector and the costs for the continued use of agency social workers within the Children in Need service.

A2.6 A breakdown of the projected position is summarised below:

- (i) Children's, Schools and Communities are projecting an underspend of £0.624m. These savings are as a result of not making a contribution to the services redundancy provision in 2011/12 as the existing provision is adequate to meet any expected costs. Savings have also been achieved within the Locality teams across the Bay due to vacancy management.
- (ii) Commissioning and Performance is projecting an underspend of £0.138m due to vacancy management and a reduction in training.
- (iii) Safeguarding and Wellbeing is the most volatile budget within Children's and covers placements for vulnerable children and is projected to overspend by £2.662m. This is based upon current commitments and placement numbers and the projected duration of placements and related costs. The latest figures for the number of looked after children as at the end of

September 247 which has increased from 213 as at 31 March 2011. The number of Children looked after has to be set in the context of the difficulties the Service has had in recruiting qualified staff and the need to cover this through the employment of agency social workers which is contributing £1m to the projected overspend and £1m is the additional costs for placement of children being looked after.

A2.7 Children's Services have updated their recovery plan to address the current position and this is shown in appendix 2.

Communities and Local Democracy

A2.8 Services within Communities and Local Democracy are projecting to underspend by £277,000. The main variations are:

- Community Safety is projected to underspend by £227,000 as a result of vacancy management. This has been achieved by bringing forward and implementing proposed savings for 2012/13 and generating savings in the current financial year.
- Community Engagement is projecting a £50,000 underspend of which £40,000 is for vacancy management savings within the service and £10,000 due to savings within the Members allowances budget as a result of Members undertaken more than one responsibility which does not result in additional allowances.

Adults and Operations

A2.9 Services within Adults and Operational Support are projecting a small overspend of £2,000. However, there are a number of variations within this portfolio of services with the largest projected overspend within Adult Social Care which has been offset by a number of savings which are summarised below.

Adult Social Care

A2.10 Adult Social Care is a Commissioned service and is provided by the Torbay Care Trust. The partnership is managed through a pooled budget - a summary of the latest pooled budget is attached in appendix 3. The Pool budget comprises 3 elements, Community Based Teams, Commissioned Social Care and Management and Support Services.

A2.11 Within the Social Care Commissioned Older People, Learning Disabled and Mental health Services are all projecting overspends with the largest overspend within then Learning Disabled Service.

(a) Learning Disability

As reported at quarter one the budget pressures within this client group are personal budgets and domiciliary care (supported living). The personalisation agenda has meant costs have increased within this area over the last few years

however, to date there has not been corresponding decreases in traditional care services such as residential care. This has meant it has not been possible to transfer budgets from residential care to fund these increased costs. Underpinning the cost pressures within this client group are a number of factors such as transitional cases from children services, ordinary residency issues, older family carers and costs relating to clients at risk of offending.

(b) Older People and Physical Disability

As reported previously, the main budget pressure is within non residential services such as domiciliary and day care and personal budgets. Whilst the Trust over the last five years has been successful in reducing traditional residential and nursing placements it has seen a movement of clients and cost to domiciliary care. Underpinning this cost pressure and older people in general is the demographic pressures of an ageing local population.

(c) Mental Health

The projected overspend is due to increased costs for residential and domiciliary care.

A2.12 The Torbay Care Trust's recovery plan to mitigate the overspend is shown in appendix 4.

A2.13 The main variations within the remaining services are summarised below.

1. Business Services are projecting an underspend of £127,000. This is due to a reduction in recruitment costs (£40,000) due to the reduction in the number of posts advertised. All vacant posts are reviewed by the Establishment Control Panel.

Business Services have achieved a further £80,000 of savings as a result of bringing forward a restructure of the service, which was identified as a 2012/13 budget saving.

2. Commercial Services are projecting an underspend of £77,000 due to vacancy management within the Information Governance and Legal Services teams.
3. The Chief Information Officer is projecting a £50,000 underspend due to reduced costs for IT licenses and by reducing the annual contribution to the IT renewals reserve.
4. Supporting People is projected to underspend by £67,000 due contractual negotiations with service providers and vacancy management.
5. Finance, which includes corporate budgets, are projecting an underspend of £1.327m. The variations are:

- £0.104m of this saving is due to reduced staffing costs arising from reduced hours worked and vacancy management within the Business Unit.
- Treasury Management is projected to underspend by £200,000 due to better than expected investment returns due to close monitoring of the Council's cash balances.
- the costs of Audit fees and external inspection costs are projected to be £60,000 less than budgeted for due to a reduction in external audit fees.
- the council has a contingency of £278,000 which is currently uncommitted. Due to latest financial position it is recommended this contingency is released to offset the projected overspend.
- the council received New Homes Bonus of £305,000. This budget is uncommitted and due to latest financial position it is recommended this budget is released to offset the projected overspend.
- The council received a Local Services Support Grant of £380,000 after the budget was set in February 2011. This grant is un-ring fenced and is currently not committed. Due to the size of the current projected overspend it is recommended that this money is used to offset the overspend.

Strategy For in Year Budget Management

A2.14 The budget pressures identified are for services provided to the most vulnerable residents within the Bay and these are some of the council's most volatile budgets. Executive Leads and their respective managers continue to work hard to ensure the measures set out in the recovery plans will address, where possible, the budget pressures identified to date. These plans will be monitored closely by Executive Leads and managers and a further update on progress against these plans will be provided to Members in the next monitoring report.

A2.15 Executive Heads and Commissioners have taken a council wide view as to what efficiency savings, or reductions in uncommitted expenditure can be made up until the end of the financial year. A number of initiatives have been acted upon in the last quarter which has resulted in the savings identified within this report. However based upon the projected overspend reported further action is required. The following actions are being considered by all Executive Heads:

- what areas of budgeted expenditure could be ceased and an assessment of the services consequences.
- a review on all non front line expenditure to identify whether any expenditure in these areas could be reduced and the implications of any reductions will be assessed.
- The Establishment Control Panel to ensure further vacancy management controls are in place.
- Identification of any invest to save schemes that will have an immediate or cost savings in 2012/13.

A list of specific actions being considered by Executive Leads and officers are included as Appendix 5 to this report.

- A2.16 Commissioners and Executive Heads will continue to scrutinise all areas of expenditure and assess the sensitivity of outturn projections by working closely with service managers to ensure expenditure is maintained within existing budgets. The identification of uncommitted expenditure which can be stopped will generate the largest savings. However, these will have service implications which will need to be recognised and assessed. Any further areas where uncommitted expenditure will be stopped will be reported verbally to Members of the Board.
- A2.17 The Council is already faced with an extremely challenging financial outlook in the context of reducing government grant and increasing service demands over the next few years. It is therefore essential that services maintain expenditure within their approved budget otherwise the financial challenge will become harder in 2012/13 and beyond. The actions outlined above and the implementation of the action plans will support the Council in addressing the in-year pressures.

A4. Reserves

- A4.1 At the beginning of the financial year the Council had reserves of £4.6m, that largest being the Comprehensive Spending Review (CSR) Reserve which was £3.1m. The purpose of the CSR reserve is to support the council in managing the financial challenges over the CSR period and making provision for any costs of restructuring council services and provision for any invest to save projects.
- A4.2 The Council also has its general fund balance which is £4.0m. In response to concerns raised by our external auditors as to the level of the general fund balance, the Council set an internal target to reach 3% of its net revenue budget. As a result of the contribution to the general fund balance as approved by Council on 14 July, the current level is 3.2% which I consider to be a prudent level. It should be noted that the general fund reserve should only be called upon in emergencies.
- A4.3 The annual review of all reserves will be undertaken as part of the budget preparation process and will be reported to Members in December. This process will allow the existing earmarked reserves to be challenged to ensure they are still required and to what level. The Review of Reserves report can be found on the following link <http://insight/index/information/finance/finance-newpage-2.htm>
- A4.4 Members will be aware that all reserves are earmarked for specific purposes with the exception of the General Fund Reserve which remains the only fund the Council holds to meet emergency costs. The government has focused its attention on the level of Council reserves held within councils. It should be noted that any release of monies from reserves should only be used for one off purposes and cannot be used to sustain ongoing expenditure.
- A4.5 The Mayor has agreed to release the following monies from reserves during 2011/12:

- £0.5m to support Children's Services to develop an Intensive Family Support Service.
- £0.250m to support the Bay's tourism sector.
- £0.1m to support revenue costs associated with the Princess Promenade repairs (Council decision).

A4.6 After taken these into account the level of reserves has fallen to £3.692m. However, in addition there are a number of other cost pressures which will further reduce the level of reserves the council holds. These include sunk costs arising from the redesign of the Office Accommodation Review estimated at £0.5m, redundancy costs which will arise from the 2012/13 budget round (£1.5m last year) and will be a cost in 2011/12. In addition, if the council is unable to declare a balanced budget at year end any overspend will have to be funded from these reserves. This will severely deplete the council's uncommitted reserves and impact upon how the council manages further reductions in government grant in 2013/14 and 2014/15.

A4.7 A summary of the council's uncommitted reserves is shown below:

Reserve	Working Balance £'m
Comprehensive Spending Review Reserve	3.100
Budget Pressures Reserve	0.443
Financial Strategy and Change Management Reserve	0.149
Balance at 31 September 2011	3.692
Possible calls upon reserves	
Sunk Costs – Office Accommodation Review	0.5 (estimated)
Redundancy Costs arising from 2012/13 budget	1.5 (estimated)
2011/12 overspend	1.5 (latest position)

A.5 Dedicated Schools Grant (DSG)

A.5.1 The Dedicated Schools Grant in 2011/12 is £84.2 and is used to fund all Schools Related Expenditure. The DSG is currently reporting a projected underspend of £0.113m. The DSG is a ring fenced grant and can only be used to fund schools related activities.

A.6 Debtors Monitoring

9.1 This section of the report provides Members with an update for the second quarter of 2011/12 in respect of council tax and business rate collection. It also sets the background and benchmarks against which future performance will be monitored and assessed during the current financial year.

Council Tax

9.2 The targets for the collection of Council Tax are:

- (i) collect 96.5% of the Council Tax due within the 12 months of the financial year (i.e. April to March); and
- (ii) collect 50% of the arrears brought forward from previous years.

9.3 The Council is due to collect £59.4m after the granting of mandatory relief and Council Tax Benefit in the period April 2011 to March 2012. To date the Council has collected £32.3m which is about 54.27% of the Council Tax due in year. The collection level is in line with last year's performance.

9.4 The total arrears outstanding at 31 March 2011 were £3.7m and this has been reduced by £1.2m which is about 31.5% of the total arrears due.

9.5 There are no Council Tax write-offs over £5,000 to report.

Non-Domestic Rates

9.6 The targets for the collection of NNDR (business rates) re:

- (i) collect 98.0% of the business rates due within the 12 months of the financial year (i.e. April to March); and
- (iii) collect 50% of the arrears brought forward from previous years.

9.7 The Council is due to collect £35.9m after the granting of mandatory relief in the period April 2011 to March 2012. To date the Council has collected £20.5m which is about 57.1% of the business rates due in year. The collection level is around 2.5% down on last year's performance.

9.8 The total arrears outstanding were £1.49m and this has been reduced by £0.6m which is about 39.7% of the total arrears due.

The write-offs in respect of debts over £5,000 are listed in Appendix 5

CHILDREN, SCHOOLS AND FAMILIES RECOVERY PLAN 2011 UPDATED OCTOBER 2011

The revised projected £1.9 million overspend is in large part a continuation of the pressure in children's social care for the last few years. At the end of 2010/11 social care for children overspent by £1m. However, this was to offset to some extent by significant underspends elsewhere within Children's services and the use of Sure Start grant, if these are stripped out the overspend would have been £1.3m.

1. Bringing Forward 2012/13 Saving Proposals

Children's, Schools and Families have been set an in-year savings target of £250,000 by bringing forward savings from 2012/13. The savings achieved so far as at October 2011 is £144,000, these are detailed below in paragraphs 6 and 8 below. This still leaves a gap of £106,000 against this target.

Where it is possible to do so, the proposals put forward in the 2012/13 budget setting exercise will be implemented as soon as possible in this financial year, this is likely to generate savings from February 2012.

Short to Medium term Plans

2. Vacancy Management

Of the £1.9m overspend, £0.6m relates to the vacancy target; savings achieved by delaying appointments or keeping vacant posts empty. The action here is to achieve staffing savings on non social work posts of at least £0.2m. It is unlikely that any staffing savings can be achieved in Safeguarding and Wellbeing due to the increased costs of employing agency social workers. However, when the backlog of cases to be reviewed is back down at acceptable levels plus the appointment of permanent staff this should, over the next 12 months, result in lower staffing costs and therefore reduction in the overspend.

Vacancy Management Savings achieved in 2011/12

£10,000 – achieved within the Disabilities Service (administrative vacancy)

£18,000 – achieved from Early Years (redundancy)

£10,000 – achieved from Early Years (play ranger funded finished)

£20,000 – achievable from Review of Business Support.

3. Disability Services Review

As part of our medium term plans there is a review of the level of and types of service provided to disabled children and their families. A specific area under review is that of Direct Payments; where the family is allocated a sum of money to manage their child's care package.

4. Other Projected Savings elsewhere in Children's Services

The initial analysis of other services unrelated to Children Looked After has indicated that a further £0.4m of savings could be made this financial year, an element of this could come from administrative and management savings, however any major contribution will inevitably have an impact on front line services. As of week beginning 25 July 2011, a spending moratorium has been implemented similar to that which was in force for the last 3 months of the last financial year. Any spend over £500 will need to be authorised at Executive Head level and there will be a moratorium on attendance at conferences. All vacancies will be held vacant unless it is considered that none replacement would be detrimental to the management of the Children in Need intake team.

This new regime allows Senior Managers and Executive Heads to review and challenge managers where there are significant financial commitments.

Non Staffing savings achieved so far

£150,000 – achieved across Training Budget – Commissioning & Performance

£26,000 – achieved in YOT

5. Proposed Reshaping of the Safeguarding and Wellbeing Service

The Executive Head for Safeguarding and Wellbeing proposed a reshaping of the Safeguarding and Wellbeing service that will see changes to the teams contained within that service. The proposed reshaping is currently at the consultation stage with an expected implementation date of January 2012. This is supported by an evidence based paper which lays out the pressures on the "intake" team in dealing with the increasing backlog of cases. The work of the Family Intervention Team (FIT) will also be explored. It is estimated that a saving of £120,000 is now projected in the month 6 budget monitor as a result of the reduced reliance on agency staff and 1 agency service manager.

Proposed Long term Changes

6. Identification of the on going pressures

The number of children that are being brought into the care system is now at unprecedented levels. The Munro report is now suggesting that working with children in their family setting is more beneficial. Plans are currently being developed to create an Intensive Family Support service. This approach will have both financial benefits and better outcomes for the child and family and will act as a bridge between Early Intervention Services and Specialist Social Care Services.

7. Business case for the Intensive Family Support Service

This approach delivers intensive support for families with multiple problems achieve lasting benefits; not just for the children involved; their families and those in the local community; but for other local services as well by tackling a whole range of factors. The impact of coordinated intensive support can be fairly immediate and help reduce the often excessive demands these families make on local services through staff time and the financial costs of failing to intervene earlier.

Torbay already has a successful Family intervention project but despite its significant progress, the numbers of children subject to Child Protection Plans and becoming Looked After by the Local Authority is continuing to rise. This is creating enormous pressure on resources and increases the potential for poorer outcomes for children. The transformation of the Family Intervention Project coupled with increased investment of £0.5m in 2011/12 to create an Intensive Family Support Service will ensure that resources are appropriately targeted and build on the growing evidence base of 'what works' for families and delivers efficiency savings for the Local Authority.

This project will be embedded within the new "community budget" approach and a grant has been applied for to the Department for Communities and Local Government to provide tailored family support to the development of this model (£70,000). This will provide us with a 3 year budget projection in bringing down costs through a new approach.

The estimated savings that can be generated by delivering services in this way can be up to £81,624 per annum/per family, with £40,341 being attributed to the Local Authority itself (based on DFE Family Savings Calculator).

Based on 25 families successfully completing in the first year a £0.5m investment "could" generate reduced costs of £2m; £1m of which "would" directly reduce costs for the LA based upon the DFE Family Savings Calculator.

The recruitment process for the Intensive Family Support Service has commenced and it is estimated that the cost of this team together with additional investment that has been made in social care teams will enable us to respond to children in need at an earlier stage.

8. Timescale of impact

This approach will need investment initially in training and mentoring but over a period of 2/3 years will result in fewer children in care and therefore a reduction in budget allocations to this area of work.

9. Revision of the Safeguarding Improvement Plan (SIP) known as the Children's Partnership Improvement Plan (CPIP)

The Acting Head of Children's Services has revised the SIP and it was approved by the Safeguarding Improvement Board and the DfE on October 14th 2011. The impact of the changes is unlikely to be fully embedded in this financial year but should begin to have an impact in the next financial year, whilst retaining the council within its statutory safeguarding responsibilities. This will initiate a remodelling of current structures within localities and early intervention to enable them to follow a targeted model in support of vulnerable children.

New panel arrangements will now be put in place on a weekly basis to manage both the escalating number of children in care and to prevent additional children coming into the system. This will be implemented in November and run in parallel with the intensive family support model.

Appendix 3

Financial Position

Set out below is the financial position of the Care Trust Provider Arm as at 30th September 2011.

	Year to Date			Year End		
	Budget	Actual	Variance (Under)/ Over	Budget	Actual	Variance (Under)/ Over
Funding from Torbay Council	19,545	20,372	827	39,089	40,743	1,654
Torbay Care Trust Contract Income	13,093	13,093	-	26,183	26,183	-
NHS Devon Contract Income	16,949	16,949	-	33,897	33,897	-
Total Contract Income	49,586	50,413	827	99,169	100,823	1,654
Torquay North Zone	2,086	2,072	(14)	4,171	4,144	(27)
Torquay South Zone	1,845	1,823	(22)	3,689	3,645	(44)
Paignton North Zone	730	713	(17)	1,459	1,426	(33)
Paignton South Zone	1,149	1,140	(9)	2,298	2,280	(18)
Brixham Zone	817	792	(25)	1,633	1,584	(49)
Baywide Enabling Services Team (BEST)	2,247	2,294	47	4,494	4,587	93
Professional Practice (Clinical Services)	1,891	1,869	(22)	3,782	3,738	(44)
South - Darmouth and Totnes	701	691	(10)	1,402	1,382	(20)
South - Ivybridge and Kingsbridge	1,274	1,271	(3)	2,548	2,543	(5)
South - Tavistock	663	663	-	1,325	1,325	-
South - Coastal	443	448	5	885	895	10
South - Newton Abbot	569	567	(2)	1,137	1,134	(3)
South - Moorland	263	259	(4)	526	518	(8)
South - Other Clinical Services	985	975	(10)	1,970	1,950	(20)
South - SD Community Hospitals	9,786	9,783	(3)	19,571	19,566	(5)
South - Torbay Community Hospitals	1,778	1,791	13	3,555	3,580	25
Community Based Teams/Clinical Services	27,223	27,147	(76)	54,445	54,297	(148)
Older People	8,036	8,224	188	16,072	16,448	376
Learning Disabled	3,470	4,046	576	6,939	8,091	1,152
Mental Health	1,351	1,421	70	2,701	2,841	140
Preserved Rights	1,079	1,072	(7)	2,157	2,143	(14)
Commissioned Social Care (Net of Client Charges)	13,936	14,763	827	27,869	29,523	1,654
Operations Management	3,152	3,152	-	6,304	6,304	-
Board, Executive and Support Services	5,276	5,276	-	10,551	10,551	-
Management/Support Services	8,428	8,428	-	16,855	16,855	-
Total Provider Services	49,586	50,337	751	99,169	100,675	1,506
(Surplus)/Deficit	-	(76)	(76)	-	(148)	(148)
Memorandum:						
<i>DCC Older People Commissioned Services (Net of Income)</i>					<u>21,065</u>	

Appendix 4

TORBAY CARE TRUST RECOVERY PLAN– CASH RELEASING EFFICIENT SAVINGS (CRES) 2011/12

To date this financial year, the schemes below have been implemented by the Care Trust and are reflected within the current financial forecast.

Fully Implemented Scheme	Saving £'000s
Operations Savings – Reconfiguration of St Edmunds, Reconfiguration of Fernham, Management Cost Savings (Redesign of Roles) & Change in Provision of Community Alarms	1,323
Social Care Commissioned - Preserved Rights Attrition	206
Social Care Commissioned – Increased Client Charges	202
Total Savings	1,731

In addition to the above schemes there is a supplementary list of CRES schemes (see table below) which it is anticipated will realise £685,000 savings in year and result in a year end overspend of £1,650,000

	Revised In Year Savings	FYE of Savings	Risks/Impact of Proposals
(1) Residential & Nursing Home Placements	100	150	
Attrition of Preserved Rights Clients	0	0	Occurs naturally - but savings for 11/12 already built into forecast overspend.
Reduction in residential placements	50	50	This is part of the way care is now delivered but it should be noted that the care home market which is currently under huge pressure. Need to consider impact of demographics in these figures.
Opening of Dunboyne (Relocate current care home clients/determine feasibility of transferring LD clients)	50	100	This will have a positive impact on those clients who are assessed as suitable for placements and packages of care should reduce on transfer.

(2) Domiciliary Care	235	685	
Renegotiation of contracts and hourly rates for Tier 1 - four main providers	60	120	Allows Trust to negotiate a better rate which is in line with neighbouring local authorities. Clients may prefer to accept a direct payment should their current provider not achieve AWP status. Looking to work with providers to lower their unit costs so as not to compromise the quality of care. (Excludes LD as those reductions captured elsewhere.)
Any Willing Provider (AWP) process for Tier 2 - lower hourly rates	25	65	
Actively review and intensively reable clients - equates to potentially a 10% reduction in client numbers with average size packages of care (i.e. 7.5 hrs)	150	500	Domiciliary care providers are experiencing financial pressures. (Review of clients through resource allocation system (RAS). Need to take into accounts an individual's carer/family support mechanisms and work with providers to review care packages more frequently to reduce services once outcomes achieved.)
(3) Other Reductions in Volume/Service Levels	350	730	
Respite/Short Term Placements – review frequency of respite care and/or tighten threshold for when given	30	75	Impact upon existing clients/carers/families.
Robust Adherence to Cost, Risk & Choice Policy - policy enables people to remain in their own homes. (Currently allows a 20% 'top up' over and above the cost of a care home placement.)	50	100	May impact on the number of clients admitted to a care home if this policy is strictly adhered to. Impact more likely to be felt on long standing clients. Currently 132 clients fall into this category with the exception of LD clients – however not all clients will be affected. Laision with each client on a case by case basis.
Contract management: * stricter contract management * maximise use of block beds at St Kilda * on-hold packages of care	75	150	Need to ensure transitional arrangements in place for clients whose RAS assessment varies greatly from the level of funding currently received.

Fairer Charging Policy	15	50	Some clients may be required to contribute more. Follows national charging mechanisms.
LD high cost clients (In 2011/12 mainly concentrates on reduction in high cost packages of care, i.e. adherence to RAS and Choice, Cost and Risk Policy which are not incorporated into above figures.)	75	250	Need to ensure safeguarding issues are still picked up and impact on individual's quality of life is recognised. There may be an impact upon in-house services and rationalisation of private sector.
Reduced day services for older people	105	105	Seeking to offer clients alternatives which hopefully reduce their social isolation and increase their independence at the same time. It's therefore about market development and allowing clients to use their personal budget in different ways which better meet their outcomes.
TOTAL	685	1,565	

Appendix 5

SAVINGS PROPOSALS 2011/12

Proposal	Action
Review all uncommitted expenditure on supplies and services. This is an ongoing exercise whereby Executive Heads will identify the impact and where savings will be made.	All Executive Heads
No journeys outside Devon (without approval by Commissioners).	All Executive Heads
All mail, where applicable to go second class but by email in preference.	All Executive Heads
Consider re- negotiation of contracts where possible:	All Executive Heads
Simplify and reduce the size of all council documents – external and internal.	All Executive Heads
Turn round expenses quarterly	All Executive Heads
Review discretionary rate relief policy – impact in 12/13	Executive Head Finance
Review of contractual commitments in relation to bus subsidies	Executive Head Spatial Planning
Review and implement new office hours.	Chief Executive TDA
Implement changes to Accommodation review ASAP	Adults and Operational Support Commissioner
Stronger stance on debt collection	Executive Head Finance
Reduce number of editions of Info from 12 to 6 and only available electronically	Executive Head Business Supports
Investigate charges for loans for ebooks?	Executive Head Residents and Visitors
All services to reduce mileage by 20% through better planning of meetings and visits	All Executive Heads
Charge for advertising on web site.	Executive Head Information Officer
Sell desirable places in carparks to individuals for set periods of time	Executive Head Residents and Visitors

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Summary of Main Variations

A. Performance

A1.1 The table below provides a summary of the projected outturn position for Council services based upon the four Commissioning areas.

Business Unit/Service	A 2011/12 Budget	B Spend to Date	D Projected Out-turn	E Variation at Out-turn
	£'000	£'000	£'000	£'000
Adults & Operations				
- Adult Social Care	41,937	17,147	43,587	1,650
- Business Services	2,615	1,886	2,488	(127)
- Chief Information Officer	3,999	2,115	3,949	(50)
- Commercial Services	2,586	1,297	2,509	(77)
- Finance	11,961	(2,454)	10,634	(1,327)
- Supporting People	6,379	3,861	6,312	(67)
	69,477	23,852	69,479	2
Children, Schools & Families	21,123	9,288	23,023	1,900
Communities & Local Democracy				
- Community Safety	2,864	824	2,637	(227)
- Community Engagement	1,427	702	1,377	(50)
	4,291	1,526	4,014	(277)
Place & Environment				
- Residents & Visitors	9,960	3,902	10,025	65
- Spatial Planning	5,565	2,727	5,751	186
- Torbay Development Agency	4,853	3,931	4,753	(100)
- Torbay Harbour Authority	0	(461)	0	0
- Waste & Cleaning	10,518	7,518	10,267	(251)
	30,896	17,617	30,796	(100)
Total	125,787	52,283	127,312	1,525

A2. **Main Variations**

A2.1 The following paragraphs identify, within each Commissioning area, identified variations against the approved budgets or concerns about emerging issues and risks in that area. Service managers consider the sensitivity of budget variations and the projected outturn position which is based on the most likely position at the time of writing this report.

Environment

A2.2 Services within the Environment portfolio are projecting to underspend their approved budget. However there are a number of variations within the three main services including budget pressures within Residents and Visitors and Spatial Planning which will need to be monitored closely over the next quarter.

(a) Resident's and Visitors

There is a projected overspend of £65,000 for this service. This is predominantly the result of a projected £208,000 overspend on energy costs for Street Lighting due to an in-year increase in energy tariffs of 50% from October 2011 and delayed implementation of the 'part night lighting' regime. As the final decision to implement "part night lighting" was not made until late February 2011 the time taken to procure the new switches and to receive the new parts meant work was not able to commence until the middle of May 2011. Officers are devising a recovery plan to help redress the impact of this increase.

Car parking income is projecting a minor shortfall of £20,000 against a budget of £5.230m. There have been savings of £135,000 within Decriminalised Parking Enforcement (DPE) due to vacancy management and accommodation savings.

Vacancy management and associated administrative savings within other service units of Resident's & Visitors have contributed further savings of £28,000.

(b) Waste and Cleaning

There is a projected underspend of £251,000 reported within Waste and Cleaning. This is due to reductions in waste tonnages sent to landfill, resulting in savings on landfill tax, gate fee and transportation costs which have been achieved by diversion of waste and recycling arising from the contract with TOR2.

(c) Spatial Planning

Concessionary Fares are projected to overspend by £60,000. Members will be aware this is one of the Council's volatile budgets and is subject to variation as it is partly influenced by the number of local residents and visitors to the Bay who utilise the service. The increase in expenditure results predominately from the full impact of a new bus service that commenced in 2010/11 and the increased usage this has generated as the service becomes more established. Increased demand and associated costs within this budget (which stands at £4.208m) are outside of the control of Torbay and will be monitored closely throughout the year.

With the demise of Planning Delivery Grant, the planning department has seen a significant reduction in its budgeted grant income this year. This and the impact of a reduction in fee income, reflecting the continued weakness in the national and local economy, has resulted in a shortfall in income. This has been partly offset through vacancy management but overall Spatial planning is projected to exceed its budget by £186,000.

Torbay Development Agency (TDA)

- (d) In response to the overall projecting overspend, £0.1m of budget for the repairs and maintenance budget will not be committed. This will be kept under review over the remainder of the financial year.

Children's Services

A2.3 Children's Services are projecting an overspend of £1.9m. The net overspend represents 9% of the total net revenue budget for Children's Services.

A2.4 Children's Services can be split into three main areas:

- Children's, Schools and Communities.
- Commissioning and Performance.
- Safeguarding and Wellbeing.

A2.5 The overspend is within Safeguarding and Wellbeing, due to increasing numbers and costs for Children In Care and placements within the independent sector and the costs for the continued use of agency social workers within the Children in Need service.

A2.6 A breakdown of the projected position is summarised below:

- (i) Children's, Schools and Communities are projecting an underspend of £0.624m. These savings are as a result of not making a contribution to the services redundancy provision in 2011/12 as the existing provision is adequate to meet any expected costs. Savings have also been achieved within the Locality teams across the Bay due to vacancy management.
- (ii) Commissioning and Performance is projecting an underspend of £0.138m due to vacancy management and a reduction in training.
- (iii) Safeguarding and Wellbeing is the most volatile budget within Children's and covers placements for vulnerable children and is projected to overspend by £2.662m. This is based upon current commitments and placement numbers and the projected duration of placements and related costs. The latest figures for the number of looked after children as at the end of September 247 which has increased from 213 as at 31 March 2011. The number of Children looked after has to be set in the context of the difficulties the Service has had in recruiting qualified staff and the need to cover this

through the employment of agency social workers which is contributing £1m to the projected overspend and £1m is the additional costs for placement of children being looked after.

A2.7 Children's Services have updated their recovery plan to address the current position and this is shown in appendix 2.

Communities and Local Democracy

A2.8 Services within Communities and Local Democracy are projecting to underspend by £277,000. The main variations are:

- Community Safety is projected to underspend by £227,000 as a result of vacancy management. This has been achieved by bringing forward and implementing proposed savings for 2012/13 and generating savings in the current financial year.
- Community Engagement is projecting a £50,000 underspend of which £40,000 is for vacancy management savings within the service and £10,000 due to savings within the Members allowances budget as a result of Members undertaken more than one responsibility which does not result in additional allowances.

Adults and Operations

A2.9 Services within Adults and Operational Support are projecting a small overspend of £2,000. However, there are a number of variations within this portfolio of services with the largest projected overspend within Adult Social Care which has been offset by a number of savings which are summarised below.

Adult Social Care

A2.10 Adult Social Care is a Commissioned service and is provided by the Torbay Care Trust. The partnership is managed through a pooled budget - a summary of the latest pooled budget is attached in appendix 3. The Pool budget comprises 3 elements, Community Based Teams, Commissioned Social Care and Management and Support Services.

A2.11 Within the Social Care Commissioned Older People, Learning Disabled and Mental health Services are all projecting overspends with the largest overspend within then Learning Disabled Service.

(a) Learning Disability

As reported at quarter one the budget pressures within this client group are personal budgets and domiciliary care (supported living). The personalisation agenda has meant costs have increased within this area over the last few years however, to date there has not been corresponding decreases in traditional care services such as residential care. This has meant it has not been possible to transfer budgets from residential care to fund these increased costs. Underpinning

the cost pressures within this client group are a number of factors such as transitional cases from children services, ordinary residency issues, older family carers and costs relating to clients at risk of offending.

(b) Older People and Physical Disability

As reported previously, the main budget pressure is within non residential services such as domiciliary and day care and personal budgets. Whilst the Trust over the last five years has been successful in reducing traditional residential and nursing placements it has seen a movement of clients and cost to domiciliary care. Underpinning this cost pressure and older people in general is the demographic pressures of an ageing local population.

(c) Mental Health

The projected overspend is due to increased costs for residential and domiciliary care.

A2.12 The Torbay Care Trust's recovery plan to mitigate the overspend is shown in appendix 4.

A2.13 The main variations within the remaining services are summarised below.

1. Business Services are projecting an underspend of £127,000. This is due to a reduction in recruitment costs (£40,000) due to the reduction in the number of posts advertised. All vacant posts are reviewed by the Establishment Control Panel.

Business Services have achieved a further £80,000 of savings as a result of bringing forward a restructure of the service, which was identified as a 2012/13 budget saving.

2. Commercial Services are projecting an underspend of £77,000 due to vacancy management within the Information Governance and Legal Services teams.
3. The Chief Information Officer is projecting a £50,000 underspend due to reduced costs for IT licenses and by reducing the annual contribution to the IT renewals reserve.
4. Supporting People is projected to underspend by £67,000 due contractual negotiations with service providers and vacancy management.
5. Finance, which includes corporate budgets, are projecting an underspend of £1.327m. The variations are:
 - £0.104m of this saving is due to reduced staffing costs arising from reduced hours worked and vacancy management within the Business Unit.

- Treasury Management is projected to underspend by £200,000 due to better than expected investment returns due to close monitoring of the Council's cash balances.
- the costs of Audit fees and external inspection costs are projected to be £60,000 less than budgeted for due to a reduction in external audit fees.
- the council has a contingency of £278,000 which is currently uncommitted. Due to latest financial position it is recommended this contingency is released to offset the projected overspend.
- the council received New Homes Bonus of £305,000. This budget is uncommitted and due to latest financial position it is recommended this budget is released to offset the projected overspend.
- The council received a Local Services Support Grant of £380,000 after the budget was set in February 2011. This grant is un-ring fenced and is currently not committed. Due to the size of the current projected overspend it is recommended that this money is used to offset the overspend.

Strategy For in Year Budget Management

A2.14 The budget pressures identified are for services provided to the most vulnerable residents within the Bay and these are some of the council's most volatile budgets. Executive Leads and their respective managers continue to work hard to ensure the measures set out in the recovery plans will address, where possible, the budget pressures identified to date. These plans will be monitored closely by Executive Leads and managers and a further update on progress against these plans will be provided to Members in the next monitoring report.

A2.15 Executive Heads and Commissioners have taken a council wide view as to what efficiency savings, or reductions in uncommitted expenditure can be made up until the end of the financial year. A number of initiatives have been acted upon in the last quarter which has resulted in the savings identified within this report. However based upon the projected overspend reported further action is required. The following actions are being considered by all Executive Heads:

- what areas of budgeted expenditure could be ceased and an assessment of the services consequences.
- a review on all non front line expenditure to identify whether any expenditure in these areas could be reduced and the implications of any reductions will be assessed.
- The Establishment Control Panel to ensure further vacancy management controls are in place.
- Identification of any invest to save schemes that will have an immediate or cost savings in 2012/13.

A list of specific actions being considered by Executive Leads and officers are included as Appendix 5 to this report.

A2.16 Commissioners and Executive Heads will continue to scrutinise all areas of expenditure and assess the sensitivity of outturn projections by working closely with service managers to ensure expenditure is maintained within existing budgets. The identification of uncommitted expenditure which can be stopped will generate the largest savings. However, these will have service implications which will need to be recognised and assessed. Any further areas where uncommitted expenditure will be stopped will be reported verbally to Members of the Board.

A2.17 The Council is already faced with an extremely challenging financial outlook in the context of reducing government grant and increasing service demands over the next few years. It is therefore essential that services maintain expenditure within their approved budget otherwise the financial challenge will become harder in 2012/13 and beyond. The actions outlined above and the implementation of the action plans will support the Council in addressing the in-year pressures.

A4. Reserves

A4.1 At the beginning of the financial year the Council had reserves of £4.6m, that largest being the Comprehensive Spending Review (CSR) Reserve which was £3.1m. The purpose of the CSR reserve is to support the council in managing the financial challenges over the CSR period and making provision for any costs of restructuring council services and provision for any invest to save projects.

A4.2 The Council also has its general fund balance which is £4.0m. In response to concerns raised by our external auditors as to the level of the general fund balance, the Council set an internal target to reach 3% of its net revenue budget. As a result of the contribution to the general fund balance as approved by Council on 14 July, the current level is 3.2% which I consider to be a prudent level. It should be noted that the general fund reserve should only be called upon in emergencies.

A4.3 The annual review of all reserves will be undertaken as part of the budget preparation process and will be reported to Members in December. This process will allow the existing earmarked reserves to be challenged to ensure they are still required and to what level. The Review of Reserves report can be found on the following link <http://insight/index/information/finance/finance-newpage-2.htm>

A4.4 Members will be aware that all reserves are earmarked for specific purposes with the exception of the General Fund Reserve which remains the only fund the Council holds to meet emergency costs. The government has focused its attention on the level of Council reserves held within councils. It should be noted that any release of monies from reserves should only be used for one off purposes and cannot be used to sustain ongoing expenditure.

A4.5 The Mayor has agreed to release the following monies from reserves during 2011/12:

- £0.5m to support Children's Services to develop an Intensive Family Support Service.

- £0.250m to support the Bay's tourism sector.
- £0.1m to support revenue costs associated with the Princess Promenade repairs (Council decision).

A4.6 After taken these into account the level of reserves has fallen to £3.692m. However, in addition there are a number of other cost pressures which will further reduce the level of reserves the council holds. These include sunk costs arising from the redesign of the Office Accommodation Review estimated at £0.5m, redundancy costs which will arise from the 2012/13 budget round (£1.5m last year) and will be a cost in 2011/12. In addition, if the council is unable to declare a balanced budget at year end any overspend will have to be funded from these reserves. This will severely deplete the council's uncommitted reserves and impact upon how the council manages further reductions in government grant in 2013/14 and 2014/15.

A4.7 A summary of the council's uncommitted reserves is shown below:

Reserve	Working Balance £'m
Comprehensive Spending Review Reserve	3.100
Budget Pressures Reserve	0.443
Financial Strategy and Change Management Reserve	0.149
Balance at 31 September 2011	3.692
Possible calls upon reserves	
Sunk Costs – Office Accommodation Review	0.5 (estimated)
Redundancy Costs arising from 2012/13 budget	1.5 (estimated)
2011/12 overspend	1.5 (latest position)

A.5 Dedicated Schools Grant (DSG)

A.5.1 The Dedicated Schools Grant in 2011/12 is £84.2 and is used to fund all Schools Related Expenditure. The DSG is currently reporting a projected underspend of £0.113m. The DSG is a ring fenced grant and can only be used to fund schools related activities.

A.6 Debtors Monitoring

9.1 This section of the report provides Members with an update for the second quarter of 2011/12 in respect of council tax and business rate collection. It also sets the background and benchmarks against which future performance will be monitored and assessed during the current financial year.

Council Tax

- 9.2 The targets for the collection of Council Tax are:
- (i) collect 96.5% of the Council Tax due within the 12 months of the financial year (i.e. April to March); and
 - (ii) collect 50% of the arrears brought forward from previous years.
- 9.3 The Council is due to collect £59.4m after the granting of mandatory relief and Council Tax Benefit in the period April 2011 to March 2012. To date the Council has collected £32.3m which is about 54.27% of the Council Tax due in year. The collection level is in line with last year's performance.
- 9.4 The total arrears outstanding at 31 March 2011 were £3.7m and this has been reduced by £1.2m which is about 31.5% of the total arrears due.
- 9.5 There are no Council Tax write-offs over £5,000 to report.

Non-Domestic Rates

- 9.6 The targets for the collection of NNDR (business rates) re:
- (i) collect 98.0% of the business rates due within the 12 months of the financial year (i.e. April to March); and
 - (iii) collect 50% of the arrears brought forward from previous years.
- 9.7 The Council is due to collect £35.9m after the granting of mandatory relief in the period April 2011 to March 2012. To date the Council has collected £20.5m which is about 57.1% of the business rates due in year. The collection level is around 2.5% down on last year's performance.
- 9.8 The total arrears outstanding were £1.49m and this has been reduced by £0.6m which is about 39.7% of the total arrears due.

The write-offs in respect of debts over £5,000 are listed in Appendix 5

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CHILDREN, SCHOOLS AND FAMILIES RECOVERY PLAN 2011 UPDATED OCTOBER 2011

The revised projected £1.9 million overspend is in large part a continuation of the pressure in children's social care for the last few years. At the end of 2010/11 social care for children overspent by £1m. However, this was to offset to some extent by significant underspends elsewhere within Children's services and the use of Sure Start grant, if these are stripped out the overspend would have been £1.3m.

1. Bringing Forward 2012/13 Saving Proposals

Children's, Schools and Families have been set an in-year savings target of £250,000 by bringing forward savings from 2012/13. The savings achieved so far as at October 2011 is £144,000, these are detailed below in paragraphs 6 and 8 below. This still leaves a gap of £106,000 against this target.

Where it is possible to do so, the proposals put forward in the 2012/13 budget setting exercise will be implemented as soon as possible in this financial year, this is likely to generate savings from February 2012.

Short to Medium term Plans

2. Vacancy Management

Of the £1.9m overspend, £0.6m relates to the vacancy target; savings achieved by delaying appointments or keeping vacant posts empty. The action here is to achieve staffing savings on non social work posts of at least £0.2m. It is unlikely that any staffing savings can be achieved in Safeguarding and Wellbeing due to the increased costs of employing agency social workers. However, when the backlog of cases to be reviewed is back down at acceptable levels plus the appointment of permanent staff this should, over the next 12 months, result in lower staffing costs and therefore reduction in the overspend.

Vacancy Management Savings achieved in 2011/12

£10,000 – achieved within the Disabilities Service (administrative vacancy)

£18,000 – achieved from Early Years (redundancy)

£10,000 – achieved from Early Years (play ranger funded finished)

£20,000 – achievable from Review of Business Support.

3. Disability Services Review

As part of our medium term plans there is a review of the level of and types of service provided to disabled children and their families. A specific area under review is that of Direct Payments; where the family is allocated a sum of money to manage their child's care package.

4. Other Projected Savings elsewhere in Children's Services

The initial analysis of other services unrelated to Children Looked After has indicated that a further £0.4m of savings could be made this financial year, an element of this could come from administrative and management savings, however any major contribution will inevitably have an impact on front line services. As of week beginning 25 July 2011, a spending moratorium has been implemented similar to that which was in force for the last 3 months of the last financial year. Any spend over £500 will need to be authorised at Executive Head level and there will be a moratorium on attendance at conferences. All vacancies will be held vacant unless it is considered that none replacement would be detrimental to the management of the Children in Need intake team.

This new regime allows Senior Managers and Executive Heads to review and challenge managers where there are significant financial commitments.

Non Staffing savings achieved so far

£150,000 – achieved across Training Budget – Commissioning & Performance

£26,000 – achieved in YOT

5. Proposed Reshaping of the Safeguarding and Wellbeing Service

The Executive Head for Safeguarding and Wellbeing proposed a reshaping of the Safeguarding and Wellbeing service that will see changes to the teams contained within that service. The proposed reshaping is currently at the consultation stage with an expected implementation date of January 2012. This is supported by an evidence based paper which lays out the pressures on the “intake” team in dealing with the increasing backlog of cases. The work of the Family Intervention Team (FIT) will also be explored. It is estimated that a saving of £120,000 is now projected in the month 6 budget monitor as a result of the reduced reliance on agency staff and 1 agency service manager.

Proposed Long term Changes

6. Identification of the on going pressures

The number of children that are being brought into the care system is now at unprecedented levels. The Munro report is now suggesting that working with children in their family setting is more beneficial. Plans are currently being developed to create an Intensive Family Support service. This approach will have both financial benefits and better outcomes for the child and family and will act as a bridge between Early Intervention Services and Specialist Social Care Services.

7. Business case for the Intensive Family Support Service

This approach delivers intensive support for families with multiple problems achieve lasting benefits; not just for the children involved; their families and those in the local community; but for other local services as well by tackling a whole range of factors. The impact of coordinated intensive support can be fairly immediate and help reduce the often excessive demands these families make on local services through staff time and the financial costs of failing to intervene earlier.

Torbay already has a successful Family intervention project but despite its significant progress, the numbers of children subject to Child Protection Plans and becoming Looked

After by the Local Authority is continuing to rise. This is creating enormous pressure on resources and increases the potential for poorer outcomes for children. The transformation of the Family Intervention Project coupled with increased investment of £0.5m in 2011/12 to create an Intensive Family Support Service will ensure that resources are appropriately targeted and build on the growing evidence base of 'what works' for families and delivers efficiency savings for the Local Authority.

This project will be embedded within the new "community budget" approach and a grant has been applied for to the Department for Communities and Local Government to provide tailored family support to the development of this model (£70,000). This will provide us with a 3 year budget projection in bringing down costs through a new approach.

The estimated savings that can be generated by delivering services in this way can be up to £81,624 per annum/per family, with £40,341 being attributed to the Local Authority itself (based on DFE Family Savings Calculator).

Based on 25 families successfully completing in the first year a £0.5m investment "could" generate reduced costs of £2m; £1m of which "would" directly reduce costs for the LA based upon the DFE Family Savings Calculator.

The recruitment process for the Intensive Family Support Service has commenced and it is estimated that the cost of this team together with additional investment that has been made in social care teams will enable us to respond to children in need at an earlier stage.

8. Timescale of impact

This approach will need investment initially in training and mentoring but over a period of 2/3 years will result in fewer children in care and therefore a reduction in budget allocations to this area of work.

9. Revision of the Safeguarding Improvement Plan (SIP) known as the Children's Partnership Improvement Plan (CPIP)

The Acting Head of Children's Services has revised the SIP and it was approved by the Safeguarding Improvement Board and the DfE on October 14th 2011. The impact of the changes is unlikely to be fully embedded in this financial year but should begin to have an impact in the next financial year, whilst retaining the council within its statutory safeguarding responsibilities. This will initiate a remodelling of current structures within localities and early intervention to enable them to follow a targeted model in support of vulnerable children.

New panel arrangements will now be put in place on a weekly basis to manage both the escalating number of children in care and to prevent additional children coming into the system. This will be implemented in November and run in parallel with the intensive family support model.

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Financial Position

Set out below is the financial position of the Care Trust Provider Arm as at 30th September 2011.

	Year to Date			Year End		
			Variance (Under)/ Over			Variance (Under)/ Over
	Budget £000	Actual £000	£000	Budget £000	Actual £000	£000
Funding from Torbay Council	19,545	20,372	827	39,089	40,743	1,654
Torbay Care Trust Contract Income	13,093	13,093	-	26,183	26,183	-
NHS Devon Contract Income	16,949	16,949	-	33,897	33,897	-
Total Contract Income	49,586	50,413	827	99,169	100,823	1,654
Torquay North Zone	2,086	2,072	(14)	4,171	4,144	(27)
Torquay South Zone	1,845	1,823	(22)	3,689	3,645	(44)
Paignton North Zone	730	713	(17)	1,459	1,426	(33)
Paignton South Zone	1,149	1,140	(9)	2,298	2,280	(18)
Brixham Zone	817	792	(25)	1,633	1,584	(49)
Baywide Enabling Services Team (BEST)	2,247	2,294	47	4,494	4,587	93
Professional Practice (Clinical Services)	1,891	1,869	(22)	3,782	3,738	(44)
South - Dartmouth and Totnes	701	691	(10)	1,402	1,382	(20)
South - Ivybridge and Kingsbridge	1,274	1,271	(3)	2,548	2,543	(5)
South - Tavistock	663	663	-	1,325	1,325	-
South - Coastal	443	448	5	885	895	10
South - Newton Abbot	569	567	(2)	1,137	1,134	(3)
South - Moorland	263	259	(4)	526	518	(8)
South - Other Clinical Services	985	975	(10)	1,970	1,950	(20)
South - SD Community Hospitals	9,786	9,783	(3)	19,571	19,566	(5)
South - Torbay Community Hospitals	1,778	1,791	13	3,555	3,580	25
Community Based Teams/Clinical Services	27,223	27,147	(76)	54,445	54,297	(148)
Older People	8,036	8,224	188	16,072	16,448	376
Learning Disabled	3,470	4,046	576	6,939	8,091	1,152
Mental Health	1,351	1,421	70	2,701	2,841	140
Preserved Rights	1,079	1,072	(7)	2,157	2,143	(14)
Commissioned Social Care (Net of Client Charges)	13,936	14,763	827	27,869	29,523	1,654
Operations Management	3,152	3,152	-	6,304	6,304	-
Board, Executive and Support Services	5,276	5,276	-	10,551	10,551	-
Management/Support Services	8,428	8,428	-	16,855	16,855	-
Total Provider Services	49,586	50,337	751	99,169	100,675	1,506
(Surplus)/Deficit	-	(76)	(76)	-	(148)	(148)
Memorandum:						
<i>DCC Older People Commissioned Services (Net of Income)</i>				<u>21,065</u>		

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TORBAY CARE TRUST RECOVERY PLAN– CASH RELEASING EFFICIENT SAVINGS (CRES) 2011/12

To date this financial year, the schemes below have been implemented by the Care Trust and are reflected within the current financial forecast.

Fully Implemented Scheme	Saving £'000s
Operations Savings – Reconfiguration of St Edmunds, Reconfiguration of Fernham, Management Cost Savings (Redesign of Roles) & Change in Provision of Community Alarms	1,323
Social Care Commissioned - Preserved Rights Attrition	206
Social Care Commissioned – Increased Client Charges	202
Total Savings	1,731

In addition to the above schemes there is a supplementary list of CRES schemes (see table below) which it is anticipated will realise £685,000 savings in year and result in a year end overspend of £1,650,000

	Revised In Year Savings	FYE of Savings	Risks/Impact of Proposals
(1) Residential & Nursing Home Placements	100	150	
Attrition of Preserved Rights Clients	0	0	Occurs naturally - but savings for 11/12 already built into forecast overspend.
Reduction in residential placements	50	50	This is part of the way care is now delivered but it should be noted that the care home market which is currently under huge pressure. Need to consider impact of demographics in these figures.
Opening of Dunboyne (Relocate current care home clients/determine feasibility of transferring LD clients)	50	100	This will have a positive impact on those clients who are assessed as suitable for placements and packages of care should reduce on transfer.
(2) Domiciliary Care	235	685	

Renegotiation of contracts and hourly rates for Tier 1 - four main providers	60	120	Allows Trust to negotiate a better rate which is in line with neighbouring local authorities. Clients may prefer to accept a direct payment should their current provider not achieve AWP status. Looking to work with providers to lower their unit costs so as not to compromise the quality of care. (Excludes LD as those reductions captured elsewhere.)
Any Willing Provider (AWP) process for Tier 2 - lower hourly rates	25	65	
Actively review and intensively reable clients - equates to potentially a 10% reduction in client numbers with average size packages of care (i.e. 7.5 hrs)	150	500	Domiciliary care providers are experiencing financial pressures. (Review of clients through resource allocation system (RAS). Need to take into accounts an individual's carer/family support mechanisms and work with providers to review care packages more frequently to reduce services once outcomes achieved.)
(3) Other Reductions in Volume/Service Levels	350	730	
Respite/Short Term Placements – review frequency of respite care and/or tighten threshold for when given	30	75	Impact upon existing clients/carers/families.
Robust Adherence to Cost, Risk & Choice Policy - policy enables people to remain in their own homes. (Currently allows a 20% 'top up' over and above the cost of a care home placement.)	50	100	May impact on the number of clients admitted to a care home if this policy is strictly adhered to. Impact more likely to be felt on long standing clients. Currently 132 clients fall into this category with the exception of LD clients – however not all clients will be affected. Laision with each client on a case by case basis.
Contract management: * stricter contract management * maximise use of block beds at St Kilda * on-hold packages of care	75	150	Need to ensure transitional arrangements in place for clients whose RAS assessment varies greatly from the level of funding currently received.
Fairer Charging Policy	15	50	Some clients may be required to contribute more. Follows national charging mechanisms.

LD high cost clients (In 2011/12 mainly concentrates on reduction in high cost packages of care, i.e. adherence to RAS and Choice, Cost and Risk Policy which are not incorporated into above figures.)	75	250	Need to ensure safeguarding issues are still picked up and impact on individual's quality of life is recognised. There may be an impact upon in-house services and rationalisation of private sector.
Reduced day services for older people	105	105	Seeking to offer clients alternatives which hopefully reduce their social isolation and increase their independence at the same time. It's therefore about market development and allowing clients to use their personal budget in different ways which better meet their outcomes.
TOTAL	685	1,565	

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SAVINGS PROPOSALS 2011/12

Proposal	Action
Review all uncommitted expenditure on supplies and services. This is an ongoing exercise whereby Executive Heads will identify the impact and where savings will be made.	All Executive Heads
No journeys outside Devon (without approval by Commissioners).	All Executive Heads
All mail, where applicable to go second class but by email in preference.	All Executive Heads
Consider re- negotiation of contracts where possible:	All Executive Heads
Simplify and reduce the size of all council documents – external and internal.	All Executive Heads
Turn round expenses quarterly	All Executive Heads
Review discretionary rate relief policy – impact in 12/13	Executive Head Finance
Review of contractual commitments in relation to bus subsidies	Executive Head Spatial Planning
Review and implement new office hours.	Chief Executive TDA
Implement changes to Accommodation review ASAP	Adults and Operational Support Commissioner
Stronger stance on debt collection	Executive Head Finance
Reduce number of editions of Info from 12 to 6 and only available electronically	Executive Head Business Supports
Investigate charges for loans for ebooks?	Executive Head Residents and Visitors
All services to reduce mileage by 20% through better planning of meetings and visits	All Executive Heads
Charge for advertising on web site.	Executive Head Information Officer
Sell desirable places in carparks to individuals for set periods of time	Executive Head Residents and Visitors

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Title: **Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods**

Public Agenda Item: **Yes**

Wards Affected: **All Wards in Torbay**

To: **Council**

On: **8 December 2011**

Key Decision: **No**

Change to Budget: **No**

Change to Policy Framework: **No**

Contact Officer: **Steve Cox**

☎ Telephone: **01802 208034**

✉ E.mail: **Steve.cox@torbay.gov.uk**

1. **What we are trying to achieve and the impact on our customers**

- 1.1 Torbay Council is required by Section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991 to consider, at least once a year, the extent to which it is appropriate to carry out a programme of enforcement action in relation to tobacco and tobacco products. This report fulfils the requirements of this annual review, but also extends its remit to other age restricted goods. Through the control of age restricted products, Torbay Council has actively contributed to the reduction of anti-social behaviour and reduced the risks to children and other vulnerable groups. By reducing access to harmful products and raising awareness of risk taking behaviours, Torbay's community will be better informed and more aware of the implications of such products.

2. **Recommendation(s) for decision**

- 2.1 **That the Mayor be recommended to approve the Supply of Age Restricted Products Policy, as set out in Appendix 1 to the submitted Report.**

3. **Key points and reasons for recommendations**

- 3.1 Torbay Council has a statutory obligation to review annually its Under Age Sales Policy with regards to enforcement action on tobacco and tobacco products in relation to the protection of children and young persons. The existing Policy was last considered in December 2010.

3.2 Torbay Council's Children & Young Peoples Plan embodies our ambition to improve the outcomes for all children and young people living in Torbay. This Under Age Sales Policy contributes to the delivery of this ambition.

For more detailed information on this proposal please refer to the supporting information attached.

**Frances Hughes
Executive Head Community Safety**

Supporting information

A1. Introduction and history

- A1.1 The Cabinet last considered Torbay Council's Policy regarding enforcement of legislation prohibiting the supply of tobacco and tobacco products to children and young people, in December 2010. This report updates that Policy and renews our commitment to test purchasing, along with other early interventions to ensure that children and young people across Torbay are protected (see Appendix 1).
- A1.2 This Policy contributes directly to delivering Torbay Council's corporate priorities and delivers our statutory responsibilities. It also contributes to achieving the seven key priorities of staying safe in the Children and Young People's Plan 2010-13.
- A1.3 The Policy also relates to the Community Plan, in particular to the theme of 'Community Safety'. There are strong links between drug and alcohol problems and crime. The Policy is aimed at protecting children and young people from the harmful effects of cigarettes and alcohol. It also encompasses the sale of fourteen other age restricted products, including knives and solvents.
- A1.4 The Policy is linked to Torbay Council's responsibilities as a Licensing Authority, under the Licensing Act 2003. Trading Standards are statutory consultees under the Licensing Act 2003, in relation to 'The Protection of Children from Harm'. The Policy also contributes to Torbay Council's agenda for safeguarding children under the Children Act 2004 and the responsibilities of the Every Child Matters agenda.
- A1.5 One change to the Licensing Act 2003 is that there is now a requirement that all premises that sell or supply alcohol must comply with the following condition.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Trading Standards in conjunction with Devon and Cornwall Constabulary have written an Age Verification Policy which is available for premises to complete and use. This will tighten the responsibility on premises to give due consideration to this important issue.

- A1.6 A regional bid was made by South West of England Regional Co-ordination of Trading Standards (SWERCOTS) for funding from the Department of Health, and Trading Standards across the South West are took part in a series of operations and activities between October 2010 and January 2012, in relation to:
- Detection and disruption of counterfeit tobacco

- Test Purchase from retailers and vending machines, though vending machines are being phased out with a full ban by 1st October 2011.
- 'Strengthening the Message' – advising businesses on how to train staff on writing a policy
- To assess the advertising of tobacco products at point of sale.

A1.7 Since the last report, Trading Standards Officer's have undertaken one test purchasing operation, with a second to take place this month. The first test purchasing operation was aimed at tobacco retailers. Twelve premises were targeted and two sold tobacco. One also sold alcohol as a buy product of the work. One of these premises is working with Torbay Council to improve its systems to ensure there isn't a repeated failure. The other had failed previously for alcohol, but has since changed hands in part due to the pressure put on them over this matter, as the confidence in management of the premises had been lost.

A1.8 This month, the Licensing and Public Protection Team will be undertaking a second underage test purchases in the area of alcohol on both On and Off Licensed premises.

A1.9 Despite ongoing local concerns about the availability of alcohol to young people, Trading Standards and the Licensing department receive relatively few complaints about traders and very little intelligence on Premises where access to under age goods is prevalent. For example during 2009/10 only 7 complaints were received, during 2010/11 another 17 complaints have been received, but this year to date that has reduced 5. Any premise that is identified receives a test purchase.

A1.10 Torbay Tobacco Control Alliance Action Plan for 2011/12 includes working towards

- Smoke free homes, where there are packs available and people can sign up
- Smoke free cars, where the alliance is looking to promote
- Smoke free play parks, which is being trialled
- Supporting regional work on illegal tobacco supplies, which includes partnership working between the Alliance, Trading Standards and Customs and excise.

A1.11 This policy went to the Children's Trust Commissioning Board (Learning and Skills for the Future) last year on the 10th November 2010, and the Board supported the recommendation. This year, the Children's Trust Commissioning Board is being replaced by the Health and Well Being Board, however due to the transitional arrangements and that the policy has not altered, it was agreed that the report will not be forwarded to them. The Safeguarding Manager has seen the report.

A2. Risk assessment of preferred option

A2.1 There are no risks in accepting the recommendation, as the test purchase operations will be met from existing resource allocation. Additional test purchasing operations this year will be funded by the Home Office.

A2.2 Remaining risks

A2.1.1 The only significant risk is not reviewing the Policy annually.

A2.1.2 Torbay Council is required by Section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991 to consider, at least once in every period of 12 months, the extent to which it is appropriate to carry out in the area a programme of enforcement action in relation to tobacco and tobacco products. This is a statutory requirement with limited impact, as the work is already ongoing.

A3. Other Options

A3.1 None

A4. Summary of resource implications

A4.1 There are no significant resource implications, as the activities set out in the Policy will be met from within existing resources. However this is clearly dependant on Community Safety retaining those existing resources into 2012-13.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There is no impact on environment, sustainability or the economy.

A5.2 With regard to crime and disorder, the continued enforcement of the sale of age restricted products is only possible through a regime of test purchase initiatives. This approach helps to reduce the number of age restricted products which are available to children and young people. Reducing the sale of knives and alcohol impacts on the 'Bay family' by helping to deter crime and supports compliant traders, 'by ensuring that those who do not comply with the law are dealt with accordingly'.

A5.3 The impact on our partners is alcohol related admissions to Torbay Hospital. These had been increasing year on year between 2002/03 and 2010/11. However the three year rolling total for children has shown a decrease per 100,000 of population over the same period.

A6. Consultation and Customer Focus

A6.1 None since 'You Said We Did Event 2010'.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other business units.

Appendices

Appendix 1 Policy on the Supply of Age Restricted Products – Enforcement Statement

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Supply of Age Restricted Products – Enforcement Statement

Torbay Council is committed to achieving compliance in a fair, consistent, proportionate, transparent and targeted manner. The emphasis will be on advice and education but other means of enforcement will also be used, if necessary. In so far as the supply of age restricted products is concerned, priority will be given to the legislation in Schedule A below which the Council has a duty to enforce; enforcement action in respect of legislation in Schedule B below will principally be in response to any complaints which may be received.

1. Premises selling these products will be included in the routine inspection programme. During these inspections Traders will be reminded of their responsibilities and checks will be made on the display of required notices, labelling of products and the removal of vending machines.
2. All complaints will be investigated and appropriate action taken.
3. Legal proceedings will be taken where appropriate in accordance with the agreed Enforcement and Prosecution Policy and Torbay Council's responsibilities under the Licensing Act 2003.
4. Schools will be advised of the Council's commitment to enforce the law. Teachers and Childrens Services staff having information about under-age sales from specific shops will be asked to contact the Trading Standards Service (part of the Community Safety Business Unit).
5. Each year the Community Safety Business Unit will carry out at least two surveys using volunteer under-age purchasers. The national LACORS guidelines will be observed in carrying out the surveys.
6. Consultation with local residents and organisations will be undertaken and the action taken monitored. Information gathered will be used in periodic reviews of policies.

Schedule A – Statutory Duty to Enforce

Children and Young Persons Act 1933

Protection of Children (Tobacco) Act 1986

The Cigarette Lighter Refill (Safety) Regulations 1999 made under Consumer Protection Act 1987

Explosives (Age of Purchase) Act 1976

Fireworks (Safety) Regulations 1997 as amended by the Fireworks (Safety) (Amendment) Regulations 2004

Video Recordings Act 1984 as amended by Video Recordings Act 1993

Licensing Act 2003

Schedule B – No Duty to Enforce

Children and Young Persons (Protection from Tobacco) Act 1991 BUT Local Authority must consider annually a programme of enforcement and Local Authority may enforce
Anti-Social Behaviour Act 2003 (Sale of aerosol paint to under 16) - Local Authority may enforce

Criminal Justice Act 1988 as amended by Offensive Weapons Act 1996 (sale of knives) -
Local Authority may enforce

National Lottery Regulations 1994 - Local Authority may enforce

Intoxicating Substances (Supply) Act 1985, - Local Authority may enforce

Crossbows Act 1987 - Local Authority may enforce



Title: **Capital Budget Monitoring 2011/12 (2nd Quarter)**

Public Agenda Item: **Yes**

Wards Affected: **All Wards in Torbay**

To: **Council** On: **8 December 2011**

Contact Officer: **Martin Phillips**

☎ Telephone: **(01803) 207285**

✉ E.mail: **Martin.phillips@torbay.gov.uk**

1. What we are trying to achieve

- 1.1 This report is an overview of the Council's approved Capital Programme for the quarter ending September 2011. The report provides details of expenditure and funding of service and community assets within the Council's approved Capital Plan and is a key element of meeting the Council's aims and objectives.

2. Recommendation(s) for decision

- 2.1 That the latest position on the Capital Programme be noted.
- 2.2 That £0.5 million of prudential borrowing be approved for an "invest to save" scheme to bring empty homes back into use to be funded from New Homes Bonus Grant. (see para A2.4)
- 2.3 That £0.2 million be approved to invest in the enhancement of assets prior to sale for development to be funded from capital receipts (see para A2.2).

3. Key points and reasons for recommendations

- 3.1 This report incorporates the 4-year Capital Plan Budget for 2011/12 – 2014/15 approved by Council in February 2011, adjusted for slippage arising in 2011/12 and amended by any further revision to both projects and timing during the first two quarters of the year 2011/12.
- 3.2 Of the total £76.6 million in the 4 year programme, £32 million is now due to be spent in 2011/12, of which over £13 million is on Children's Services capital projects and £6 million on Highways and Transport projects.
- 3.3 The overall funding position of the 4-year Capital Plan Budget of £76.6 million, covering the period 2011/12 – 2014/15, is in balance but still relies upon the generation of £3.4 million of capital receipts before the end of the current Plan period. Of this sum £0.4 million was received before 2011/12 and almost £0.3 million has been received to date in 2011/12. There are however a number of sales which are expected to be completed soon – see also paragraph A4.3.

3.4 Of the £32 million estimated spend in 2011/12; £9.3 million has been spent by the end of the second quarter. This level of spend at this stage of the year is lower than expected. The profile of expenditure on projects is supplied by the relevant project managers.

3.5 The movements in the estimate of expenditure on the capital plan in 2011/12 from the estimate as at quarter one 2011/12 and the current budget position for 2011/12 are as follows:

Scheme	Variation	Change £m	Reason
Estimate – Quarter One 2011/12		35.0	
Princess Promenade	Increase in 11/12 budget	0.8	Re phasing scheme between years
Children's' projects	Slippage to future years	(2.3)	See table in para A2.3
Torre Abbey Mansion Phase 2	Increase in 11/12 budget	0.4	Rephasing following review by Project Managers
Sea Change-Cockington Court	Increase in 11/12 budget	0.1	Additional works required
Brixham Regeneration	Reduced Budget	(0.2)	Budget adjusted following latest review of resources.
Empty Homes – bring back into use	New scheme	0.5	Will generate additional New Homes Bonus Grant
Investment in land to enhance value	New scheme	0.2	New scheme to enhance asset value prior to disposal
Haldon Pier structural repairs	Reduction in 2011/12 budget	(0.9)	Re-design of the scheme resulting in slippage to 12/13
On Street Parking meters	New scheme	0.4	Scheme to provide additional On Street parking meters
Solar Panels for Council Properties	Scheme no longer proceeding	(1.8)	Govt changes to feed-in tariffs makes scheme unviable.
Education Basic Need	Additional 11/12 Grant announced	0.5	Funding adjusted following announcement of additional resources
Education Basic Need	Slippage to future years	(0.5)	Unringfenced Grant yet to be allocated
Estimate – Quarter Two 2011/12		32.2	

Paul Looby
Executive Head - Finance (S151 Officer)

Appendices

Appendix 1 Supporting Information to Capital Budget Monitoring
Appendix 2 Briefing Note on Invest to Save Schemes proposed
Annex 1 Capital Plan Budget 2011/12 - 2014/15 (Oct 2011)

Capital Plan Budget Monitoring Statement – 2nd Quarter 2011/12

Supporting information to Report xxx/2011

A1. Introduction and history

- A1.1 The Council approved the original 4-year Capital Plan Budget for the period 2011/12 - 2014/15 in February 2011. This plan has been subsequently adjusted for slippage arising in 2010/11 of £4 million and amended by any further revision to both projects and timing during Quarter 1 and Quarter 2 2011/12 resulting in the latest revision attached to Annex 1. The Plan totals £76.6 million over the 4 year period of which £32.2 million relates to 2011/12.
- A1.2 Details by “Theme” are provided based upon the latest information available to finance officers, in consultation with services and project managers and are shown in Appendix 1.
- A1.3 Expenditure to the end of this second quarter was £9.3 million, which represents 29% of the latest budget for 2011/12. The table below summarises expenditure by quarter over this and previous years:

	2008/09 £m - (%)	2009/10 £m (%)	2010/11 £m (%)	2011/12 £m (%)
Quarter One	6 - 12%	8 - 16%	10 - 23%	3 - 9%
Quarter Two	12 - 24%	11 - 22%	13 - 30%	7 - 22%
Quarter Three	15 - 29%	13 - 27%	9 - 21%	22 (est)
Quarter Four	18 - 35%	17 - 35%	11 - 26%	
Total In Year	51	49	43	32 (est)

- A1.4 The EDC produces a “capital programme success” summary which is available on the Council’s website:

http://www.torbay.gov.uk/index/council/financial_services/capitalprogramme.htm

A2. Main Variations & Management Action

Overviews by Theme of the key issues are as follows:

A2.1 Pride in the Bay –

Projects completed in Quarter

Sea Change – Cockington Court

The new Craft Centre and innovation workspace at Cockington Court has now been completed with the formal handover of the premises taking place in September 2011. There were some unavoidable additional costs prior to handover which have increased the budget by £0.1m, this will be funded from the Council’s revenue Repairs and Maintenance budget.

Changes/Significant Revision of timing/budget

Princess Promenade Structural Repairs

Options for the repair to this important area were reported to Council on 13 July 2011 with a further report on 31st October 2011. The original budget provision of £4m introduced in the July Capital Plan monitoring report has now been reduced to £2.95m in two separate phases between 2011/12 and 2013/14. This scheme to address the extensive structural problems is initially funded by unsupported borrowing pending discussions on other funding options.

Integrated Transport Programme

A grant of £20,000 has been received from Sustrans to provide cycling routes and facilities. This has been applied to the Integrated Transport programme and the Plan has been revised accordingly.

On Street Parking meters

Following approval of a report to Council on 31 October 2011 on a Review of Parking Services, an initial capital budget allocation of £0.369 million has been provided to enable additional installation of On Street Parking meters. This work will be initially financed from Prudential Borrowing funded from increased income.

Other Issues

South Devon Link Road

The proposed Link Road is currently one of a number of potential schemes in the Government's "development group", awaiting an announcement, possibly in December 2011, from the Government on transport schemes that will be supported with government funds.

A2.2 New Economy –

Enhancement of Assets Prior to sale for Development

The Council has a number of assets (mostly land) where some initial preparatory work on the asset such as a master plan and planning permission for development will not only enhance the value of the land on disposal, but could also lead to development within the area. These initial costs would be covered from the value of the capital receipt. A briefing note on this scheme is attached in Appendix Two.

An additional budget of £0.2 million has now been added to the Capital Plan to fund these works. A detailed business case will be presented to the Chief Executive and Executive Member for Finance prior to any expenditure being committed. If the asset is not sold then any costs incurred will become a sunk cost which will have to be funded from the Council's revenue resources.

Changes/Significant Revision of timing/budget

Haldon Pier Structural repairs

Trials carried out on site have revealed that the planned scheme needs to be redesigned. This will delay the progress of the scheme and consequently £0.9 million of the budget has been moved from the current year to 2012/13.

A2.3 Learning and Skills –

Projects completed in Quarter

No schemes have been completed in this quarter.

Changes/Significant Revision of timing/budget

Re Profiling of Expenditure:

Project	Slippage proposed £m	Reason
Barton Primary School Remodelling	1.80	Review of likely project delivery – details below
Primary Places	0.10	Rephased to reflect predicted timetable and programme of work
Preston Primary School ASD Unit	0.25	Review of likely project delivery – details below
Mayfield School	0.20	Review of likely project delivery – details below
Total	2.350	

Barton - As a result of the reduced capital allocations for 2011/12, there were insufficient funds available to deliver the preferred scheme so whole project had to be reviewed and redesigned to focus on refurbishment as opposed to new build. This has resulted in significant delays to the original programme. Design has now been agreed and includes value engineered savings. Slippage reflects Consultant's latest programme of works. This is a large and complicated project with extensive, invasive works to ceilings and roofs, walls and floors; it will also require mechanical and electrical installations as well as general refurbishment throughout the building. It is likely to be disruptive and unpredictable and will require careful planning to try and minimise the disruption to the school. All of this will impact on programme and it is possible that unforeseen problems will become apparent once work starts on site, possibly resulting in even further slippage.

Preston - On-going negotiations with the school regarding need and design have resulted in the project becoming significantly larger than originally anticipated. The original budget was £0.6m but the preferred scheme cost is estimated at £1.6m. As the project required additional £1m resources, the project was delayed until the 2011/12 capital allocations were confirmed and additional resources for this project could be identified and approved. Design and procurement are now complete and the project started on site in October half-term 2011. Slippage reflects the Contractor's programme of works. This is a difficult site and some enabling works to improve the access have already been completed. Site and ground conditions continue to be a project risk.

Mayfield - Budget allocated at the beginning of the financial year now needs to be phased to reflect predicted timetable and programme of work. Design work is currently underway and start on site is planned for March 2012. Negotiations have taken place between the school, Council and architects to agree the best design which have led to some delay.

A2.4 Stronger Communities –

New Schemes

Empty Homes Scheme

A housing regeneration initiative whereby it is proposed that the Council, working with Chapter One Housing Association, will provide grants to the Registered Provider (Housing Association) to carry out property improvements to bring empty properties in the area back into use. This scheme will then generate additional New Homes Bonus grant, which should not only cover the initial costs, but should also generate a surplus of grant over costs which will be available to be allocated. The grant will only be received after the works have been done, consequently this expenditure will be the first call on this grant when it is received. A briefing note on this scheme is attached in Appendix Two.

A budget of £0.5 million has been added to the Capital Plan, funded from prudential borrowing to be financed from New Homes Bonus grant. A detailed business case will be presented to the Chief Executive and Executive Member for Finance prior to any expenditure being committed.

Other Changes/Significant Revision of timing/budget

Private Sector Renewal Grants

When private sector renewal grant recipients breach their grant conditions, they may be required to repay part of their grant. The Council's policy is that, subject to certain provisions, these capital receipts should be recycled back to the grants budget. As a result of repayments received it is now possible to recycle £0.04 m back to the grants budget and the Capital Plan has been revised accordingly.

Grants to Housing Providers

A budget of £0.18 million provisionally allocated to an affordable housing development at Hatchcombe Nurseries, Torquay is no longer required as funding has been secured from other sources. Consequently this (earmarked housing) budget has been returned to the Affordable Housing to be allocated 'pot'. There are several schemes currently being considered for allocations from this available budget and proposed allocations will be reported in future monitoring reports.

A2.5 Corporate Health –

New Schemes

Government Department grant allocations to be allocated

The Government has notified the Council of additional Education Basic Need grant allocation of £0.5 million. As this money will not be spent in this financial year the budget and funding have been moved to 2012/13. This grant was allocated by the Department of Education to help fund demands for new pupil places. The grant, along with the majority of capital grants, is not ring-fenced so could be used for other purposes along with other future year allocations of un ring-fenced Government grant monies. The allocation of this funding to services within the 2012/13 Capital Plan will be determined when detailed proposals for use of the money are received and assessed against other Council priorities.

Changes/Significant Revision of timing/budget

Solar Panels for Council Properties

This £1.8 million scheme which was introduced to the Capital Plan last quarter will not now proceed. The Government has reviewed the level of feed-in tariffs and is consulting on the proposed 50% cut which will apply from 12 December. Whilst the consultation does not end until 23 December, we are not able to implement the proposed scheme in the new time frames and is not viable at the revised tariff rates. The scheme was to be funded from Prudential Borrowing so this will not now be required.

Office Rationalisation Project (formerly Castle Circus Regeneration Project.)

A report was presented to Overview and Scrutiny Board in September 2011 outlining the latest position on the Office Rationalisation Project. The scheme has now been substantially curtailed by £19.7 million to a revised total budget of £9.5 million, which includes £5.4 million spent in previous years.

A3. Income Monitoring

A4.1 The funding identified for the latest Capital Plan budget is shown in Annex 2. This is based on the latest prediction of capital resources available to fund the budgeted expenditure over the next 4 years.

A summary of the funding of the Capital Plan is shown in the Table below:

	2011/12	2012/13	2013/14	2014/15	Total
Funding	£m	£m	£m	£m	£m
Supported Borrowing	2	1	0	0	3
Unsupported Borrowing	3	7	6	11	27
Grants	23	12	4	3	42
Contributions	0	0	0	0	0
Reserves	1	0	0	0	1
Revenue	0	0	0	0	0
Capital Receipts	3	0	0	0	3
Total	32	20	10	14	76

A4.2 Borrowing

The Council has a borrowing requirement of £30 million over the next 4 years to support the approved capital plan, of which £5 million is due to support expenditure planned for 2011/12.

A4.3 Capital Receipts

Receipts in the year to date total £0.3 million from asset sales combined with the balance of receipts at the start of the year of £0.4m leaves an outstanding overall target of £2.7 million over the four years of the capital plan. The balance of £2.7 million is due from –

£0.8 million from the sale of non-specific surplus assets
£1.9 million from sale of sites currently earmarked for service use – such as Paignton Library and Brixham Town Centre Car Park sites

A5. Prudential Indicators and Balance Sheet Monitoring

A5.1 The Council set its Prudential Indicators and monitoring arrangements for affordable borrowing in February 2011 (Report 10/2011 refers). The Authorised Limit for External Debt (the maximum borrowing the Council can legally undertake) and the Operational Boundary (the day-to-day limit for cash management purpose) are monitored on a daily basis by the Section 151 Officer and reported to this Board quarterly.

A5.2 The limits are as follows

- | | |
|-------------------------------|---------------|
| • Authorised Limit | £228 m |
| • Operational Boundary | £201 m |

External Debt and long term liabilities, such as the PFI liability, as at end of September 2011 were £173 million. Therefore the current level of debt is within the Operational Boundary and the Authorised Limit set for the year. No management action has been required during the quarter. Since 30th September, £9 million of external borrowing has been repaid. Further repayment of debt will be considered, subject to market conditions, as part of the Council’s strategy to fund its financial plans.

A5.3 The Council’s capital expenditure has an overall positive impact on the Council’s Balance Sheet. The majority of expenditure in the Capital Plan is on the Council’s own assets which will therefore increase the value attached to the Council’s fixed assets. This also applies to investment in assets funded from borrowing where the increase in asset value will exceed any increase in the Council’s long term liabilities. As at 31 March 2011 the Council’s Non Current Assets were valued at over £337 million.

A6. Risk assessment of preferred option

A6.1 Outline of significant key risks

That capital receipts will be generated to support the plan and receipts will not

meet the estimated valuations as a result of any negative impact on receipts from the economic downturn and market conditions.

The contingency is only around 1.5% of total planned expenditure on a total programme of £76 million.

A7. Other Options

Council could consider alternative funding for the schemes recommended to be funded from prudential borrowing. Council could consider changing the capital programme to reflect any potential changes in capital receipts or other capital resources particularly in the light of Government spending announcements.

A8. Summary of resource implications

Resources implications are outlined in the report with a summary of funding in paragraph A6.1

A9. What impact will there be on equalities, environmental sustainability and crime and disorder?

No direct impact but the Capital programme supports all Council priorities and complies with Council policies.

A10. Consultation and Customer Focus

Where appropriate capital schemes have public consultation and negotiation with stakeholders.

A11. Are there any implications for other Business Units?

The Capital programme supports all Council priorities thus will directly impact on service delivery.

Briefing Note: Empty Homes Initiative

- There are approximately 1300 Empty properties in Torbay. To compliment the growth agenda of new homes it is important that we look to make the best use of what we already have.
- The Empty Homes proposal involves identifying empty properties and then providing investment to bring them up to a minimum standard in return for a lease (min 5yrs) on that property.
- The level of investment required to bring the property up to a suitable standard will directly depend on the level of guaranteed rent that the owner will receive. However, in all cases the property will be returned to the owner in the same improved condition once the lease has expired and the level of return will be greater than if it remained empty.
- The delivery partner will be responsible for the improvement works, providing the landlord function during the lease and returning the properties to the improved standard at the end of the lease term. Any risk associated with these activities lies with the partner organisation and not Torbay Council.
- The initiative will be funded from three different sources:
 - The rental stream from the properties less the costs associated with management and maintenance
 - A funding bid to the Homes and Communities Agency (HCA)
 - £500,000 (average £5,000 per property) investment from Torbay Council
- The New Homes Bonus (NHB) scheme is a flagship Coalition policy to provide incentives to areas that embrace housing growth.
- NHB match funds council tax receipts for 6 years, based on average rates. A new Band D property will earn about £8,600 in total over a 6 year period. We get NHB for net empty homes brought back into use (and conversely lose money when a property becomes vacant for longer than 6 months).
- Members should be aware that the average £5,000 investment in each property will only be spent if a property will be bought back into use. Once it has been bought back into use it will generate a NHB payment that will exceed the level of investment and therefore generate income. Having said this is important to note that while the £5,000 would be spent at the beginning the NHB payment is paid over a 6 year period.
- £500,000 would be invested to bring 100 properties back into use – This could be worth £860,000 to Torbay Council – an increase of £360,000 (before interest costs). The grant would be required to fund the initial Council's investment the surplus (when realised) available for allocation to other priorities.
- In addition to making better use of what we already have below is a list of the other potential benefits:
 - NHB payment for each home (£8,600 assuming the properties are Band D))
 - Improving the condition of the private rented stock
 - Providing training and job opportunities when improving the properties and during ongoing repairs and maintenance.
 - Owner of the property has the option of taking the property back after the term or extending the lease with a guaranteed rent.
 - Provides accommodation for local people.
 - Has the potential to improve areas of strategic importance and deprived areas
 - Reduces anti social behaviour in and around empty properties.

Briefing Note: Strategic Land Allocation

- Additional asset sales would help to meet the aspirations of the capital plan and support the asset rationalisation process.
- Land with planning permission and or a specific land use classification in the Core Strategy significantly increases the value of that land.
- It was also recognised that as part of the Core Strategy process neighbourhoods will be asked to consider which parcels of land should come forward for growth.
- To ensure that we maximise the value of the Councils land and the potential for future receipts it was deemed important that appropriate Council owned land was included in this process. A task group has been formed to look at the possible options.
- The newly formed strategic land group consists of:
 - Liam Montgomery – Planning and Housing Manager
 - Martin Phillips – Chief Accountant
 - Chris Bouchard – Head of Estates
 - Pat Steward – Senior Service Manager
 - Garth Millard – Asset Disposals
 - Cllr David Thomas – Executive Lead for Strategic Planning, Housing and Energy
 - Cllr Alan Tyerman – Executive Lead for Finance

Task group recommendations:

- To request that £200,000 be made available to explore the potential of land owned by Torbay Council that has residential potential. The investment to be repaid from the capital receipts from the assets when disposed.
- The group would prioritise which sites should be explored based on an agreed set of criteria i.e risk, deliverability, potential receipt etc.
- This money would be used to explore the potential of the prioritised sites by carrying out a feasibility exercise.
- The progress in each site would be carried out in stages, after which a review would take place to determine if we should continue. This would involve the area/s that pose the highest risk to the site coming forward would be identified and then explored. For example it might be that ecology issues presents the most significant challenge and therefore the necessary surveys would be commissioned.
- The results from the survey would be reviewed by the group - If the findings suggested that the scheme was now high risk then no further money would be invested, although if no issues were found or there were viable solutions to those issues then it may be appropriate to explore the next stage of the feasibility process.
- It is accepted that not all sites will be suitable, however, the uplift in land value that could be achieved if a site use allocation or planning permission is granted means that the group feel this level of risk is appropriate.
- The risk of not carrying out this work now is linked around frequency of renewing the Core Strategy. If Torbay Council's land is not identified through the Neighbourhood planning process then it is unlikely that the larger sites could be considered for residential development until it is time for this document to be renewed.

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	Revised 4-year Plan Oct 2011					Total for Plan Period
	2011/12	2012/13	2013/14	2014/15	£'000	
SUMMARY :	£'000	£'000	£'000	£'000	£'000	£'000
PROGRAMME :						
PRIDE IN THE BAY	8,405	3,962	6,925	11,476	30,768	
NEW ECONOMY	1,818	2,228	0	0	4,046	
LEARNING & SKILLS	13,510	6,230	0	0	19,740	
STRONGER COMMUNITIES	5,436	940	125	0	6,501	
CORPORATE HEALTH	3,070	6,617	3,362	2,459	15,508	
TOTAL APPROVED PROGRAMME	32,239	19,977	10,412	13,935	76,563	
FUNDING SOURCES :						
BORROWING						
Supported	2,165	700	0	0	2,865	
Unsupported (Prudential)	3,374	6,462	5,738	11,200	26,774	
GRANTS	22,568	12,134	4,444	2,735	41,881	
CONTRIBUTIONS	309	138	0	0	447	
RESERVES	427	300	54	0	781	
REVENUE CONTRIBUTIONS	367	0	0	0	367	
CAPITAL RECEIPTS						
Earmarked Asset Sales	2,257	0	0	0	2,257	
Corporate/General Asset Sales	772	243	176	0	1,191	
TOTAL FUNDING SOURCES	32,239	19,977	10,412	13,935	76,563	

	Revised 4-year Plan Oct 2011							Total for Plan Period		
	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 July	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	2012/13		2013/14	2014/15
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
PRIDE IN THE BAY										
HIGHWAYS & ENGINEERING										
<u>Local Transport Plan</u>										
Highway Capital Maintenance annual programme			1,173		0	1,173	0	0	0	1,173
Integrated Transport programme			753	19	0	772	0	0	0	772
RFA Tweenaway Cross Junction	4,174	3,150	1,024		0	1,024	0	0	0	1,024
South Devon Link Rd - Council contribution	18,089	948	641		0	641	2,462	2,838	11,200	17,141
On Street Parking meters	857	488	0		369	369	0	0	0	369
<u>Other infrastructure</u>										
Babbacombe Beach Road	70	0	70		0	70	0	0	0	70
<u>Drainage & Coast Protection</u>										
Princess Promenade (Western Section) Repairs	2,950	0	0	800	0	800	0	2,150	0	2,950
Torre Abbey Sands steps - substantial repair	441	396	45		0	45	0	0	0	45
<u>Car Parks</u>										
Multi-Storey Car Parks Refurb Programme - Phase I	1,200	1,199	1		0	1	0	0	0	1
<u>New Growth Points Funding</u>										
NGP - South of Tweenaway, Lane Improvement	1,083	9	1,084		0	1,084	0	0	0	1,084
NGP - Windy Corner Junction	199	9	190		0	190	0	0	0	190
NGP - Strategic Cycleway	400	113	287		0	287	0	0	0	287
NGP - Great Parks Access	500	33	467		0	467	0	0	0	467
			5,735	819	369	6,923	2,462	4,988	11,200	25,573
DIRECT SERVICES & WASTE										
<u>Other</u>										
Barton Gas Safety Works	50	49	1		0	1	0	0	0	1
			1	0	0	1	0	0	0	1

Revised 4-year Plan Oct 2011										
	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 July	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	2012/13	2013/14	2014/15	Total for Plan Period
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
PRIDE IN THE BAY										
CULTURAL SERVICES										
<u>Libraries</u>										
Paignton Library Re-build	6,343	6,306	37	0	0	37	0	0	0	37
<u>Museums</u>										
Torre Abbey Renovation - Phase 2 Design	284	267	17	0	0	17	0	0	0	17
Torre Abbey Renovation - Phase 2	4,826	0	750	363	0	1,113	1,500	1,937	276	4,826
Sport & Leisure										
Illuminations - replacement of Festoon Lighting	775	771	4	0	0	4	0	0	0	4
Barton Playing Fields	61	39	22	0	0	22	0	0	0	22
Barton Infrastructure	138	33	105	0	0	105	0	0	0	105
Children's Playgrounds Renewal Programme	171	171	0	0	0	0	0	0	0	0
Rock Walk Enhancement	3,699	3,639	60	0	0	60	0	0	0	60
Oddicombe Cliff stabilisation	122	43	79	0	0	79	0	0	0	79
Fitbay Projects	73	29	27	17	0	44	0	0	0	44
			1,101	380	0	1,481	1,500	1,937	276	5,194
Total PRIDE IN THE BAY programme			6,837	1,199	369	8,405	3,962	6,925	11,476	30,768
FUNDING SOURCES :										
BORROWING										
Supported			0			0	0	0	0	0
Unsupported (Prudential)			996	800	369	2,165	2,962	5,738	11,200	22,065
GRANTS			5,102	382		5,484	1,000	1,187	276	7,947
CONTRIBUTIONS			0			0	0	0	0	0
RESERVES			152	17		152	0	0	0	152
REVENUE CONTRIBUTIONS			0			0	0	0	0	0
CAPITAL RECEIPTS			437			437	0	0	0	437
Earmarked Asset Sales			150			150	0	0	0	150
Corporate/General Asset Sales										
TOTAL FUNDING SOURCES			6,837	1,199	369	8,405	3,962	6,925	11,476	30,768

NEW ECONOMY	Revised 4-year Plan Oct 2011									
	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 July	2011/12 Adjustmts	New Schemes 2011/12	Total 2011/12 Revised	2012/13	2013/14	2014/15	Total for Plan Period
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
REGENERATION										
Brixham Regeneration										
Harbour Development Phase 1&2 (Quay & Buildings)	19,530	19,170	561	(201)	0	360	0	0	0	360
Business Development										
NGP - Torbay Innovation Centre Ph 3	512	69	443	0	0	443	0	0	0	443
Sea Change - Cockington Court	3,014	2,449	465	100	0	565	0	0	0	565
			1,469	(101)	0	1,368	0	0	0	1,368
MARINE SERVICES										
Torquay Harbour										
Haldon Pier - Structural repair Phase I/2	3,072	1,794	1,278	(828)	0	450	828	0	0	1,278
Victoria Pier - Structural repair	1,400	0	0	0	0	0	1,400	0	0	1,400
			1,278	(828)	0	450	2,228	0	0	2,678
Total NEW ECONOMY programme			2,747	(929)	0	1,818	2,228	0	0	4,046
FUNDING SOURCES :										
Confirmed										
BORROWING										
Supported			0			0	0	0	0	0
Unsupported (Prudential)			(791)			(791)	1,400	0	0	609
GRANTS			2,136			1,308	828	0	0	2,136
CONTRIBUTIONS			22			22	0	0	0	22
RESERVES			50			(151)	0	0	0	(151)
REVENUE CONTRIBUTIONS			50			150	0	0	0	150
CAPITAL RECEIPTS										
Earmarked Asset Sales			1,280			1,280	0	0	0	1,280
Corporate/General Asset Sales			0			0	0	0	0	0
TOTAL FUNDING SOURCES			2,747	(929)	0	1,818	2,228	0	0	4,046

LEARNING & SKILLS	Revised 4-year Plan Oct 2011										
	Cost Centre	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 July	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	2012/13	2013/14	2014/15	Total for Plan Period
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
CHILDREN'S SERVICES											
<u>Pre-Primary & Primary</u>											
Foxhole Schools - Amalgamation	9,158	9,056	45	57	0	102	0	0	0	102	
Primary Places 2011/12	200	0	200	(100)	0	100	100	0	0	200	
Bxm CoE Prim - Ph 2	1,585	1,584	1		0	1	0	0	0	1	
Curtledge St - Remodelling	2,402	646	1,056		0	1,056	700	0	0	1,756	
Roselands - Remodelling	1,500	1,299	201		0	201	0	0	0	201	
Ellacombe - Remodelling	723	713	10		0	10	0	0	0	10	
Shiphay Primary - Mobiles & SEN	1,070	1,063	7		0	7	0	0	0	7	
Sherwell Valley Primary	1,057	987	70		0	70	0	0	0	70	
Cockington Primary-Ch Cen & mobiles	1,960	1,955	5		0	5	0	0	0	5	
Barton Primary Cap Project	4,500	83	2,617	(1,800)	0	817	3,600	0	0	4,417	
Preston Primary - ASD Unit	1,500	60	740	(350)	0	390	1,050	0	0	1,440	
Queensway RC Primary - Prim proj	2,254	2,250	4		0	4	0	0	0	4	
Oldway Primary Disabled Changing Rooms	107	91	16		0	16	0	0	0	16	
Oldway Primary Hall	1,200	310	890		0	890	0	0	0	890	
SureStart/Early Years 2008/09 - 2010/11	28	28	0		0	0	0	0	0	0	
Early Years Capital Grants	758	758	0		0	0	0	0	0	0	
Centenary Way Childrens Centre	461	19	442		0	442	0	0	0	442	
<u>Secondary Schools</u>											
Torquay Community College Re-build (Building Schools for the Future)	29,050	28,170	880		0	880	0	0	0	880	
Torquay Girls Grammar Astroturf Fencing	79	69	10		0	10	0	0	0	10	
Paignton Community Sports College - Astroturf pitch	1,821	1,757	64		0	64	0	0	0	64	
Paignton Community Sports College Mobile Replce 14-19 Project	992	0	412		0	412	580	0	0	992	
Paignton Community Sports College - Sports Hub	2,029	2,029	0		0	0	0	0	0	0	
Cuthbert Mayne 14-19 Project	1,814	1,194	606	14	0	620	0	0	0	620	
Westlands 14-19 Project	750	34	716		0	716	0	0	0	716	
Education Review Projects	52	0	4	48	0	52	0	0	0	52	

LEARNING & SKILLS		Revised 4-year Plan Oct 2011										
		Cost Centre	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 July	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	2012/13	2013/14	2014/15	Total for Plan Period
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Special Schools												
	Combe Paifford Business Enterprise	451	445	6	0	0	6	0	0	0	0	6
	Combe Paifford Construction Workshop	490	487	3	0	0	3	0	0	0	0	3
	Mayfield expansion	420	20	400	0	(200)	200	200	0	0	0	400
"All School" Initiatives												
Condition & Modernisation Funding/Basic Need												
	- Modernisation 2009/10	163	163	0	0	0	0	0	0	0	0	0
	- Capital Repairs & Maintenance 2008/09	648	646	2	0	0	2	0	0	0	0	2
	- Capital Repairs & Maintenance 2009/10	621	604	17	0	0	17	0	0	0	0	17
	- Capital Repairs & Maintenance 2010/11	420	183	237	0	0	237	0	0	0	0	237
	- Capital Repairs & Maintenance 2011/12	801	0	801	0	0	801	0	0	0	0	801
	- Feasibilities	113	82	31	0	0	31	0	0	0	0	31
	- Schools Access	1,597	1,477	180	0	(60)	120	0	0	0	0	120
	- Special Education Needs - reactive works	254	190	4	0	60	64	0	0	0	0	64
	- School Security	1,056	970	86	0	0	86	0	0	0	0	86
	- Asbestos Removal	80	66	14	0	0	14	0	0	0	0	14
	- 14-19 Diploma Delivery	688	653	49	0	(14)	35	0	0	0	0	35
	Harnessing Technology	953	953	0	0	0	0	0	0	0	0	0
	Short Breaks for Disabled Children	235	159	76	0	0	76	0	0	0	0	76
	Play Builder (DCSF Grant)	1,001	1,001	0	0	0	0	0	0	0	0	0
	Devolved Formula Capital	13,119	11,537	1,589	0	(7)	1,582	0	0	0	0	1,582
Other Facilities												
	Youth Service schemes	298	241	57	0	0	57	0	0	0	0	57
	Youth Capital Fund projects	261	261	0	0	0	0	0	0	0	0	0
	Youth Modular Projects	441	358	83	0	0	83	0	0	0	0	83
	My Place Parkfield	5,272	2,249	3,023	0	0	3,023	0	0	0	0	3,023
	Foxhole Community Campus (contribution)	647	643	2	0	2	4	0	0	0	0	4
	Foxhole Community Multi Use Games Area	179	157	22	0	0	22	0	0	0	0	22
	EOTAS Halswell House	60	0	60	0	0	60	0	0	0	0	60
	Children's care homes & facilities (public & private adaptations)	0	0	0	0	0	0	0	0	0	0	0
	Minor Adaptations Childcare	325	203	122	0	0	122	0	0	0	0	122
Total LEARNING & SKILLS programme				15,860	0	(2,350)	13,510	6,230	0	0	0	19,740

LEARNING & SKILLS	Cost Centre	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 July	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	2012/13	2013/14	2014/15	Total for Plan Period
FUNDING SOURCES :											
<u>Confirmed</u>											
BORROWING											
Supported				2,034			2,034	700	0	0	2,734
Unsupported (Prudential)				0			0	0	0	0	0
GRANTS				13,741	(2,350)		11,391	5,530	0	0	16,921
CONTRIBUTIONS				63			63	0	0	0	63
RESERVES				10			10	0	0	0	10
REVENUE CONTRIBUTIONS				0			0	0	0	0	0
CAPITAL RECEIPTS							0				
Earmarked Asset Sales				0			0	0	0	0	0
Corporate/General Asset Sales				12			12	0	0	0	12
TOTAL FUNDING SOURCES				15,860	(2,350)	0	13,510	6,230	0	0	19,740

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STRONGER COMMUNITIES	Latest Est Scheme Cost	Expend in Prev Years	Revised 4-year Plan Oct 2011							Total for Plan Period	
			Prev 2011/12 July	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	2012/13	2013/14	2014/15		
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
HOUSING											
<u>Private Sector Support</u>											
Private Sector Renewal	196		195	(74)	0	121	75	0	0	0	196
Security for the Vulnerable	63	63	1	(1)	0	0	0	0	0	0	0
Insulation Scheme	80	40		40	0	40	0	0	0	0	40
Disabled Facilities Grants	839		839	0	0	839	0	0	0	0	839
			1,035	(35)	0	1,000	75	0	0	0	1,075
<u>Grants to Housing Providers</u>											
Sanctuary - Dunboyne 39 Extra Care Units	1,239	619	620	0	0	620	0	0	0	0	620
WCHA - Foxhole School site (30 units)	22	11	11	0	0	11	0	0	0	0	11
Sovereign HA - Beechfield (102 units)	280	140	0	0	0	0	140	0	0	0	140
Signpost HA - Rock Road (30 units)	200	0	100	0	0	100	100	0	0	0	200
Hayes Road	625	250	0	0	0	0	375	0	0	0	375
Hatchcombe Nurseries	0	0	182	(182)	0	0	0	0	0	0	0
New Advances Budget to be allocated	562	0	255	182	0	437	0	125	0	0	562
			115	0	0	115	250	0	0	0	365
Torbay Enterprise Project	750	385									
Empty Homes Scheme	500	0	0	0	500	500	0	0	0	0	500
NGP - HCA Match Land Acquisitions	1,988	84	1,904	0	0	1,904	0	0	0	0	1,904
			3,187	0	500	3,687	865	125	0	0	4,677
			4,222	(35)	500	4,687	940	125	0	0	5,752

STRONGER COMMUNITIES	Revised 4-year Plan Oct 2011							Total for Plan Period		
	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 July	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	2012/13		2013/14	2014/15
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
ADULT HEALTH & SOCIAL CARE										
Facilities										
Mental Health Care Initiatives	711	523	188	0	0	188	0	0	0	188
NGP - Education, Innovation & Research Centre	100	0	100	0	0	100	0	0	0	100
Adult Personnal Social Serv	443	0	443	0	0	443	0	0	0	443
IT										
Adult Social Care IT Infrastructure	171	153	18	0	0	18	0	0	0	18
			749	0	0	749	0	0	0	749
Total STRONGER COMMUNITIES programme			4,971	(35)	500	5,436	940	125	0	6,501
FUNDING SOURCES :										
BORROWING										
Supported			131			131	0	0	0	131
Unsupported (Prudential)			0			0	0	0	0	0
GRANTS			3,896	(75)	500	4,321	559	125	0	5,005
CONTRIBUTIONS			224			224	138	0	0	362
RESERVES			0			0	0	0	0	0
REVENUE CONTRIBUTIONS			0			0	0	0	0	0
CAPITAL RECEIPTS			500	40		540	0	0	0	540
Earmarked Asset Sales			220			220	243	0	0	463
Corporate/General Asset Sales										
TOTAL FUNDING SOURCES			4,971	(35)	500	5,436	940	125	0	6,501

Revised 4-year Plan Oct 2011										
CORPORATE HEALTH (ALL - SERVICE)	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 July	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	2012/13	2013/14	2014/15	Total for Plan Period
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
FUNDING SOURCES :										
BORROWING										
Supported			0			0	0	0	0	0
Unsupported (Prudential)			3,800		(1,800)	2,000	2,100	0	0	4,100
GRANTS			64			64	4,217	3,132	2,459	9,872
CONTRIBUTIONS			0			0	0	0	0	0
RESERVES			416			416	300	54	0	770
REVENUE CONTRIBUTIONS			200			200	0	0	0	200
CAPITAL RECEIPTS										
Earmarked Asset Sales			0			0	0	0	0	0
Corporate/General Asset Sales			190	200		390	0	176	0	566
TOTAL FUNDING SOURCES			4,670	200	(1,800)	3,070	6,617	3,362	2,459	15,508

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Title: **Torre Abbey Meadows, Torquay – Application for Registration of a Town or Village Green**

Public Agenda Item: **Yes**

Wards Affected: **Tormohun**

To: **Council**

On: **8 December 2011**

Key Decision: **No**

Change to Budget: **No**

Change to Policy Framework: **No**

Contact Officer: **Anne-Marie Bond**

☎ Telephone: **(01803) 20 7160**

✉ E.mail: **anne-marie.bond@torbay.gov.uk**

1. What we are trying to achieve

- 1.1 An Application was made on 23 April 2009 by a local resident, Mr Ian Handford, to register Torre Abbey Meadows ('the Application Land') as a Town or Village Green under the Commons Act 2006. It falls to the Council as Registration Authority to consider and resolve the Application as one of its statutory functions. The application is based on use by community of the Tormohun Ward for 20 years up to the date of the application. A copy of the Application is available as a background paper.

2. Recommendations for decision

- 2.1 That the Council rejects the Application on the following ground:-

That at all times during the Council's ownership of Torre Abbey Meadows up to the date of the application (and at all times since that date) Torre Abbey Meadows been held and maintained by the Council under Section 164 of the Public Health Act 1875 for public walks or pleasure grounds and has been by implied permission available for recreational use by the public for lawful sports and pastimes. Accordingly, the Applicant is unable to show that there has been use of Torre Abbey Meadows as a Town or Village Green "as of right" for the requisite period of 20 years (as provided under Section 15(2) of the Commons Act 2006.

3. Key points and reasons for recommendations

- 3.1 To succeed in an application to register land as a Town or Village Green under the Commons Act 2006, an applicant needs to prove actual use of the land by a significant number of local inhabitants for lawful pastimes as of right for not less than 20 years continuing at least to the date of the application.
- 3.2 The phrase “as of right” is a technical law term stating that the use of the land must not be by force, by stealth or by permission.
- 3.3 However, the subject Application Land has been made available as public open space by the Council under its statutory powers by Section 164 of the Public Health Act 1875 so that enjoyment of the land by the public is permissive and therefore cannot be “as of right”.

Legal Issues

- 3.4 Section 15(2) of the Commons Act 2006 provides that any person may apply to the commons registration authority to register land to which this [section] applies as a town or village green in a case where a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and they continue to do so at the time of the application
- 3.5 The grounds of Mr Handford’s Application are that the Application Land became a town or village green on 23 April 2009 ‘by virtue of use of the [Application Land] during the last eighty years for a considerable number of outdoor public events which include annual fairs, carnivals, charity events and festivals. The [Application Land has] been used to accommodate large marquees for sports events and music festivals. Both locals and visitors benefit from the availability of the green open space and the Italianate gardens and associated lawns. With the neighbouring bowling greens and the Torre Abbey Pitch and Putt Golf Course, the whole area is looked on as a peaceful area to visit. The Meadow lawns are enjoyed by families, both local and visitors, who use the open Greens as a safe area in which to play and enjoy as a picnic area’. The locality whose inhabitants claim to use the land is the locality of the ward of Tormohun.
- 3.6 In written advice obtained from leading Counsel on Town and Village Green applications relating to a similar application affecting Wellswood Park the advice stated that “The land which [the applicant] is seeking to register as a Town or Village Green is a park owned by the Council. The point is that if land has been made available as public open space by a Local Authority under its statutory powers, it is hard to see how use of that land can be as of right. The phrase as of right is a technical law term denoting that the use of the land must not be by force, by stealth (ie secretly) or by permission. The underlying idea behind use which is as of right is that users must act as if they had a right to go on to the land. It is inappropriate to describe use of a park as of right where the position is that users actually do have the right to go on to the land. The point has been considered by registration authorities on a number of occasions, and to my knowledge, no park or recreation ground has ever been registered”.
- 3.7 Officers have reviewed the relevant case law and endorse this view and are not aware of any change to this position since the advice was provided.

- 3.8 Therefore, the recommendation is that as a matter of law, the Application fails.
- 3.9 The Council as Registration Authority must now proceed to the determination of the Application. The Council must determine this in accordance with the law. It must disregard its status as the owner of the freehold of the Application land and any views it may have on proposals relating to any part of the land. There is no prescribed procedure which the Council must follow other than it must give a reasonable opportunity to the Applicant for dealing with any matter which appears to the authority to afford possible grounds for rejecting the Application.
- 3.10 The Applicant must prove on the balance of probabilities that a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the Application land for a period of at least 20 years, and they continue to do so at the time of the application. The expression "lawful sports and pastimes" has been held in a leading case to include informal recreation such as walking with or without dogs and children's play. There is little doubt that the Application land has been and continues to be used for informal recreation. However, the key issue is that the Council has permitted this use: the application land is a public park.

Conclusion

- 3.11 Having considered the Application and the objections to it, Officers consider that the Application should be rejected for the reasons set out in the recommendation.

For more detailed information on this proposal please refer to Appendix A.

Anne-Marie Bond
Executive Head Commercial Services

Supporting information

A1. Introduction and history

- A1.1 The history of the Application site is set out in the objection Report by the Council in its capacity as Landowner dated 2 August 2010.
- A1.2 In brief the Application Land was for the most part purchased by the Mayor Aldermen and Burgesses of the Borough of Torquay by Conveyances of 29 September 1920 and 13 October 1930 respectively. The 29 September 1920 Conveyance was from the surviving trustee of the Cary Settled Estates of land at the junction of Belgrave Road and Torbay Road. That Conveyance was made pursuant to a Contract for sale dated 3 May 1920 whereby the Borough acting by its Town Clerk agreed to buy the land concerned “in exercise of the powers in that behalf given to him by the Public Health Act 1875 and all other powers him thereunto enabling”. Clause 14 of that Contract states “The scheduled hereditaments are being purchased for the purpose of public pleasure grounds under the authority of the Public Health Act 1875 or any other public or local Act now or hereafter in force enabling him in this behalf”.
- A1.3 Officers consider that the vast majority of Application Land is held under the Public Health Act 1875. Those parts of the Site that are not held under the Public Health Act were bought for highways purposes or for construction of the RICC. Furthermore, members will be aware that several sites on the Application Land are leased (e.g Abbey Park Café, the Balloon) and therefore cannot have been used for lawful sports and pastimes up until the date of the application.
- A1.4 The Application seeks inclusion of the site in the Register of Town or Village Greens on the basis that the Application Land became a town or village green on 23 April 2009 ‘by virtue of use of the [Application Land] during the last eighty years for a considerable number of outdoor public events which include annual fairs, carnivals, charity events and festivals. The [Application Land has] been used to accommodate large marquees for sports events and music festivals. Both locals and visitors benefit from the availability of the green open space and the Italianate gardens and associated lawns. With the neighbouring bowling greens and the Torre Abbey Pitch and Putt Golf Course, the whole area is looked on as a peaceful area to visit. The Meadow lawns are enjoyed by families, both local and visitors, who use the open Greens as a safe area in which to play and enjoy as a picnic area’. The locality whose inhabitants claim to use the land is the locality of the ward of Tormohun. The Application Land is outlined and hatched green on the plan attached to the Application.
- A1.5 Following lodgement of the Application, public advertisement was carried out in the local press, within Council buildings and on site with a closing date of 2 August 2010 for responses.
- A1.6 The public consultation produced 3 objections, from the Council, the Riviera Centre and Lindstrand Aeroplatforms. The Application included 51 completed questionnaires as evidence of local peoples concerns at the loss of further public access to the Application Land. Copies of the objections and the completed questionnaires are available as background papers.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.2 Whilst there is no formal right of appeal under the Commons Act 2006 if an Application is rejected it is open to the Applicant to seek a judicial review of the Council's conduct if he believes it to constitute an abuse of power or to be wrong in law, unreasonable, procedurally improper, biased or contrary to his or the inhabitants' legitimate expectations. Judicial review is a High Court remedy which would involve Counsel and a risk of costs if the Applicant were successful. It is not considered by officers that an application for judicial review of a decision based on the above recommendation would be successful.

A2.3 A decision to register the land as a Town or Village Green might be subject to a High Court Review by an objector to the Application.

There are no other risks envisaged.

A3. Other Options

A3.1 To approve the Application.

A3.2 To defer consideration of the Application by arranging a non-statutory Public Inquiry to be chaired by an independent inspector experienced in such matters who would report to the Council as Registration Authority with his recommendations.

A4. Summary of resource implications

A4.1 Following the Outline of significant key risks discussed in Section A2 above, there will be no operational resource implications for the Council if the Application is approved since there will be no change to the use of the site.

A4.2 Conversely, if the Application were refused with or without a non-statutory Public Inquiry, then as also discussed earlier, the Applicant might apply for Judicial Review with a significant demand on resources and risk of costs.

A4.3 Officers do not consider that in the circumstances it would be a sensible use of the Council's resources for the matter to be resolved by a non-statutory Public Inquiry.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 None.

A6. Consultation and Customer Focus

A6.1 Whilst there was no consultation with the Overview and Scrutiny Board or Working Parties there was a public consultation exercise using public notices, a local newspaper advertisement and deposit of copies of the Application at Torquay Library and Torbay Council Connections Office.

A6.2 The residents of Tormohun Ward will be principally affected.

A6.3 Officers are aware that many Members would like for part of Torre Abbey Meadows and other similar areas throughout Torbay to be voluntarily registered as Town or Village Greens and it is within the Council's powers to register land owned by it as Town or Village Green subject to the Mayor first volunteering the land for voluntary registration. At Annex A is a briefing note on the voluntary registration of land owned by the Council as Town or Village Greens which Members are asked to consider and provide the report author with their thoughts. If Members indicate a willingness to voluntarily register areas of land owned by the Council, it is intended that discussions with residents and Members will take place on the possible ramifications of such action and if appropriate a further report to be brought to full Council requesting the voluntary registration of areas within Torbay.

A7. Are there any implications for other Business Units?

A7.1 No.

Appendices

Appendix 1 - Discussion Paper on the Voluntary Registration by the Council of its land as Town or Village Greens

Documents available in Members' Rooms

Two pieces of advice from leading Counsel on the voluntary registration of land owned by local authorities as town or village green

Background Papers:

The following documents/files were used to compile this report:

'Application for village green status of Abbey Meadows' dated 23 April 2009

Objection by Torbay Council in its capacity as landowner to the Application.

Letter from the Applicant dated 27 August 2009 enclosing 51 completed questionnaires as evidence of local peoples concerns at the loss of any further public access to the Application Land

Objections from Lindstrand Aeroplatforms Limited and the Riviera International Conference Centre Limited

C:\Documents and Settings\csl075\Desktop\Anthony Butler\Monitoring\Report to Council re Torre Abbey Meadows Torquay.doc

Discussion Paper on the Voluntary Registration by the Council or its land as Town or Village Greens

Members across all parties would like to protect green spaces throughout Torbay for future generations by voluntarily registering them as town or village greens. This is legally possible and would involve the Mayor offering each area for voluntary registration and Full Council confirming the registration.

Registration of land as a town or village green protects each area from development in perpetuity. To paraphrase the legislation that protects town and village greens; it is unlawful to interrupt local peoples sports and pastimes and/or erect any fence or structure which is not with a view to the better enjoyment of the town or village green.

Only the inhabitants of a defined locality have a right to use the land, and only they or the landowner can take action against any person who are considered to have acted unlawfully. When voluntarily registering the town or village green the council can define the locality that has the right to use the land.

It is a simple and cheap process to object to the use a town or village green is put and a process that can ultimately result in an activity being stopped altogether.

The problem the council has is that some activities that currently or may take place in the future on our greens would be unlawful under the legislation protecting town or village greens. The most significant current activity that could be affected is the annual waste management conference on Paignton Green. Available in the members room are two pieces of advice received from leading counsel and you will see from the advice entitled 'Further Advice' it is considered that the conference in its current form would be unlawful. The presence of the conference is already challenged by some locals, however the present grounds for challenge are not that straightforward, and officers are confident that any attempted legal challenge could be defeated. Crucially, once registered, as a town or village green, a green cannot be 'un-registered', nor can exemptions from the legislation be created or rules allowing certain activities be set.

With regard to future uses of all the greens, as can be seen from the advice from counsel, whether a matter is unlawful is always a matter of fact and degree. However, if a significant proportion of a town or village green is fenced off or otherwise, so that the public cannot access that part without payment, it is likely to be unlawful and therefore possible to stop.

There is currently no intention to develop any of the three greens above, however there are many ideas for events that may be held on them in the future. The majority of these events will still be able to take place regardless of registration, however some may not, if an application is made to the magistrates to stop them. It is apparent from the two pieces of advice from counsel, it is not clear what is and isn't lawful under the legislation and unfortunately, once registered, if it is found that certain activities are deemed to be unlawful, the council is not able to 'un-register' the greens to allow those activities.

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Title: **Proposed Amendment to Byelaws to Allow Cycling in Torbay Parks and Pleasure Grounds**

Public Agenda Item: **Yes**

Wards Affected: **All Wards in Torbay**

To: **Council** On: **8 December 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Ian Jones**
Telephone: **01803 207835**
E.mail: **ian.jones@torbay.gov.uk**

1. What we are trying to achieve and the impact on our customers

- 1.1 To promote cycling in Torbay as a method of sustainable travel that will reduce traffic congestion and improve the general health of residents and visitors.
- 1.2 To seek approval from the Secretary of State to amend the byelaws in Torbay in order to allow cyclists to use parks and pleasure grounds on designated routes only.

2. Recommendation(s) for decision

- 2.1 **That Torbay Council begin a period of consultation to consider whether the Secretary of State should be asked to approve an amendment to the existing byelaw in order to allow cycling in Torbay Parks and Pleasure Grounds, on designated routes only.**
- 2.2 **That if, following consultation, no objections are received the recommendation will be passed to the Secretary of State for consideration.**
- 2.3 **That if any objections are received the Executive Head of Residents and Visitor Services, in consultation with the Executive Lead for Safer Communities and Transport, be delegated authority to consider and determine the objections before proceeding to the Secretary of State.**

3. Key points and reasons for recommendations

- 3.1 The Torbay Local Transport Plan sets out proposals for developing the National Cycle Route and improving facilities for cycling.
- 3.2 The proposed amendment to the byelaw will allow cycling in Torbay's parks and pleasure grounds, on designated routes only.
- 3.3 This in turn will allow safer cycling to be promoted within Torbay, helping to improve sustainability and reduce emissions, reduce road casualties and improve the health of residents and visitors to Torbay.
- 3.4 It is important to note that the proposed amendment will allow cycling on designated routes only; this will reduce any potential conflicts with other users.

For more detailed information on this proposal please refer to the supporting information attached.

**Sue Cheriton
Executive Head of Residents and Visitor Services**

Supporting information

A1. Introduction and history

A1.1 Torbay Council is promoting cycling, by the provision of a cycle network across Torbay, through its Local Transport Plan as a means to:

- a) Promote sustainable travel;
- b) Reduce Traffic Congestion; and
- c) Improve the health of its residents and of visitors

A1.2 Key to the provision of a safe and viable network is the use of off road options where possible. Torbay's Parks and Pleasure Grounds may give an opportunity in a number of areas to provide safe off road sections of cycle route.

A1.3 Current cycle routes under consideration include proposals for a route through Hollicombe Park and Hollicombe Head, linking to Paignton Harbour. This off road section will provide a safer alternative to cycling with traffic and will help to promote Torbay to cyclists.

A1.4 Currently the byelaws in Torbay relating to public parks and pleasure grounds do not allow cycling, section 5. (ii) states that:

A person shall not except in the exercise of any lawful right or privilege ride any bicycle, tricycle or other similar machine in any part of the pleasure ground.

Legal advice has been taken and it is considered that the provision of a cycle route would not constitute a lawful right or privilege. It is therefore considered that, in the current situation, providing a cycle route in a park or pleasure ground in Torbay would be a circumvention of the byelaw and would not allow cyclists to legally cycle on that route.

A1.5 In order to regularise the situation it is proposed that the byelaws be amended to allow cycling in parks and pleasure grounds in Torbay. It should be noted that, in order to control the passage of cycles and to prevent general disruption to other users, this amendment will seek to allow cycling on designated routes only.

A1.6 Currently any amendment to byelaws must be considered by the Secretary of State for approval. On the 31 August 2010 the Minister for Communities and Local Government outlined plans to give councils a new power to review outdated byelaws. This power would remove the need for alterations to byelaws to be considered by the Secretary of State and was originally expected to be in place in the spring of 2011. However this power has not yet been granted and a date for its expected implementation has not been announced. It is therefore proposed that, following a period of consultation and the support of the Council, the proposal be sent to the Secretary of State for consideration.

A1.7 The Minister for Communities and Local Government has published, at www.communities.gov.uk/documents/localgovernment/doc/133580.doc, a set of model byelaws for pleasure grounds, public walks and open spaces. It is therefore intended to replace section 5. (ii) of the current Torbay byelaw with the wording in section 20 of the model byelaw, which states that:

No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles [or on a designated route for cycling].

Allowing cycling on designated routes and rights of way only will preclude general cycle access to parks and pleasure grounds and reduce any potential conflict between cyclists and other users.

A1.8 As the proposed wording set out in the model byelaw has been sanctioned by The Minister for Communities and Local Government it is not expected that the Secretary of State will have any objections to the amendment.

A1.9 The guidance which accompanies the model byelaw states that:

In the case of byelaws which imply that skateboarding, roller skating and cycling will be confined to particular areas, local authorities should consult widely about the implications of such byelaws and, in particular, with any local disability groups (including associations for those with sight and hearing limitations) to ensure that their opinions are taken into account and that any operational matter (such as appropriate signing) can be considered.

It is therefore intended that consultation will take place to determine whether there are any objections to the proposal. Should there be any objections these will be brought back to members for consideration. If there are no objections the proposal will be presented to the Secretary of State for approval.

A1.10 It is not intended to open up all parks and pleasure grounds for cycle use. If the amendment is approved by the Council and the Secretary of State proposals for routes in individual parks and pleasure grounds will be taken to the Transport Working Party and Place Policy Development Group for them to recommend approval by the Executive Head of Residents and Visitor Services.

A1.11 Whilst Hollicombe Head is the only open space currently being considered for implementation of cycle routes through parks or pleasure grounds, long term cycling strategies have also identified Victoria Park, Cliff Gardens and Preston Green, Paignton and Torre Abbey Meadows and Princess Gardens, Torquay as possible future links in strategic cycle schemes.

A1.12 The Place Policy Development Group have considered this issue and given their support.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.1.1 Should any objections be received these will need to be considered by members before the proposal can be submitted to the Secretary of State for approval. To save the proposal having to come back to the full Council it is proposed that the Executive Head of Residents and Visitor Services, in consultation with the Executive Lead for Safer Communities and Transport, be delegated authority to consider and determine any objections.

A2.1.2 If Torbay Council were to provide a cycle route through a park without the proposed amendment to its byelaws this could be construed as circumventing the current byelaws and the Council could be held liable if there is any conflict between a cyclist and another legitimate park user.

A2.1.3 If the amendment is not approved Torbay Council will be unable to lawfully provide cycle routes in any of the parks and pleasure grounds in Torbay and key proposals for sections of the Torbay cycle network will not therefore be able to be implemented.

A2.1.4 If the National Cycle Network is not progressed through Torbay the future funding for sustainable transport measures may be compromised.

A2.1.5 Unlawful cycling is often currently observed within parks and pleasure grounds as cyclists attempt to avoid cycling through traffic. By allowing cycling only on designated routes and rights of way the Council will avoid opening up parks for general cycle use and the ability of the general public to continue the peaceful enjoyment of open spaces in Torbay will be protected.

A2.2 Remaining risks

A2.2.1 Diversification into new growth areas, including leisure cycling, offers a further avenue for a sustainable future, this opportunity could be lost if further suitable cycling routes and facilities are not provided.

A2.2.2 Proposals for routes in individual parks and pleasure grounds will still require approval from the Transport Working Party and the Place Policy Development Group.

A3. Other Options

A3.1 If the amendment to the existing byelaws is not made then options for off road cycle links will be limited and therefore more on road cycling will need to be considered.

A4. Summary of resource implications

A4.1 Consultation on the amendment to the byelaws, will be undertaken by the Authority's Partner Consultant, Jacobs, in conjunction with officers from Streetscene and Place. Officers from Legal Services will advise on wording and presentation of the proposals to the Secretary of State. Costs for this process will be contained within existing revenue budgets.

A4.2 Funding for the implementation of individual sections of cycle route through parks and pleasure grounds will be sought on a case by case basis, with support for each section sought from the Transport Working Party and the Place Policy Development Group. The only scheme currently identified is at Hollicombe Head, which will be funded from the Council's existing capital plan as part of the New Growth Points Strategic Cycleway Project. Future schemes may be funded from capital or revenue sources, or from section 106 contributions. Any capital funding allocations will be linked to the Council's approved capital plan in consideration with the Council's overall priorities.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There will be no impact on equalities and crime and disorder. There will be no direct impact on sustainability but, by allowing more off road cycle routes to be provided, the proposal will indirectly improve sustainable travel options across Torbay and help to reduce the emissions of greenhouse gases, pollutants and particulates.

A6. Consultation and Customer Focus

A6.1 Outline consultation has been undertaken on the Hollicombe to Paignton Harbour Cycle route, the results were presented to the Transportation Working Party on the 28 January 2011.

A6.2 It is proposed that further specific consultation on the amendment to the byelaw be undertaken following approval of this report.

A6.3 The longer term benefits of the proposal will be to:

- reduce traffic congestion;
- improve the health of residents and visitors to Torbay;
- offer improved sustainable transport options, particularly for shorter and leisure journeys, and reduce vehicle emissions.

A7. Are there any implications for other Business Units?

A7.1 The proposal has received the support of the following business units:

- Legal Services
- Strategic Planning

Appendices

None

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

1. Report to People (Communities) Policy Development Group dated 19 July 2011 and titled "Hollicombe to Paignton Harbour Cycle Route"
2. Issues Paper presented to Transportation Working Party on 28 January 2011 and titled "Hollicombe to Paignton Harbour Cycle Route"
3. Local Transport Plan 3.
1. Byelaws made by the Mayor, Alderman and Burgesses of the Borough of Torbay with respect to Pleasure Grounds (11 August 1978)
2. Model Byelaws - Set 2: Byelaws for Pleasure Grounds, Public Walks and Open Spaces (published at www.communities.gov.uk/documents/localgovernment/doc/133580.doc, May 2006)

Urgent Decision taken by the Chief Executive under the Officer Scheme of Delegation Paragraph 1.19 of Schedule 6 to Part 3 (Responsibility of Functions) of the Council’s Constitution

Report to the Meeting of the Council to be held on 8 December 2011

The Officer Scheme of Delegation states that the Chief Executive may take an urgent decision in relation to an council function (in consultation with the Mayor and Group Leaders) if she considers it to be in the best interests of the Council or the inhabitants of the Borough and where she does not consider it reasonably practicable to convene a meeting of the Council.

A report detailing the action taken in accordance with the Officer Scheme of Delegation must be submitted to the Council. The table below sets out the details of the action taken:

Matter for decision	Decision taken by	Decision and Alternative Options Considered	Reasons for urgency	Date of decision
Recruitment of Directors	Chief Executive	<p>Decision:</p> <p>(i) that, following the decision of the Council on 29 September 2011 and the outcome of the consultation in line with Human Resource policies, the posts of Director of Adult Services and Director of Place and Resources be reconfigured to two 0.8 FTE posts and renamed Director of Adult Services and Resources (Finance & Commercial) and Director of Place and Resources (Business Planning & Information); and</p> <p>(ii) that the functions of the two reconfigured director posts be determined by the Chief Executive, in consultation with the Group Leaders.</p> <p>Alternative Options Considered:</p> <p>Alternative options were presented to the Council on 29 September 2011. However, the Council needed to respond to the proposals submitted by the Commissioners and the need to negate redundancies.</p>	<p>Any delay likely to be caused by convening a meeting of the Council would prejudice the Council's and/or the public's interests.</p> <p>The decision has been taken to respond to the proposals put forward by the Commissioners, to negate the need for compulsory redundancies and to enable the Employment Committee to make the appointments on 23 November 2011.</p>	18 November 2011

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