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Torquay, Devon TQ1 3DR
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Wednesday, 28 November 2012

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, 6 December 2012** commencing at **3.00 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

Caroline Taylor
Chief Operating Officer

(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.)

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: governance.support@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 27 September 2012.

(Pages 1 - 16)

4. **Declarations of interests**

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

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

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

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

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

5. **Communications**

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

6. **#Petitions**

To receive petitions and any oral representations from the public in accordance with Standing Order A12 as set out below:-

- (a) **#Petition in respect of play equipment in Armada Park**
 Petition requesting the addition of a small piece of play equipment suitable for children under four years old/toddlers in Armada Park.
- Approximately 152 signatures, this petition has been referred to the decision maker (Highways Services Manager, Patrick Carney in consultation with Executive Lead for Tourism and Environment, Councillor Jeanette Richards).
- (b) **#Petition in respect of homelessness**
 Petition submitted as follows:
- 'It is National Enterprise Week at Combe Pafford School. The upper school will be raising awareness of homeless young people in Torbay. In the UK there are 75000 homeless young people (Shelter). In the South West there will be 2000 homeless young people on Christmas Day (Crisis). We would like to highlight the issue to the Mayor of Torquay and seek agreement that more action is needed to beat homelessness.'
- (Approximately 229 signatures)
7. **#Public question time** (Pages 17 - 19)
 To hear and respond to any written questions or statements from members of the public which have been submitted in accordance with Standing Order A24.
8. **#Members' questions** (Pages 20 - 22)
 To answer the attached questions asked under Standing Order A13.
9. **#Notice of motions**
 To consider the attached motions, notice of which has been given in accordance with Standing Order A14 by the members indicated:
- (a) **#Notice of Motion - A Fair Deal for Social Care Clients** (Page 23)
- (b) **#Notice of Motion - Ethical Consumer and Use of Tax Havens by Companies Operating Public Services** (Page 24)
- (c) **#Notice of Motion - Loan Sharks** (Page 25)
10. **Adult Social Care - Local Account** (Pages 26 - 60)
 To consider the attached report and any recommendations of the Health Scrutiny Board.
11. **Revenue Budget Monitoring 2012/13 - Quarter 2** (Pages 61 - 76)
 To note the Revenue Budget Monitoring 2012/13 – Quarter 2 report.
12. **Capital Investment Plan Update - 12/13 (2nd Quarter)** (Pages 77 - 90)
 To consider an overview of the Council's approved Capital Investment Plan for the quarter ending September 2012.

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| 13. | Council Tax Base Report
To consider a report on the above. | (To Follow) |
| 14. | Pay Policy and Annual Statement
To consider a report on the above. | (Pages 91 - 100) |
| 15. | Draft Annual Report 2011/12
To consider a report on the draft Annual Report 2011/12 which informs the public, councillors and stakeholders of the Council's performance. | (Pages 101 - 155) |
| 16. | Corporate Plan 2012 - 2015
To consider the above and any recommendations of the Overview and Scrutiny Board. | (To Follow) |
| 17. | Gambling Statement of Principles 2013
To consider a report which sets out the revised draft Gambling Policy. | (Pages 156 - 211) |
| 18. | Torquay Inner Harbour Pontoon Berthing Project
To consider a report on the above. | (To Follow) |
| 19. | Allocations Policy and Local Tenancy Strategy
To consider the attached report and any recommendations of the Overview and Scrutiny Board. | (Pages 212 - 241) |
| 20. | Third Party Planning Contributions towards the South Devon Link Road
To consider a report which seeks agreement for the collection of third party contributions to help meet funding commitments for the South Devon Link Road. | (Pages 242 - 252) |
| 21. | 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.) | |
| 22. | #Neighbourhood Planning in Torbay: Applications for Neighbourhood Forums and Plan Areas
To consider a report on the above. | (Pages 253 - 274) |
| 23. | #Localised Council Tax Support Scheme
To consider a report on the above and any recommendations of the Overview and Scrutiny Board on the Localised Council Tax Support Scheme. | (To Follow) |



Minutes of the Council

27 September 2012

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

Councillors Addis, Amil, Baldrey, Bent, Brooksbank, Butt, Cowell, Davies, Darling, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hernandez, Hill, James, Kingscote, Lewis, Mills, Morey, Pentney, Pountney, Pritchard, Richards, Scouler, Stockman, Thomas (D), Thomas (J) and Tyerman

50 Opening of meeting

Members observed a minute's silence as a mark of respect in memory of Geoff Ingram who lost his life after the Sarah Jayne, a 49ft beam trawler, capsized off Berry Head on 11 September 2012 and John Davies and Frances Johnson, both past Mayors, who had also recently passed away.

The meeting was then opened with a prayer.

51 Apologies for absence

Apologies for absence were received from Councillors Barnby, Hytche, McPhail and Stocks.

52 Minutes

The Minutes of the meeting of the Council held on 12 July 2012 were confirmed as a correct record and signed by the Chairman.

53 Communications

The Chairman:

- (i) on behalf of the Council, expressed his thanks to the RNLI, the Coastguard and all the fishing vessels involved in the air and sea search for the local fisherman, Geoff Ingram, who sadly lost his life at sea off Brixham;
- (ii) congratulated both the Council and community groups involved in winning 33 awards at this year's Royal Horticultural Society (RHS) South West in Bloom competition. Paignton achieved the Royal Horticultural Society Gold award

and gold flag, with Torquay and St. Marychurch and Babbacombe both achieving the silver gilt award. Three cups were received for the landscaping of Royal Terrace Gardens, best horticultural display for Torre Abbey and the Serco Cup for the Geo Park, Paignton and 27 awards were achieved under the Neighbourhood section; and

- (iii) advised that the Mayor and him welcomed the MV Artania cruise ship on its visit to Torbay on 16 September 2012. The ship brought over 800 passengers to Torbay and approximately 50% stayed inside the Bay to visit our attractions.

The Mayor advised that, on behalf of the Council and the people of Torbay, he had written a letter of condolence to Chief Constable Shaun Sawyer following the recent murders of two policewomen in Manchester.

54 Order of Business

In accordance with Standing Order A7.2, the order of business was varied to enable agenda item 9 (Social Fund) and item 11 (Capital Budget Monitoring 2012/13 (1st Quarter)) to be considered after item 12 (Revenue Budget Monitoring 2012/13 – Quarter 1).

55 Petitions

In accordance with Standing Order A12, the Council received a petition requesting the Council to cut back the trees at the Monastery to a reasonable size (approximately 32 signatures).

At the invitation of the Chairman, Councillor Pentney addressed the Council on behalf of the residents in relation to the petition.

It was noted that the petition would be referred to the Executive Head Residents and Visitor Services for consideration in consultation with the Executive Lead for Safer Communities and Transport.

56 Members' questions

Members received questions, as attached to the agenda, notice of which had been given in accordance with Standing Order A13.

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered on all the questions submitted.

57 Notice of motions - Civil Marriage

Members considered a motion in relation to civil marriage, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor James and seconded by Councillor Morey:

On behalf of the lesbian, gay, bi-sexual and transgender residents of Torbay, this Council welcomes the Government's commitment to introduce equal civil marriage before 2015, and the positive message it gives to our young people. This Council believes that all people should be treated equally regardless of race, religion or sexuality and requests the Mayor to write to the Prime Minister and local MP's outlining our support.

In accordance with Standing Order A14.4(a), the Monitoring Officer advised that the motion stood referred to the Mayor. The Mayor advised that, although he supported the statement, he felt it was premature and would defer consideration of the motion to allow wider debate on the issue.

58 Notice of Motion - Homophobic Bullying

Members considered a motion in relation to homophobic bullying in schools, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor James and seconded by Councillor Cowell:

In light of horrifying statistics on homophobic bullying in schools and the particular vulnerability of lesbian, gay, bi-sexual and transgender (LGBT) young people outlined in research by the Stonewall organisation, this Council asks the Mayor and the Executive Lead for Children, Schools and Families to commission work to:

1. investigate, with the utmost sensitivity, the extent of homophobic bullying in our schools and to engage with the Stonewall organisation, LGBT young people and/or other relevant organisations, to understand the issues around homophobic bullying;
2. to discover what is currently being done by schools and youth organisations in the Bay to combat homophobic bullying amongst young people and to find out whether teachers and non-teaching staff in schools feel equipped to deal with it;
3. to ensure that all organisations that work with young people in the Bay, including schools and youth organisations have strategies to combat homophobic bullying towards LGBT young people; and
4. to draw up a Bay wide strategy for combating homophobia across all age groups.

In accordance with Standing Order A14.4(a), the Monitoring Officer advised that the motion stood referred to the Mayor. The Mayor advised he would refer the motion to the People (Children) Policy Development Group to allow the matter to be examined further.

59 Notice of Motion - Localisation of Council Tax Support

Members considered a motion in relation to localisation of council tax support, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor James and seconded by Councillor Stockman:

This Council:

- Opposes the Government's plans to localise council tax benefit from 2013 if it continues to include the £500 million reduction in funding currently proposed.
- Notes the warning of the Local Government Association that the poorest will bear the brunt of these changes and that local authorities which have a high level of deprivation, including Torbay, will be hit disproportionately.
- Notes research by the Institute for Fiscal Studies which indicates that the working poor will be hit hardest by the cuts to council tax benefit, completely contradicting the Government's stated aims in its welfare reform programme.
- Recognises that past experience with the poll tax shows that it will be very difficult to try to collect this tax from low income households that are not used to paying it and that it is therefore likely that many will be unable to pay.
- Believes that this is unfair, immoral and unethical towards the 10,000 residents of Torbay who will be affected by these changes, including a thousand young people.
- Resolves to ask the Mayor to write to the Government opposing this draconian policy.

In accordance with Standing Order A14.4(a), the Monitoring Officer advised that the motion stood referred to the Mayor. The Mayor acknowledged the motion at the meeting and advised that due to the economic and national debt crisis he did not believe a letter from the Council would have any effect, therefore he decided to take no action on this motion.

60 Notice of Motion - Exploring a Living Wage

Members considered a motion in relation to exploring a living wage, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Cowell and seconded by Councillor Ellery:

Council notes:

- A 'living wage' was first established in the UK in 2001.
- It has political support from the leaders of the Labour Party and Conservative Party.
- Many large private sector employers such as Holiday Inn, Barclays and KPMG are accredited Living Wage employers, reflecting best practice in the private sector.
- Currently the living wage rate is £7.20 per hour outside of London and £8.30 within London. The rate for outside London is calculated using incomes and

prices data on a system developed and maintained by the Centre for Research in Social Policy at Loughborough University.

- According to charity Barnardo's and over 58 per cent of children who live in poverty in the UK have at least one parent in paid work.
- Local authorities such as Preston and Oxford have incorporated living wage clauses within their public sector procurement strategies.
- The Living Wage Foundation estimates over 10,000 families have been helped out of working poverty across the UK as a result of a living wage.

Council believes:

- Torbay Council has a duty to be a good employer, and live up to the obligation we set ourselves in the Inclusion Charter which affirms our duty to reduce disadvantage and poverty.
- The procurement strategy of Torbay Council can influence and encourage behaviour in the private sector, ensuring that our partners uphold the same commitment to equality as we do.
- Many people are unaware how many workers employed by Torbay Council are paid below the living wage; according to a Freedom of Information Request to the Council, 125 Torbay Council workers are earning less than the Living Wage.
- There is a strong case for exploring the viability and benefits of Torbay Council becoming a living wage employer.

Council requests the Mayor:

- To perform an audit of Torbay Council workers to establish how many are currently paid less than the living wage and to break down these findings by gender, ethnicity and disability.
- To meet with the Living Wage Foundation, trade unions and other stakeholders to discuss the merits of a living wage.

In accordance with Standing Order A14.4(a), the Monitoring Officer advised that the motion stood referred to the Mayor. The Mayor advised he supported the 'living wage' and would refer the motion to the Council Business Policy Development Group to allow the matter to be examined further.

61 Notice of Motion - Regional and Local Public Sector Pay

Members considered a motion in relation to regional and local public sector pay, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Cowell and seconded by Councillor Ellery:

Council notes:

- The Chancellor of the Exchequer announced in the 2012 Budget the Government's desire to introduce 'more market facing' public sector pay. This could mean regional or local public sector pay.

- There has been no independent assessment of the impact and consequences this policy could have for public services or the economies of low pay regions.
- The New Economics Foundation believes that regional and local pay could cost the South West economy up to £1.2bn per year and 12,471 jobs.
- Up to 20 South West NHS Trusts are using arguments for regional pay to justify exploring reduced pay, terms and conditions for health workers in the South West.

Council believes:

- The Government's case is based on the claim that public sector pay is 'crowding out' the private sector. This is not supported by evidence, particularly at a time of high unemployment. There are currently 5 JSA claimants for every job vacancy in Torbay.
- This approach also ignores the real reasons for the differences between public and private sector pay. For instance, there are more high skilled workers in the public sector (such as teachers and nurses), and a smaller pay gap between top and bottom earners and a smaller gender pay gap.
- Public sector employers already have some flexibility to adjust pay in response to local conditions, and higher rates are paid in London and the South East.
- All other English regions and devolved nations stand to be affected by this, with the possibility of years of pay falling behind the cost of living.
- Workers in living in Torbay are paid £91 less per week than the British average.
- 65% of public sector workers are female.

Council further believes:

- Regional or local public sector pay would have a harmful effect on the South West of England.
- It will make it harder for schools and other public services to recruit and retain good quality professionals who could earn more for doing the same job elsewhere.
- There are 17,500 public sector workers across Torbay and reducing their real terms pay each and every year will dramatically reduce spending power and have a negative impact on the private sector.
- This policy will not improve the pay of private sector workers but instead could encourage further depression of wages in all sectors.
- We do not want to be forever defined as a 'low pay' region and this policy is therefore counter to our area's vision and ambitions for the future.

Council requests the Mayor:

- To write to the Chancellor of the Exchequer and Chief Secretary to the Treasury stating this Council's opposition to plans for regional and localised public sector pay.

- To write to all local MPs outlining concerns about the impact that this policy would have on services and the local economy.
- To sign up to the Pay Fair campaign and raise awareness of the implications and risks of this policy locally, regionally and nationally.

In accordance with Standing Order A14.4(a), the Monitoring Officer advised that the motion stood referred to the Mayor. The Mayor advised he supported the motion and the record of his decision is attached to these minutes.

62 Notice of Motion - Affordable Residents Parking Permit Scheme

Members considered a motion in relation to affordable residents parking scheme, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Cowell and seconded by Councillor Morey:

This Council asks the Mayor to request the Executive Lead for Safer Communities and Transport to bring forward proposals for the introduction of an affordable Resident's Parking Permit Scheme that will:

- i) Be valid in any Council owned car park;
- ii) Have a pay-monthly option; or
- iii) A monthly ticket to be purchased from machines.

Council recognises that there is a need to support residents during this tough economic climate and to endeavour to support our town centres.

In accordance with Standing Order A14.4(a), the Monitoring Officer advised that the motion stood referred to the Mayor. The Mayor advised he would refer the motion to the Transport Working Party to allow the matter to be examined further.

63 Notice of Motion - Scrap the Annual Car Park Permit for Members

In accordance with Standing Order A16.9, Councillor Cowell advised that he wished to withdraw his motion in relation to scrapping the £50 annual car park permit for members, as a result of further negotiations which were being held. Councillor Morey, as seconder, gave consent to withdraw the motion.

64 Covenant Protecting Paignton Green Against Development - Mayoral Decision

The Council made the following recommendation to the Mayor:

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

that the Council enters into a deed covenanting with the residents of Paignton as follows:-

“Torbay Council covenants with all inhabitants of the wards of Blatchcombe, Clifton with Maidenway, Goodrington with Roselands, Preston and Roundham with Hyde (“the Paignton Wards”) that for a period of 100 years beginning on the date of this deed it will not on the land shown edged red on the plan attached erect or permit the erection of any permanent structure without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of councillors for any of the Paignton Wards and are registered as local government electors at an address within the Paignton Wards. For the purposes of this covenant ‘permanent structure’ shall mean any structure intended to remain on the land for a period greater than 6 months in any period of 12 consecutive months. This covenant shall not apply to the installation, construction or renewal (whether by statutory undertakers or otherwise) of any media for the supply or removal, electricity, gas, water, sewage, energy, telecommunications, data and all other services and utilities and all structures, machinery and equipment ancillary to those media”.

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

The Mayor considered the recommendation of the Council as set out above at the meeting and the record of his decision, together with further information, is attached to these Minutes.

65 Revenue Budget Monitoring 2012/13 - Quarter 1 - Mayoral Decision

The Council noted the current projected outturn for the Revenue Budget 2012/2013 based on quarter 1 information, as set out in the submitted report.

66 Social Fund Support

The Council considered the new social fund responsibilities as part of the Welfare Reform Act 2012. It was noted the Act abolishes the current system of discretionary payments from the Social Fund and from April 2013, the support provided to households via Community Care Grants and Crisis Loans for Living Expenses will cease. Local Authorities would receive financial support to enable them to develop and implement ‘successor models’. The submitted report set out a replacement scheme that had been developed to provide welfare assistance for those most in need.

It was proposed by Councillor Tyerman and seconded by Councillor Hernandez:

- (i) that the transfer of the additional responsibilities to deliver the replacement Social Fund scheme to the Revenues and Benefits service, resulting in; saving administrative costs due to the pooling of resources, consistency in the assessment procedure and a more responsive, integrated service be approved; and
- (ii) that the Executive Head for Finance will, in consultation with the

Mayor and the Executive Lead for Finance agree the final scheme in January 2013, thus providing a three month period to allow the new service to become properly established prior to the new arrangements coming into force.

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

67 Capital Budget Monitoring 2012/13 (1st Quarter)

The Council considered the submitted report setting out an overview of the Council's approved Capital Investment Plan for the quarter ending June 2012. The report provided details of expenditure and funding of service and community assets within the Council's approved Capital Plan.

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

- (i) that Council notes the latest position on the Capital Investment Plan;
- (ii) that Council approve an allocation of £0.250m for the purchase of replacement Council use vehicles. Approval of individual vehicle asset purchases to be delegated to the Director of Place and Resources, in consultation with Chief Finance Officer and the Asset Super Client officer; and
- (iii) that Council approve that the Council's Chief Finance Officer, in consultation with the Executive Lead for Finance, is authorised to agree loans to linked organisations, (such as academy schools, housing associations, Council associate and subsidiary companies).

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

68 Constitution Amendments

The Council considered proposed amendments to the Constitution relating to the Employment Committee terms of reference and response to members questions within Standing Orders in relation to Council Meetings which could not be agreed by the Mayor and Group Leaders.

It was proposed by Councillor Pritchard and seconded by Councillor Lewis:

that the Monitoring Officer be requested to amend the Constitution (as set out at Appendix 1 and 2 to the submitted report) to: a) remove the appointment of directors of Council controlled companies from the Employment Committee terms of reference and delegate this to the Chief Operating Officer to streamline the process; and b) update the requirement for written responses to members questions within Standing Orders in relation to Council meetings.

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

- (ii) that, in addition to the amendments to the Standing Orders in relation to members questions, the Monitoring Officer further amends the Constitution (for consultation with the Group Leaders), to achieve a system similar to Plymouth City Council, for members to lodge written questions with the Governance Support Manager and written responses provided on the Council's website within 10 working days.

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

A further amendment was proposed by Councillor Darling and seconded by Councillor Pentney:

that the Council's Standing Orders in relation to members' questions, as set out in Appendix 2 of the submitted report, are not amended.

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

The original motion was then before Members for consideration.

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

69 Appointment of the Chief Operating Officer

It was proposed by Councillor Pritchard and seconded by Councillor Morey:

that, following the decision of the Council (Minute 46(i) and (ii)/7/12), the Council be recommended to appoint Caroline Taylor as Interim Chief Operating Officer.

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

Chairman

Record of Decisions

Notice of Motion - Regional and Local Public Sector Pay

Decision Taker

Mayor on 27 September 2012

Decision

That the motion be supported.

Reason for the Decision

To respond to the Motion.

Implementation

This decision will come into force and may be implemented on Wednesday, 10 October 2012 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

At the Council meeting held on 27 September 2012, Members received a Motion, as set out below, notice of which had been given in accordance with Standing Order A14 by Councillors Cowell and Ellery:

Council notes:

- The Chancellor of the Exchequer announced in the 2012 Budget the Government's desire to introduce 'more market facing' public sector pay. This could mean regional or local public sector pay.
- There has been no independent assessment of the impact and consequences this policy could have for public services or the economies of low pay regions.
- The New Economics Foundation believes that regional and local pay could cost the South West economy up to £1.2bn per year and 12,471 jobs.
- Up to 20 South West NHS Trusts are using arguments for regional pay to justify exploring reduced pay, terms and conditions for health workers in the South West.

Council believes:

- The Government's case is based on the claim that public sector pay is 'crowding out' the private sector. This is not supported by evidence, particularly at a time of high unemployment. There are currently 5 JSA claimants for every job vacancy in Torbay.
- This approach also ignores the real reasons for the differences between public and private sector pay. For instance, there are more high skilled workers in the public sector (such as teachers and nurses), and a smaller pay gap between top and bottom earners and a smaller gender pay gap.
- Public sector employers already have some flexibility to adjust pay in response to local

conditions, and higher rates are paid in London and the South East.

- All other English regions and devolved nations stand to be affected by this, with the possibility of years of pay falling behind the cost of living.
- Workers in living in Torbay are paid £91 less per week than the British average.
- 65% of public sector workers are female.

Council further believes:

- Regional or local public sector pay would have a harmful effect on the South West of England.
- It will make it harder for schools and other public services to recruit and retain good quality professionals who could earn more for doing the same job elsewhere.
- There are 17,500 public sector workers across Torbay and reducing their real terms pay each and every year will dramatically reduce spending power and have a negative impact on the private sector.
- This policy will not improve the pay of private sector workers but instead could encourage further depression of wages in all sectors.
- We do not want to be forever defined as a 'low pay' region and this policy is therefore counter to our area's vision and ambitions for the future.

Council requests the Mayor:

- To write to the Chancellor of the Exchequer and Chief Secretary to the Treasury stating this Council's opposition to plans for regional and localised public sector pay.
- To write to all local MPs outlining concerns about the impact that this policy would have on services and the local economy.
- To sign up to the Pay Fair campaign and raise awareness of the implications and risks of this policy locally, regionally and nationally.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

2 October 2012

Signed: _____
Mayor of Torbay

Date: 2 October 2012

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Record of Decisions

Covenant Protecting Paignton Green Against Development

Decision Taker

Mayor on 25 September 2012

Decision

That the Council enters into a deed covenanting with the residents of Paignton as follows:-

“Torbay Council covenants with all inhabitants of the wards of Blatchcombe, Clifton with Maidenway, Goodrington with Roselands, Preston and Roundham with Hyde (“the Paignton Wards”) that for a period of 100 years beginning on the date of this deed it will not on the land shown edged red on the plan attached erect or permit the erection of any permanent structure without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of councillors for any of the Paignton Wards and are registered as local government electors at an address within the Paignton Wards. For the purposes of this covenant ‘permanent structure’ shall mean any structure intended to remain on the land for a period greater than 6 months in any period of 12 consecutive months. This covenant shall not apply to the installation, construction or renewal (whether by statutory undertakers or otherwise) of any media for the supply or removal, electricity, gas, water, sewage, energy, telecommunications, data and all other services and utilities and all structures, machinery and equipment ancillary to those media.”

Reason for the Decision

The Council could have voluntarily registered Paignton Green as a town or village green, but such registration would bring into question some of the present uses as they are not consistent with lawful uses of a town or village green. By entering into the deed of covenant with the residents of the present Paignton Wards, the Council will be unable to carry out substantial development of the green without first obtaining the consent of the majority of those residents taking part in a referendum on the proposals.

Implementation

This decision will come into force and may be implemented on 10 October 2012 unless call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council is the landowner of Paignton Green and to enter into a covenant would benefit the residents of all the Paignton wards as it will not permit any permanent structure on the land for the next 100 years without first obtaining the majority of votes in a referendum of the residents.

An application was made in 2010 to register the undeveloped portions of Paignton North, Middle and South Green as town or village green (‘the Application Land’) which was refused on the basis that it failed as a matter of law. However, members across all political groups considered that Paignton Green should be protected for future generations to continue using the green for the uses it is currently put to and similar uses.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report.

Is this a Key Decision?

Yes – Reference Number: I008659

Does the call-in procedure apply?

Yes

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

None

Published

2 October 2012

Signed: _____
Mayor of Torbay

Date: 2 October 2012

Agenda Item 7

Question 1 from Veronica Pickles to the Mayor	<p>There is a 13 room property on the Newton Road, we are one of the properties which has been affected by the problem caused by the well capping above Torre.</p> <p>The area affected by the inadequate well capping has many commercial properties within it, where individuals and companies have invested large sums of money. Their investment also benefits the English Riviera. As one of those investors I wish to ask:</p> <p>Can you guarantee that my investment will be protected by Torbay Council should I have structural problems to my property resulting from flooding or rising damp? Will Torbay foot the bills I receive which result from work done to repair such damage? Is there adequate insurance in place to cover such costs?</p>
Question 2 from P S Fields to the Mayor	<p>I have been a resident of Torre for the last 20 years. I would like Torbay Council's view on the following issue:</p> <p>Localised flooding in, and around Torre.</p>
Questions 3 from Mr and Mrs Pearman-Brooks	<p>We, Ian & Judi Pearman-Brooks are residents of Torre, Torquay. My property is a Grade 2 listed building that I have owned since early 2006.</p> <p>In 2006 the rear courtyard garden was flooded. This has continued on a regular basis since and it always follows periods of prolonged rainfall. The severity and frequency is increasing to the extent that the preventative measures I have installed might be overwhelmed and my listed building could suffer irreparable damage.</p> <p>It has been brought to my attention that Torbay Council has been made aware of a flooding problem in Torre and that it could be related to the development of the Torre Marine Site, developed by Barratt Homes, Devon and Cornwall Housing and McCarthy & Stone. My property backs onto and is below this site and therefore the water is quite likely to be coming from it.</p> <p>My question for the Council is:</p> <p>What has the local authority done to abate the flooding problems in Torre and what future actions does the local authority intend to take?</p>

Question 4 from Mr Richard Selley	Is the Local Authority taking any form of action to stop the flooding in Torre?
Question 5 from Mr Geoffrey Colville	Can the Local Authority advise me what they have done to abate the flooding problems in Torre?
Question 4 from Mr Trevor Barfoot	<p>I am a Chartered Building consultant and I act for a number of residents, landlords and businesses that own and manage property in and around Torre. As a result of recent publicity and the efforts of concerned parties, that number is increasing daily. They have all been affected by sporadic flooding and or severe damp issues since 2005/2006. The problems they are experiencing are in many cases getting worse and in some cases are becoming extremely severe. There is already structural damage to buildings and the loss of business which possibly amounts to many hundreds of thousands of pounds. This is excluding the damage that is or might be occurring to the infrastructure that the council is responsible for such as roads.</p> <p>Despite meeting with your officers and passing details to them of my findings and concerns there is a continual denial of the existence of a problem with flooding in and around Torre Torquay. For you information this is believed to be caused by water arising within the curtilage of the Torre Marine Development, where redundant wells, some with positive pressure that were capped and left with suitable run off drainage in the late 19th and early 20th century, were disturbed by the developers. These are now suspected to be “welling up” below ground and saturating the area. It is possible that the developers, having disturbed the wells and destroyed the infrastructure put in place to cope with run off, did not seal these in accordance with the good practice for decommissioning redundant boreholes and wells.</p> <p>I am grateful to Mr Geoffrey Colville. He originally highlighted this problem and has tried relentlessly to get heard within the council. With his assistance we have managed to uncover evidence that the wells exist and the BBC recently recorded an interview with a ground worker on the site who admitted, on camera, that they existed and were “<i>dealt with</i>”.</p> <p>I have been working with the office of Adrian Saunders and reporting my findings to them. Adrian Saunders has recently called for the council to take the lead in this matter and commission an investigation into this flooding. He has dealt with the office of Patrick Carney who stated in a letter to Adrian Saunders on the 7th November 2012.</p>

"It is interesting to note that we have not received any reports of flooding to properties in the vicinity of the Torre Marine Development"

I know this statement to be untrue as departments within your authority have been advised of flooding and are dealing with issues arising from this.

Just today I was contacted by a landlord who's tenant was flooded out last night 21st November 2012 for a second time in 6 weeks. The building he owns was dry in 2006 and has developed serious problems since then and is now saturated. The same night another client's property in Tor Park Road was flooded out again on dates that correlate and corroborate their experiences. I believe that both of these incidents are a direct result of the issues highlighted above. They are also not unique and unless something is done about this quickly they and others will suffer considerable financial loss.

Patrick Carney finishes his letter with the statement.

"As I have highlighted in previous letters it is the responsibility of the residents to protect their properties from groundwater flooding and not the responsibility of Torbay Council."

Tests carried out have shown that this is not simply "ground water". It is clearly water that has fallen on higher ground, probably farmland and is possibly emanating from the site of the former South Devon College in considerable volumes and in numerous directions.

The approach being taken by Mr Carney and exemplified in the tone of the reply appears to be absolving Torbay Council of any responsibility under Section 19 of the Floods and Water Management Act 2010. The Council should be taking the lead in this and looking after the residents, the income derived from them and the infrastructure you are charged with looking after. If there is any conflict of interest between Torbay Council, the ownership of the former College Site, the developers or anyone connected with this, then the matter should be made public and the investigation into this flooding handed over to an independent agency.

My question for the Mayor is: **Taking into account my comments does the council still deny that they are unaware of flooding issues in and around Torre Torquay and does the council intend to take any action to investigate this matter further?**

Agenda Item 8

Meeting of the Council

Thursday, 6 December 2012

Questions Under Standing Order A13

Question (1) by Councillor Faulkner (A) to the Mayor – Mayor Oliver	Mr Mayor here we are again struggling with the Budget Outcome. It was suggested last year having a four/five year plan which would give the opportunity to balance many of the outcomes that will have to be faced surely from this year on, it should be taken on board?
Question (2) by Councillor Parrott to the Executive Lead for Business Planning and Governance – Councillor Pritchard	<p>In view of the troubling allegations regarding the 'political charity' Common Purpose - in the national press (including both the Daily Mail and the Sunday Times) during the week Monday, 12 November to Sunday, 18 November - please could you advise Council as to the numbers of employees of Torbay Council that have received training from Common Purpose over the past municipal 10 years, and within which employment groups and at what levels those employees work (eg) social workers, teachers, communications, human resources?</p> <p>Could you also confirm to the Council that no employees are due to attend such training in the future, and that in view of the seriousness of the allegations, that the Council will put in place a policy precluding any employee training by Common Purpose in the future?</p>
Question (3) by Councillor James to the Mayor – Mayor Oliver	At the last meeting you said that a debate was necessary before you would make a decision on whether to support equal marriage for LGBT citizens in Torbay. What have you done since this time to generate that debate and how soon can we expect a decision on this issue?
Question (4) by Councillor James to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)	Every year millions of people and organisations around the world, including local authorities, take part in Earth Hour, to draw attention to the very important issue of climate change. Will the council be taking part this year and, if so, what will the council be doing?
Question (5) by Councillor Darling to the Representative for TOR2 – Councillor Addis	You will recall that at the last Full Council I asked about the length of time it took to pay invoices. As you know the Council tries to pay invoices (when in order) within 10 days. As a partner organisation I had believed that TOR2 would adopt similar practice. As our rep on TOR2 Can you advise the average time it takes them to pay invoices, month by month over the past 12 months that figures are available for?

<p>Question (6) by Councillor Morey to the Mayor – Mayor Oliver</p>	<p>We note that in the Capital Budget Monitoring Report presented to Council on Thursday 27 September 2012 the Mayor has allocated £100,000 for “Gateway Enhancement” in Torquay.</p> <p>We note that subsequently he has spent £20,000 on the now infamous Palm tree (commonly known “the Pineapple”) together with visual changes to the highway roundabout, this being carried out apparently without informing his own colleagues.</p> <p>Recognising that keeping members in the dark could have been an oversight on his part, is he now prepared to share with members what other projects he has identified for that area, as there is still £80,000 available?</p>
<p>Question (7) by Councillor Darling to the Representative for TOR2 – Councillor Addis</p>	<p>You will recall the Deputy Mayor advising all members, at the last Full Council, that there was no need to put questions at Full Council as all questions would be responded to in a timely and informative manner. In light of you failing to respond to me in the last two months to the question below, which I have now formally submitted to this meeting, is it an oversight or disdain, why you have failed to respond in an informative and timely manner?</p> <p>“Dear Peter</p> <p>You will recall that at the last Full Council I asked about the length of time it took to pay invoices. As you know the Council tries to pay invoices (when in order) within 10 days. As a partner organisation I had believed that TOR2 would adopt similar practice. As our rep on TOR2 Can you advise the average time it takes them to pay invoices, month by month over the past 12 months that figures are available for?”</p>
<p>Question (8) by Councillor Doggett to the Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)</p>	<p>On the subject of future housing developments in the Bay, for example White Rock or Scotts Meadow, would it be possible for provision to be made available for the parking of a visiting Mobile Library Vehicle with seating, located in a friendly area within the development, so that people visiting the library could enjoy reading books prior to borrowing them? This would help, I believe, to build the community ‘atmosphere’, with set up costs hopefully funded by a section 106 agreement.</p>
<p>Question (9) by Councillor Darling to the Executive Lead for Finance and Audit – Councillor Tyerman</p>	<p>The £50 Million over borrowing by Torbay Council is the latest example of Conservative financial incompetence. Can you please advise how much this unnecessary borrowing has cost the Council in interest charges?</p>
<p>Question (10) by Councillor Cowell to the Mayor – Mayor Oliver</p>	<p>In light of the significant changes to Torbay council’s budget, does the Mayor feel that publishing the budget as late as he has (assuming it has been published) will assist our communities in understanding the scale of change before us? And does he feel that real and meaningful consultation can be undertaken in such a short period? Have you failed to improve upon the debacle of last year’s consultation and the ability for Overview and Scrutiny to do its’ job properly?</p>

<p>Question (11) by Councillor Darling to the Executive Lead for Children's Services – Councillor Lewis</p>	<p>On the 21 November 2012 the Children's Commissioners office for England published an interim report regarding Child sexual exploitation. In light of Torbay's children's safeguarding service continuing to be under intervention and the local child exploitation highlighted by operation Mansfield, What lessons can be learnt from this report from the Children's Commissioners office?</p>
<p>Question (12) by Councillor Cowell to the Mayor – Mayor Oliver</p>	<p>I am sure the Mayor would join me in welcoming the coming together of Torbay's voluntary sector and the plan to form a Co-operative – yielding the strength of unity, experience and the ambition to be able to help supply some of the services the council will be unable to.</p> <p>Will the Mayor allow Torbay Council to support departments, including Tor2, that wish to explore the benefits of developing a co-operative if it helps to protect services and meet the challenging budget cuts imposed by the Coalition government?</p>
<p>Question (13) by Councillor Darling to the Executive Lead for Finance and Audit – Councillor Tyerman</p>	<p>Budget monitoring for quarter 2 for 2012-13 is on this Councils Agenda. The delay in publishing this report has resulted in no Scrutiny. Is this a satisfactory arrangement?</p>
<p>Urgent Question, allowed by the Chairman in accordance with Standing Order A13.2 (ii) by Councillor Parrott to the Mayor – Mayor Oliver</p>	<p>If he will join me in expressing our concern at the decision made by Rotherham Metropolitan Borough Council to remove three foster children from their home because their foster parents are members of the UK Independence Party, and thereby reassure foster carers and prospective foster carers and prospective adopters in Torbay (where there are currently some 256 children in care) that they will not be discriminated against on the grounds of which political party they may belong to or for whom they may vote?</p>

Agenda 9a, Liberal Democrat Group Motion

Council Meeting

6 December 2012

Motion: A Fair Deal For Social Care Clients

This council notes that according to the latest census figures Torbay has 9,500 residents of 80 years of age or greater and that this represents almost twice the national average figure for this age group. This is without doubt the age group most likely to be in need of long term social care.

This Council notes that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the Exchequer and the then Secretary of State for Health on 4th July 2010. The report recommended, inter alia:

- a) that a cap should be set on an individual's contributions, and
- b) that the upper threshold for means-testing should be raise.

This Council calls upon Her Majesty's Government to:

- i. bring forward legislation to implement these two proposals without any further delay; and
- ii. ensure that the necessary funding provided to all local authorities is based upon the demographics of the eligible population rather than an arbitrary formula.

The Council calls on the Chief Operating Officer to write to the Secretary of State for Health outlining these concerns.

Proposer: Andrew Baldrey
Seconder: Steve Darling

Agenda Item 9b

<p style="text-align: center;">Agenda 9b, Liberal Democrat Group Motion</p>
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Council Meeting

6 December 2012

Ethical Consumer and Use of Tax Havens by Companies Operating Public Services

This Council congratulates Ethical Consumer for its work exposing the poor ethical record of the companies being awarded contracts to run our public services; is deeply concerned that 13 of the 20 companies surveyed avoid tax through the use of tax havens; believes that the Council's procurement, at around £50 million a year, has the potential to have a major positive impact on the market for ethical goods and services; notes that whilst the Council has some ethical guidance regarding ethical procurement this policy could be significantly strengthened; and calls on the Council to bring forward a set of legally binding procurement rules that subject companies delivering and bidding for the delivery of public service contracts to high ethical, environmental and anti-tax avoidance standards as measured against the criteria developed by Ethical Consumer.

The Council requests the Chief Operating Officer to write to the Chancellor of the Exchequer to highlight the Council's support for the work and the concerns raised by the Ethical Consumer.

The Council's representatives on the appropriate bodies within the Local Government Association be requested to also highlight the Council's support for the work undertaken by the Ethical Consumer and through this encourage other Local Authorities to adopt a similar approach to tax avoidance.

Proposer: Councillor Steve Darling

Seconder: Councillor Ruth Pentney

<p style="text-align: center;">Agenda 9c, Non Coalition Group Motion</p>

Council Meeting

6 December 2012

Council Motion – Loan Sharks

Council:

Notes and welcomes the UK-wide campaign to end ‘legal loan sharking’.

Believes that the lack of access to affordable credit is socially and economically damaging. Unaffordable credit is causing a myriad of unwanted effects such as poorer diets, colder homes, rent, council tax and utility arrears, depression (which impacts on job seeking behaviour), stress leading to family relationship issues, child poverty and poor health.

Further notes that unaffordable credit is extracting wealth from the most deprived communities.

Believes it is the responsibility of all levels of government to try to ensure affordable credit for all, and therefore pledges to use best practice to promote financial literacy and affordable lending. This will help to ensure that wealth stays in the local economy. We also pledge to promote credit unions in Torbay, community based organisations offering access to affordable credit and promoting saving.

Calls on the government to introduce caps on the total lending rates that can be charged for providing credit.

Calls on the government to give local authorities the power to veto licences for high street credit agencies where they could have negative economic or social impacts on communities.

Torbay Council will:

- Encourage and promote, through payroll giving, contributions to credit unions by council staff and partner organisations.
- Write to the Government to request a review of planning legislation to discourage the proliferation of high street loan providers.
- Support local credit unions in raising their identity and if possible create a high street presence.

Proposed: Councillor Darren Cowell

Seconded: Councillor Mike Morey

Agenda Item 10



Meeting: Council

Date: 6 December 2012

Wards Affected: All wards

Report Title: Adult Social Care – Local Account

Executive Lead Contact Details: Christine Scouler, Executive Lead for Adult Social Care and Older People, (01803) 553236, Christine.scouler@torbay.gov.uk

Supporting Officer Contact Details: Caroline Taylor, Director of Adult Social Care, (01803) 207116, caroline.taylor@torbay.gov.uk

1. Purpose

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

2. Proposed Decision

- 2.1 That, subject to any additional recommendations from the Mayor and Group Leaders, the Council is recommended to approve the Local Account set out in Appendix 1 to this report.
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Supporting Information

3. Position

In Torbay, adult social care is commissioned by the local authority and is delegated and delivered by the Torbay and Southern Devon Health and Care NHS Trust. This builds on the integrated model for health and social care services which we have been rightly proud of in the Bay. The Local Account relates to last financial year but indicates the context of adult social care delivery is that of navigating a variety of reforms in the NHS, and a considerable reduction in public service spending which will mean we need to deliver services differently in the future whilst maintaining quality for communities and individuals.

The Council and the Trust continue to use the concept of 'Mrs Smith' in order to focus on the individual within their community setting and to ensure we have shared values across health and social care.

Councillors and the community are asked to comment on how this Local Account supports understanding of services we deliver as well as providing a local focus and holding to account for service delivery.

4. Possibilities and Options

- 4.1 The alternative option is not to produce a Local Account but current Government guidance expects Local Authorities to produce this account for the benefit of local people and then the Council would not be conforming to best practice.

5. Preferred Solution/Option

- 5.1 To publish the Local Account.

6. Consultation

- 6.1 The Local Account has been sent to Speaking out in Torbay and has been sent to members of the Experience and Engagement Group, that includes representatives from various service user groups and organisations across the Bay.

It is expected that the Local Account will be an annual publication and therefore service users and the public will be invited to comment and be involved in service feedback on a rolling programme. The more service user feedback in the future will help the Council and the Trust to identify what is most important to residents of Torbay. The positive impact on specific service users being presented should provide assurance and trust in the work of the Council and the Trust which in turn has a positive psychological effect on individuals and carers as they approach services for the first time.

7. Risks

- 7.1 There are no risks to the Authority in accepting the Local Account.

Appendices

Appendix 1 – Your Local Account of Adult Social Care Services

Your Local Account of Adult Social Care Services

November 2012



Right Care, Right Place, Right Time

www.tsdhc.nhs.uk

Introduction from Councillor Christine Scouler Executive Lead for Adult Social Care, Torbay Council



Dear resident,

In November 2011, the Government published its consultation paper “Transparency in Outcomes, a framework for adult social care”. The results of this consultation indicated that Councils were in favour of producing Local Accounts; replacing annual publications, assessments and rating by the Care Quality Commission (CQC). A Local Account offers Councils the opportunity to share a common approach with a more tailored, local focus, that is responsive to the needs of local communities.

Therefore, I am delighted to present this first edition of your **Local Account**. This first Local Account provides information on Adult Social Care in Torbay. In Torbay, the adult social care function works slightly differently and is delegated to Torbay and Southern Devon Health and Care NHS Trust (formerly Torbay Care Trust). This way of working enables health and social care services to be jointly run in the area and helps to ensure that our patients and service users not only get the very best service but also a service that enables people to have a single point of contact and receive all aspects of their care in a simple and seamless way.

This local account enables you to see how the Trust is delivering social care services as well as acting as a way to hold the Trust to account on how well they are supporting people with social care needs.

The Council and the Trust successfully use the concept of “Mrs Smith” as an example of an elderly person and her family in the Bay needing some health and social care support. This metaphor has helped focus Councillors, NHS Board members, managers and front line staff on the purpose of our services, ensuring that we are ‘doing the right thing’ for the individual in our community as part of our shared values. The Council’s commitment statement (*see page 3*) continues that journey for Mrs Smith in the new context of changing public sector reforms and reducing public resources but maintains our core shared value on doing the right thing for the person in our community.

We actively seek to gather information on the needs of local people of all ages. This helps us to ensure that their voices are heard by the people responsible for purchasing and providing care services and, as part of developing the Local Account, we asked you what you wanted to see. You told us that you wanted to see people treated with dignity and respect, you wanted better outcomes for carers and their health, community equipment to be available when required and you wanted to see the service user experience improved.

Wherever possible, we want people to be able to help themselves; however, when they do require support, advice or services we work hard to ensure it’s the right care, in the right place, at the right time and at the right cost.

Your Local Account covers the period 01 April 2011 to 31 March 2012 and I hope that you find this of interest.

Christine Scouler

‘Mrs Smith in the heart of the community’

We will always aim to help people continue to live in their neighbourhood and community, where this is feasible and affordable. We will seek to reduce admissions of people to residential care where we can safely meet their assessed needs in a community based setting. We will always ensure that the assessment is offering more than just a response to a current crisis and that each person is getting the right health, housing and other support alongside their social care. If a person is now in residential care and an assessment indicates that they may be able to live in the community we will give them the opportunity to try that option.

We will ensure that the interventions we offer people will focus on how we can promote their independence. This means we will always seek to use community based solutions including assistive technology where these will enable people to remain safe and meet their care needs. All the domiciliary care that we offer will be based on the principles of re-ablement. This means we will work with people to see how we can assist them in doing more for themselves. Over time we would expect some packages of care to decrease as people meet their own defined outcomes in achieving greater independence.

We will use residential care where we have explored other options and have found that this is the only way to meet someone’s care and support needs in a safe way. In many cases, people who have the most complex needs also have longer term health conditions which also mean they may be entitled to additional personal health budgets to meet their needs.

Resources focused on critical and substantial needs for Mrs Smith

Our interventions will offer the right level of support according to a person’s assessed needs. Assessments will be carried out over a reasonable period of time to ensure that we have not made long-term decisions about people before we have had a chance to work with them through a recovery or recuperative plan.

We recognise that the solutions that many people have to meet their care needs can be found within their own families, their communities and within themselves. We will work with each person and their network to find these solutions. We will continue to support the number of carers in the Bay. Where people have lost their support networks we will work in partnership to rebuild them. We will encourage our service users, our partners and our staff to help find creative solutions to meet the outcomes that they wish to achieve. We will always look for solutions that offer value for money (quality in delivering the agreed outcomes against the cost to the public purse).

Mrs Smith and risk

The essence of our work will be to ensure that we are balancing risk to empower and safeguard our service users. We will never take responsibility away from someone unless we have a court order, which indicates that the person does not have capacity to manage their own affairs. If we are concerned about the decisions a person is making for themselves, but they still have capacity to make a decision, then we will talk through the risks and work with them to ensure that, as far as possible, they understand the risks they are taking. This may mean that some people make the wrong decisions but that will be their choice based on as full an understanding as possible of the risks. We will look to offer guidance and support but not to take over control.

Work with Providers for the benefit of Mrs Smith

We will work with our providers to build a philosophy of care that focuses on outcomes – where service users can determine with their assessors and their providers the aspirations they have from the service. We will ensure that people have a suitable level of service (preferably through a Direct Payment) that will meet their currently assessed needs and support their objectives towards independence. We will always work with those who are providing services to ensure that they are delivering value for money from the public purse; we will look to achieve this in partnership through a dialogue between service users, providers and the Council. We will set main performance contracts through the Annual Strategic Agreement for all our services that are provided or commissioned by the Council and these will focus on the desired outcomes for the service users.

We will invest in providers who can demonstrate creative, innovative service provision and disinvest in providers who do not provide a person centred, value for money service. If Mrs Smith has learning disabilities we will work with her to develop as much independence and quality of life choices as possible.

We will develop community based services that encourage good neighbourliness, assist in meeting the challenges of social isolation and social exclusion as well as services that enable people to take more control over their own lives. We will support user-led organisations, social enterprises and other groups who can meet our aspirations for social care.

We will also work with other public sector bodies, our contractors and companies based in the Bay to offer real opportunities for people whose disability may have traditionally disadvantaged them within the employment markets.

Managing demand for services with a growing number of Mrs and Mr Smiths

With the combination of growing demand and reduced resources available to the Council, we need to ensure that money is spent in a fair and equitable way. It is possible that some of our current service users and their carers may see a reduction in the amount of money that is available to them. The decision as to how any reduced money will be used will always be done in full consultation with the user and their carers. In particular, we will manage reductions in a clear, transparent and negotiated way.

We will focus on achieving value for money for every service that we procure on behalf of service users. We will focus on finding the most affordable price that can deliver us the degree of quality that our service users require.

In a world of personal budgets we will take a balanced view between procuring services on behalf of local people to achieve good value and through encouraging service users to develop their own creative solutions to meeting their needs.

We will ensure that there are services available for service users and their carers to meet their needs within the resources that will be made available to them through personal budgets. We will work with local and regional providers of care to support the delivery of this policy.

Our commissioning strategy will be developed jointly with our health partners and in consultation with our service users and carers and we will learn lessons from elsewhere. We will build models of care and support which help us to deliver the outcomes that we have outlined above.

Knowledgeable and Informed Workforce

We will develop a workforce who can work within this vision. This includes staff both within the Council and those who work for organisations who provide services on our behalf. We will ensure that all staff understand how to work with service users in ways that promote their independence and support their recovery. We will support staff to work within multi-disciplinary teams. We will help staff develop their practice in ways which will assist them to empower our service users to make the best use of their personal budgets to ensure a relentless focus on promoting independence rather than creating dependency.

Valuing Carers

Many people with social care needs will have these met mainly through the carers with whom they live. We will ensure that carers are informed of their right to have a carers assessment which they can have either together with their cared for person or separately and we will work to identify the carers in the Bay that are not currently aware of the support that is available to them.

Mrs Smith and suitable housing for her long term quality of life

We will continue to develop housing schemes with partners with suitably adapted accommodation and to offer care and support in the community wherever that is feasible to meet someone's needs (as opposed to residential care). In an age of digital technology, we will continue to explore how new technological solutions, such as Telecare, can give citizens better care, ensure their safety and assist our staff in carrying out their daily tasks.

Safeguarding Mrs Smith

We will continue to take a multi-agency approach to safeguarding adults and ensure through good communications that members of our community know what to do if they are concerned for Mrs Smith. We will continue to be reflective that we have the right balance and quality systems in place and we will continue to learn from best practice.

Ms Smith to Mrs Smith - child to adult

We will expect that younger adults, who have sufficient ability, are supported into work environments. We will support younger adults and their families through the move from children's services into the adult world. We will support young carers to ensure that their needs are also being met. We will use personal budgets to ensure that the people requiring longer term care can take as much control over their lives as their needs allow. We will continue to increase the number of people who are in receipt of a direct payment.

An integrated health and social care system for Mrs Smith

We need to maintain an integrated and outcome-focused approach to our work with all our health partners, in the context of major NHS reforms. This will mean working with the new CCG (Clinical Commissioning Group), who will commission health services for Mrs Smith, on how health and social care jointly improve outcomes, and with an NHS Foundation Trust how we further build on the innovative work we have done with the Trust to find new provider based innovations for solutions for Mrs Smith.

We will maintain shared health and social care assessments and a single plan that will help people to retain independence in the community. We will work with NHS partners to develop the expert patient programmes which enable people to take more responsibility for how they manage their longer term conditions. This will both help them as the patient and reduce the cost to the Council and the NHS.

We will develop our commissioning strategy jointly with the NHS, (and adjacent local authorities where it is sensible to do so), with a wide range of Stakeholders including health partners, providers, community groups, users and carers taking a whole systems approach to the design and development of services. In this way we can maintain a sustainable approach to social care for Mrs Smith for the years ahead.

Expected outcomes for the Trust to deliver on adult social care in Torbay

Each year Torbay Council sets the Trust a number of expectations and targets. Collectively these are referred to as outcomes and they describe what the Council wants to achieve for people who use adult social care services in Torbay.

Within each of the outcomes there are a number of performance standards and a number of quantitative measures, which we have called targets, and a number of qualitative measures, which we have called expectations.

Each section of the Local Account describes how the Trust has performed against the overall outcomes listed below.

Outcome 1

- ◆ Improving Health and Emotional Wellbeing

Outcome 2

- ◆ Improved Quality of Life

Outcome 3

- ◆ Making a Positive Contribution

Outcome 4

- ◆ Increased Choice and Control

Outcome 5

- ◆ Freedom from Discrimination or Harassment

Outcome 6

- ◆ Economic Wellbeing

Outcome 7

- ◆ Maintaining Personal Dignity and Respect

Outcome 8

- ◆ Leadership

Outcome 9

- ◆ Commissioning and Use of Resources

Outcome 1: Improving Health and Emotional Wellbeing

Expectations:

- ◆ To ensure that opportunities for the integration of adult social services are sought and developed where possible, as part of the wider integrated care agenda
- ◆ For the Trust and Council to work in close partnership to bridge the gap in health inequalities, with improved outcomes in the neighbourhood management pathfinder
- ◆ To play a role in developing and implementing the Adult Social Care contribution to an Active Ageing Strategy
- ◆ To develop an integrated prevention strategy to safeguard vulnerable adults in partnership with the Crime Reduction Partnership.

Targets

The following targets were agreed between the Trust and the Council. The table below provides a description of the area of performance to be measured together with the target and how the Trust has performed.

Each area is rated as Red, Amber or Green. Red means that the target has not been met, amber means the outcome is just below the target and green means the target has been achieved and/or exceeded.

Description of target	2011/12 Result
To ensure that at least 78% of older people using the Trust's services during the year 2011/12 achieve independence through rehabilitation and intermediate care.	82%
To ensure that there were no more than 9 people (per 100,000) experiencing a delayed transfer of care for the year 2011/12	1.7
New Target: In conjunction with partners, the Trust wants to ensure there is at least a 10% reduction in the number of emergency readmissions for over 65s within a 28 day period. This equates to a target of no more than 348 readmissions	557 readmissions
New Target: In conjunction with partners, the Trust wants to ensure that there is a 5% reduction in the number of emergency bed days for the over 75s with 2 or more admissions to acute hospital. This equates to a target of no more than 11,368 bed days.	13,580 emergency bed days
New Target: In conjunction with partners, the Trust wants to ensure that there is a 5% reduction in the number of falls for those over 65 living in a care home which results in an a hospital admission. This equates to a target of 731 or more.	764

The Trust is pleased with the results achieved in the areas rated GREEN however more work is to be done with partners to understand how we can work together to reduce the number of readmissions and emergency bed days. This is the focus of particular attention for the health and social care community as a whole.

The sections below provides readers with the results of targeted work to reduce health inequalities through the Hele Project; some of the outcomes in relation to the falls initiative as part of the Active Ageing Strategy and work undertaken in partnership to safeguard our most vulnerable adults.

Neighbourhood Management Pathfinder – Hele Project

The neighbourhood management pathfinder was set-up three years ago, with the hope that the pilot scheme would help to bridge the gap and act as a catalyst for further schemes in other areas of Torbay suffering from socio-economic disadvantage and health inequalities.

Outcome 1: Improving Health and Emotional Wellbeing

The scheme was designed to bring residents and service providers together to improve the quality of life for the people in the most disadvantaged neighbourhoods and ensure public service providers are more responsive to neighbourhood needs and to improve their delivery.

The Neighbourhood Team comprises a Neighbourhood Manager, residents and estate based workers such as Street Wardens, Police Community Support Officers, Housing Officers and Health Trainers working to a specified Neighbourhood Management Action Plan.

Hele provides a suitable backdrop for the Neighbourhood Management Pathfinder and, as part of the phased delivery plan, will act as a catalyst for a series of similar initiatives throughout Torbay.

The scheme is now well established and has a central hub known as Hele's Angels. The initial outcomes of the project are to reduce crime by creating more activities for young people (under 11), improving the work prospects and improvements to the local environment.

The initial project is now under the leadership of a Community Board and under the direction of a Management Team who will be evaluating this work. Hele's Angels has been established as a Social Enterprise based in new premises together with the creation of a commercial aspect/charity shop in the area.

"I cannot recommend the Strength and Balance Class highly enough. I have literally gone from strength to strength! Previously I was unfit and kept tripping. I thoroughly enjoyed the sessions, I have improved my stamina and I have stopped tripping!"

Active ageing and falls prevention

Each year the Trust holds a falls awareness event to raise awareness of what people can do to reduce their risk of a fall. Over 300 people were invited along to the drop in day in June, where they had the opportunity to talk with professionals about foot health, visual problems, how to exercise and lose weight, how to prevent falls and maintain their bone health and independence. There was also the opportunity to try out various dance and exercise forms to maintain or improve levels of activity, which help maintain strength and stamina.



On evaluation, 87 per cent of people who attended said the event had made them think about their activity levels, 67 per cent about their bone health, 62 per cent about their diet, 24 per cent about their vision, and 69 per cent about falls prevention.

In 2011/12 The Trust invested £17,797 for three additional instructors to provide a 12 week programme of strength and balance classes. The classes are designed to support people who are recovering from a fall and help to prevent a future fall, as well as helping people to reduce their risk of a falling in the first place.

Safeguarding vulnerable adults

Our independent sector partners have been active in establishing funding from the Home Office to tackle the issues of 'hate crime' and 'mate crime'. They have been keen to share information about this with people who have learning disabilities, as well as with the agencies working with them. Support in relation to the independent reporting of crime and revitalising the 'Safe Place' scheme will be further developed this year.

Dave Hingsburger, a Canadian psychologist and civil rights supporter, visited the Bay recently for a well-attended workshop on 'building community'. It was very thought-provoking and established some clear thinking about the barriers in our community that may exist for people who have a learning disability and what we can do to encourage greater inclusion. The Trust has also been working with speech and language therapists to improve communication in community services such as libraries and leisure centres.

Outcome 2 : Improved Quality of Life

Expectations:

In line with Care Quality Commission's recommendations, the Trust should:

- ◆ Improve the provision of telecare/ telehealth and community equipment
- ◆ Implement the Dementia Strategy for Torbay

Targets

Each area is rated as Red, Amber, Green. Red means that the target has not been met, amber means the outcome is just below the target and green means the target has been achieved and/or exceeded.

Description of target	2011/12 Result
To ensure that at least 2,911 people in the year 2011/12 were supported to live independently through social services (all adults)	2,661
New indicator: To ensure that at least 1,100 people in the year 2011/12 were supported through telecare and telehealth initiatives	1,000
New indicator: To ensure that 99% of community equipment is delivered to the client within seven days	99.8%
New indicator: To ensure that the average waiting time for the delivery of urgent community equipment to the client is within two hours	72 minutes

The Trust is keen to understand how they can use the intermediate care services and technology such as telecare and telehealth more to promote independence and will explore this further during the coming year. For the purposes of understanding, below is a summary of what telecare and telehealth is and how it enables people, especially older and more vulnerable individuals to live independently in their own home:

Telecare, Telehealth and assistive technology

- ◆ Equipment is provided to support the individual in their home and tailored to meet their needs. It can be as simple as the basic community alarm service, able to respond in an emergency and provide regular contact by telephone. It can include detectors or monitors such as motion or falls and fire and gas that trigger a warning to a response centre staffed 24 hours a day, 365 days a year. As well as responding to an immediate need, telecare can work in a preventative mode, with services programmed to monitor an individual's health or well-being. Often known as lifestyle monitoring, this can provide early warning of deterioration, prompting a response from family or professionals. The same technology can be used to provide safety and security through bogus caller and burglar alarms.

Another form of telecare, often known as telehealth, is designed to complement health care. It works by monitoring vital signs, such as blood pressure, and transmitting the data to a response centre or clinician's computer, where it is monitored against parameters set by the individual's clinician. Evidence that vital signs are outside of 'normal' parameters triggers a response.

Health checks for people with a Learning Disability

- ◆ We offer health checks to people with a Learning Disability living in Torbay and this year we saw the highest uptake of health clinics in England. We will continue to keep up this high standard to ensure that everyone has access to good quality health and social care.

Aids to daily living

- ◆ We have developed a prescription-based service for simple aids and equipment. People who need these can choose where to get them from and can "top-up" if they wish to buy a more expensive piece of equipment.

Outcome 2 : Improved Quality of Life

Below are some examples of cases which show the value of the Community Equipment and Lifeline Alarm service:

Telecare

During the initial assessments of a lady, her daughter expressed some concern regarding her mother's disorientation of time. She had reportedly been getting ready to go out to day care at 10.00pm and had, on one occasion, phoned her daughter to invite her round for tea at approximately 3.00am.

A monitoring system was accepted as the preferred initial intervention by family members.

The information provided by the assessment, Telecare – 'Just Checking', demonstrated that although she wasn't leaving the house (aside from prearranged day care and with family), she was opening the front door on numerous occasions most days and into the early evening. The lady's daughter, however, stated that since she had lived in a cul-de-sac she had often got up to observe the comings and goings in the road and was therefore unconcerned as it was habitual behaviour. Her sleep pattern was regular with no evidence of her wandering even downstairs during the night.

The current package of care was deemed suitable to the level of need and avoided early placement into a Residential Home.

Rapid Response

A gentleman was in Torbay hospital with heart failure, diabetes, poor circulation, peripheral vascular disease, retinopathy and mild vertigo and was told that he had three - five weeks to live and so decided to self-discharge home.

He was allocated to Torquay South zone team and the Rapid Response service was used to obtain a glide-about commode, slipper pan and a Mowbray after having an Occupational Therapy assessment. Nurses were involved and caring for his pressure areas. The timely provision of the equipment enabled this man to be cared for at home and enabled him to be in the place of his choice at the palliative stage of his life.

Simple Aids to Daily Living

Following an Occupational Therapy assessment, a lady was given an equipment prescription for a simple aid to daily living to assist with her bathing.

On saying goodbye to the Occupational Therapist, the lady was able to cross the road and redeem her prescription at one of the 20 accredited retailers located around Torbay. She was provided with the equipment just 15 minutes after the Occupational Therapist visited.

Outcome 2 : Improved Quality of Life

The following sections are some of the initiatives underway as part of the implementation of the Dementia Strategy for Torbay:

Hospital care for people with dementia?

- ◆ Our community hospitals have all completed the national audit on their environment and how we engage patients with dementia and their carers. This has been a very useful process as all hospitals now have an action plan to make improvements which will be monitored and reported to the Trust Board. The Strategic Health Authority (SHA) is leading a peer review of hospital standards of dementia care across the South West which is due to take place in the autumn.

The Torbay Dementia Alliance

- ◆ The alliance has been set up and has begun to meet to consider how the community can work better together to support those living with dementia. It is jointly chaired by Norman McNamara, a service user with dementia, and the Deputy Mayor. The Mayor has agreed to support the 'Dementia friendly communities' initiative and has provided a formal note of support to the Dementia Alliance: *"It is great that Torbay is aiming to be the first dementia friendly community in the UK. It is wonderful that individuals, such as Norman McNamara, and local groups are working extremely hard towards achieving this status. Norman and others transform the lives of those affected by dementia in Torbay. This includes supporting their independence and reducing pressure on the NHS and social care system."*

Supporting Care Homes

- ◆ The Trust is working closely with Devon Partnership Trust to consider how we might better support people with dementia living in care homes in Torbay, and also to help individuals and their families work with their care homes to plan their future and state their aspirations for care and treatment.
- ◆ The South of England NHS Strategic Health Authority has identified £10 million to be used to help kick start projects and service innovations for people with dementia. Initial applications for the funding are invited from each Clinical Commissioning Group in July with full submissions due in September 2012. The Department of Health scrutiny committee will consider these and inform applicants in October. It is anticipated that a number of submissions will relate to improving the care of people with dementia and in support of carers.

Adult Social Care and Primary Care

- ◆ We have recently reviewed our systems in Torbay to consider, with staff, people with dementia and their families, how we might best support them. Changes have been made and implemented. The mental health team for older people links with all our zones and each GP practice to aid communications. All GP practices have received an education session about dementia and are required to keep a record of all the people they have on their lists with dementia. Each practice has also nominated a lead GP for dementia.

Memory Cafes

- ◆ Cafes are now well established across Torbay, with one up and running in each of our three towns. The Cafes are run weekly by the Alzheimer's Society and are very well attended. The Alzheimer's Society has also started other initiatives including a 'Singing for the brain' group and a peer support group for those with an early diagnosis.

Memory clinics

- ◆ Memory clinics for assessment of those with suspected dementia are well established, and highly successful in Torbay.

Outcome 3: Making a Positive Contribution

Expectations:

- ◆ To ensure that the needs of service users and carers are met with high levels of satisfaction and work closely with the Council and other partners to adopt a client-led approach to the commissioning, monitoring and delivery of services.
- ◆ Develop self-assessment mechanisms to ensure the delivery of more personalised services, whilst considering the Government's Big Society intentions – specifically voluntary and community activity.
- ◆ Introduce an outcomes-based accountability approach to transforming social care to ensure the intended positive effects are realised, through goal setting and review of personal care plans.

Target

Each area is rated as Red, Amber, Green. Red means that the target has not been met, amber means the outcome is just below the target and green means the target has been achieved and/or exceeded.

Description of target	2011/2012 Result
New indicator: We aimed to have 2,759 people on Carers' Register in 2011/2012	3,396
To ensure that during the year 2011/12 we identified at least 25 Young Adult Carers and offered support	55

The Trust is really pleased with the outcome in relation to carers services, particularly as this was something specifically that service users valued highly. Below is a summary of the work undertaken during the year 2011/12 which influenced commissioning and the use of more personalised services.

Carers Support

Understanding carers experience of services has directly led to service developments such as creating a Carers Support Worker post within the Hospital Discharge Team at Torbay Hospital, a new telephone befriending scheme (Carers 4 Carers) staffed by volunteers, and a service for Young Adult Carers (age 16 – 25).

Carers and former Carers have been directly involved in monitoring services acting as Carer Evaluators - interviewing carers as part of service evaluation. This brings a new level of understanding, involvement and feedback.

The Torbay Carers Register has grown by 20 per cent each year for the past two years, and now means that over 3,000 local carers can be asked for their views on services.

The development of the Torbay Carers Forum (www.torbaycarersforum.co.uk) means there is an independent website, run by local Carers, where they can exchange views and issues as well as debate on common concerns.

As a result of the direct involvement of Carers in publicity campaigns, such as the work with Sainsbury's supermarkets to identify hidden carers, we have seen very successful early identification of carers. Many people who are caring do not see themselves as carers and so don't access the support that is available to them.

Systematic consultation with Carers has led to them directly influencing the commissioning of new services. For example, a new service supporting Carers of People with Substance Misuse problems and a project for early identification of Carers of people with dementia.

Outcome 3: Making a Positive Contribution

Carers Support (continued...)

Carers play a key role in monitoring services by sitting on management and steering groups and their ideas are frequently the basis of new innovation e.g. Carers Discount Scheme.

The publication of joint plans for carers support, (Measure Up Interagency Carers Strategy for Torbay) and details the expenditure on Carers services, enables carers to comment on planning and service delivery. An annual review of Measure Up 2012 - 2014 will be published shortly.

By focussing attention on Carers experience we have identified an area for improvement in community based support immediately following discharges from Hospital. This will be the subject of an improvement target (known as a CQUIN) for the Trust. During 2012 we will also be undertaking a consultation with Carers of people with mental health problems in order to review these services.



Susan and Peter's Story:

Peter was diagnosed with terminal cancer. Susan also had an on-going long term medical condition.

Following admission to hospital, Peter desperately wanted to be able return home to spend his last few weeks.

The Social Work Team, liaising with Torbay Hospital, were able to determine his needs and ensure an appropriate care package was put in place together with carer support for Susan, who wanted to be able to have Peter at home but recognised she needed support to achieve this.

The District Nursing Team and the Social Work Team worked through the Continuing Healthcare Checklist together, producing a Health Needs Assessment . The case was taken to the Resource Allocation Meeting to get an agreement to Continuing Healthcare Funding.

The District Nursing Team visited daily and were also able to arrange Marie Curie night services.

The Zone Occupational Therapy Team involvement ensured Peter had appropriate equipment in place before his admission to hospital.

The hospital Occupational Therapy also put some extra equipment in place to ensure that Peter could be safely discharged home.

This resulted in the needs of Peter and Susan being met. Peter died at home as he wished and Susan expressed her thanks for all the support provided from the zone for both Peter and herself.

Outcome 4: Increased Choice and Control

Expectations:

- ◆ Review and re-commission appropriate models of information, advice and advocacy to support the preventative and independence agenda including further website development and the further development of information and advice consortia.
- ◆ To successfully complete the review of Learning Disabilities Services and begin implementation of subsequently approved recommendations.
- ◆ To take forward, in partnership, the development of extra-care housing in Torbay with an associated wide range of enablement services. To extend the scope of care to a Virtual Extra Care model supported by community hubs offering care and support by piloting this approach in Shiphay.
- ◆ Continue to improve partnership working with Children's Services to improve transitions from children's to adult services.
- ◆ To ensure the development of a thriving third sector through better joint commissioning that adopts the principles outlined by the Office of the Third Sector.
- ◆ Improve current rating of 'performing adequately' to 'performing well' through the effective mainstreaming of personalisation across Paignton, supported by more widespread use of assistive technology (including Telecare).

Targets

Each area is rated as Red, Amber, Green. Red means that the target has not been met, amber means the outcome is just below the target and green means the target has been achieved and/or exceeded.

Description of target	2011/12 Result
To ensure that at least 40% of social care clients receive self directed support in 2011/12 (per 100,000 population)	45%
To ensure that 75% of social care assessments undertaken in 2011/12 (all adults) are carried out within 28 days	73%
To ensure that 85% of social care packages are in place for 2011/12 within 28 days following a social care assessment	99%
To ensure that 35% of carers in 2011/12 receive a needs assessment or review and a specific carer's service, or advice and information	38%
To ensure that 45% of adults with learning disabilities in 2011/12 are in settled accommodation	68%
To ensure that 35% of adults receiving secondary mental health services* in 2011/12 are in settled accommodation *Services provided by DPT (Devon Partnership Trust)	72%
New Indicator – to ensure that in 2011/12, 570 people aged 65 or over are living in residential or nursing homes to prolong their independence and enable them to live at home longer. In turn, this will impact on and reduce the number of clients living permanently in a care home.	600
To ensure that 95% of people coming into our care during 2011/12 receive a Statement of Needs	96%
To ensure that 85% of our clients receive a review in 2011/12	83%

Outcome 4 :Increased Choice and Control

The Trust has achieved success in many areas targeted during 2011/12 but will work hard to improve the results in the areas rated AMBER. Below is a summary of some of the work undertaken in this area and where it would like to develop further:

Advice and information access for all

- ◆ We are working with organisations across Torbay, including local libraries, to develop an internet access point for information on a range of services, activities and support in the Bay. Where people are asking about things which we don't have in the Bay at present, we are looking to capture this information so that we can encourage the development of new business and activities in Torbay.

Improved choices for learning disability

- ◆ In the last year we have worked hard to further improve the services available to a person with a learning disability. In 2011/12, we increased the choice of approved providers for people who use services in their own home. This has proved to be really useful for people who have complex needs. We have also extended the choice of day services for people. This is something that we plan to build upon in 2012/13, ensuring that day activities are closely linked to a person's needs.

Extra-Care Housing

- ◆ We have been developing accommodation for individuals and their families who need support in order to remain living in their own homes. Dunboyne in Plainmoor has been successfully rebuilt and a number of people are now housed in accommodation which provides them with services on their doorstep to maintain their independent lives.
- ◆ We are going to develop extra-care at other sites in Torbay such as Hayes Road in Paignton. We intend these new homes to have practical solutions such as Telecare and assistive technologies, in order to use all the modern resources available to meet people's needs.

Training for Care Homes in personal profiles

- ◆ In 2012 we will begin to work with care homes to develop a single page profile of each of their residents. This is a person-centred way of focusing on what is important to the individual as well as what is important for them.

Outcome 4 :Increased Choice and Control

Partnership Working to enable transition

- ◆ Staff from Children’s Integrated Services (disabilities) have regular meetings and undertake some joint working with our Adult Learning Disability colleagues which has started to improve the transitional experience of young people with Learning Disabilities. Where appropriate, Adult Services facilitate young people to continue with the befrienders and other carers that they know well.
- ◆ We also work with third sector organisations to improve the transitions experience and we commission some services that go across the transitions age in order to enable young people to continue to meet with their peers and learn life skills. There is currently some project work underway to produce a parent/carer and young persons guide to transition and these will contain useful information and guidance to support the transition process across health, education and social care.

Personalising Social Care

- ◆ We have been developing new ways of working to enable individuals who receive social care and their families to have a better understanding and more control over the options available to meet their assessed care needs.

Resource Allocation—a fair slice of the cake

- ◆ We have been using the national Resource Allocation System (RAS) to assist us in determining how much money an individual may need to meet their assessed needs. We have one RAS so that no group of individuals is discriminated against as the allocation of a budget for care is based on an individuals needs not a care label. There are people living with complex illnesses and disabilities which may be expensive and we recognise that the RAS will not always determine the full extent of money these people need for their care. We are working with other colleagues to ensure the RAS will calculate a budget for more expensive care.

Personal budgets

- ◆ We have been telling people how much money is available to spend on their care - their “personal budget”. By the end of 2013 we want everyone to know their budget and to have the choice to manage their budget personally. We already have many people who do this through a “direct payment” whereby money is put into a nominated account to pay for care and services chosen by the client.

Below is a sample of how service users have used their personal budgets to improve their quality of life through increased choice and control. This is an area that service users wanted to see in the Local Account:

76 year old single client was living in nursing home for several years following stroke. During annual review with their key worker the client discussed a strong desire to return to independent living in the community.

The stroke has caused limb paralysis, leaving only one functioning limb so the Intermediate Care Therapists worked to stabilise mobility and maximise independent living skills. Their Social worker assisted the person to find suitable accommodation and the family help ensure the move back to independent living was a smooth one.

The varied support plan includes technology to reduce the risks indoors and day opportunities to ensure social inclusion.

New client, 80 years old opted for a taxi to the hairdresser and church rather than her original referral for day care.

Her Attendance Allowance was used to fund this and no further services were required.

Female carer in her 50’s receiving one off payment for the purchase of a greenhouse and starter kit to allow her to ‘escape’ and step outside of her caring role to provide some respite and an interest.

Outcome 5: Freedom from discrimination or harassment

Expectations:

- ◆ People independently funding their own residential care will receive discretionary care management support services only if they are in need of protection or other exceptional circumstances exist. This is to balance the need for independence and autonomy whilst offering protection to those who may require it. This is to be reviewed as part of the transformation in Social Care.
- ◆ Ensure that people from black and minority ethnic groups and other equality groups have appropriate access to assessment.
- ◆ To develop and then apply a more direct source of customer feedback to provide meaningful data and assurance.

Summary of work:

Below is a summary of the work undertaken in this area together with a description of the Experts by Experience Group which is designed to provide improvement in the way the Trust and its partners receive customer feedback and use this in the future.

Identifying cultural needs

- ◆ As part of the referral process prior to a social care assessment, any language or cultural needs would be identified and recorded. This might include the need for interpretation or translation services or providing same gender care wherever possible.

Community Development Worker

- ◆ We proactively have a Community Development Worker in place to work with the Black and Minority Ethnic (BME) communities to improve access, experience of, and outcomes for using health services as well as supporting individuals to report experiences of racial and domestic abuse.
- ◆ There are many support groups for various ethnic groups in Torbay which include:

Polish (Kubush), French and Japanese Clubs : they each meet monthly, bring people together to promote their culture and organise open days for people in Torbay.

One World BME Family Support Group: is a multicultural community group, meets every week, offers art and craft activities for children and a confidential place for parents/families to talk about challenges they are facing or activities they are engaged in, to ask how and where to get help and enjoy time with each other.

Imagine: is a multicultural organisation which promotes understanding of culturally diverse communities or groups living in Torbay and also provides a social and support group network for people from minority ethnic communities and the wider community within Torbay.

In addition to supporting the various support groups, the development worker has been able to apply for funding to help set up additional activities requested by communities such as a sewing club.

Outcome 5: Freedom from discrimination or harassment

- ◆ In developing partnerships with services such as the peri-natal mental health service, maternity Services, Depression and Anxiety service, Devon Partnership Trust and sexual health services, the Community Development Worker has been able to educate health professionals on the needs and experiences of the BME population. By developing these partnerships they have been able to support individuals to access or gain confidence to engage with local services.
- ◆ Where necessary they challenge services to provide an assessment of individuals ability to communicate in English and provide interpretation services to ensure the BME community receive the quality of care and support they require. The role has also been key in informing the initial stages the Equality delivery system and will continue to help evidence and support the development of this piece of work.
- ◆ In the future the Community Development Worker will work closely with Healthwatch in order to inform commissioners of the experiences and health needs of the local BME population to inform service provision and service development.

Experts by experience group

- ◆ The Experts by Experience Group are former patient and carers who work with the Trust and are currently reviewing safeguarding pathways for services users with learning disabilities, shortly to be followed by older people. It is hoped that in 2012/13 as part of the communities staff change to using electronic patient records in the community, staff will be able to take survey data on visits with them to provide greater assurance. Community hospitals will be improving their questionnaires at point of discharge and the BME Community Development worker is working with the Local Involvement Network to identify access issues within the BME community. Feedback to the Trust is expected in the autumn of 2012 and actions will be taken following this as part of the Equality Delivery System.
- ◆ In 2011/12 the Trust undertook the first stages of the Equality Delivery System, a peer, community and employee assessment of how the organisation measures up against national equalities targets. The work was carried out in partnership with the emerging Clinical Commissioning Group and South Devon Healthcare Foundation Trust. The first stage of this work has involved a number of opportunities for the public and voluntary and community sector, (VCS), to comment on the first two of four goals, *Better Health Outcomes for All*, and *Improved Patient Access and Experience*. In both areas, the Trust was scored by the local community and VCS as 'developing'. The involvement of the Torbay Local Involvement Network, (LINK), primary dental care for people with disabilities, short breaks for children and young carers with complex needs and chaplaincy and pastoral care being provided in community hospitals, were all cited as positive experiences.
- ◆ The Trust's score of 'developing' means that residents can expect improvements in functions linked to equality and diversity issues and further opportunities for public engagement and assessment. Improvements include the establishment of a peri-natal infant mental health service, complaints literature targeted at children and young people, service user reviews of safeguarding pathways for learning disabilities clients and older people.

Outcome 6: Economic Wellbeing

Expectations:

- ◆ The Trust will work to maximise benefits income of its customers and to use this to support the costs of care required.
- ◆ To work with the Council and other employers to improve access to employment for the disabled and other vulnerable groups by reviewing recruitment policies and procedures and agreeing mutual targets for supported work placements.
- ◆ To work with the Council and other partners to foster the development of community and social enterprises and the use of apprentices. In particular, to support opportunities for older people to remain active, retain economic independence, in care and support and for the intrinsic health benefits of this.

Target

Each area is rated as Red, Amber, Green. Red means that the target has not been met, amber means the outcome is just below the target and green means the target has been achieved and/or exceeded.

Description of target	2011/12 Result
To ensure in 2011/12 that 5% of adults with a learning disability are in employment	4.2%
To ensure in 2011/12 that 5% of adults receiving secondary mental health services are in employment	6.3%

The Trust recognises that the achievement of the target relating to adults with learning disabilities in employment requires the assistance of all partners in the Bay as this is not solely within the gift of one organisation. The Trust will work hard to achieve this in the future whilst recognising the challenges the current economic climate presents us.

Below is a summary of some of the work undertaken in this area:

Improving employment

- ◆ Nine candidates successfully completed the Health and Social Care Apprenticeship Level 3 programme in 2010/11, which was run in partnership with South Devon College. Candidates felt that course gave them more confidence and a better understanding of health and social care services. It was also something that candidates felt would support any future positions that they may go for. One of the components in the apprenticeship programme is Maths and English. Where appropriate, extra support and tuition was given to candidates.

Helping people access benefits

- ◆ The Trust has a small number of staff who actively support clients, living with illness and disability, and their carers to claim additional benefits they may be entitled to. Officer in the Disability Information Service and the Financial assessment and Benefit team liaise with colleagues in the Department of Work and Pensions, Independent Living Fund and other organisations on behalf of clients who may find this difficult. Having extra money enables many people to buy care and support independently. For those who are eligible and who require assistance from social care, they are assessed to see how much money they can contribute towards the total package of support they require.

Outcome 7: Maintaining Personal Dignity and Respect

Expectations:

- ◆ Seek ways to continue to raise the standards to meet the Dignity in Care agenda.
- ◆ To ensure that the findings of the independent safeguarding review are incorporated into commissioning and operational practice and improve joint working with children's safeguarding.
- ◆ The Trust will pursue its policy of not commissioning care services from poorly rated providers.
- ◆ Performance data and the annual report from Adult Safeguarding activity will appear in Trust Board reports and Council reports.
- ◆ A dashboard of Safeguarding Performance Measures is to be approved by the Safeguarding Adults Board (SAB) in January 2011 and will be attached to the Annual Strategic Agreement.

Targets

Each area is rated as Red, Amber, Green. Red means that the target has not been met, amber means the outcome is just below the target and green means the target has been achieved and/or exceeded.

Description of target	2011/12 Result
Ensure in 2011/12 that people have access to appropriate end of life care enabling 27% to be able to choose to die at home	19% *
New Indicator – Ensure in 2011/12 that 80% of safeguarding calls are triaged in less than 48 hours	90%
New Indicator – Ensure in 2011/12 that 75% of safeguarding strategy meetings are held within 5 working days.	80%
New Indicator – Ensure that from July 2011 at least 70% of safeguarding case conferences are held within 20 working days of the strategy meeting	74%
New Indicator – Ensure in 2011/12 that there is a 10% reduction in the number of repeat safeguarding referrals over a 12 month period. This equates to no more than 16 clients with multiple safeguarding referrals over a 12 month period.	7 repeat safeguarding referrals

* By definition this figure excludes people permanently living in a care home. The figure increases considerably to 41% when including people whose usual place of residence is a care home. The indicator was adjusted in April 2012 to reflect this.

The Trust has focussed heavily in this area during the year 2011/12 recognising the importance of safeguarding the most vulnerable in our population. This was a particular focus of attention for service users during the feedback we gathered.

On the following page is a summary of the work undertaken this year in this area and some areas for future focus.

Outcome 7: Maintaining Personal Dignity and Respect

Ensuring the safety and wellbeing of patients and service users is of the highest priority for the Trust, with robust procedures in place to ensure that everyone in our care is protected from harm.

As part of providing integrated care, the Trust is the lead organisation for safeguarding adults in Torbay and is part of the Safeguarding Adults Board (SAB). The SAB leads and manages multi-agency safeguarding work across Torbay and has senior representation from all organisations involved in safeguarding adults, as well as from service users, care-led organisations and independent care providers.

In 2011, we received 408 safeguarding alerts, of which 158 progressed to referral. Initial meetings were held within five days of referral in 79 per cent of cases.

Last year, there was one safeguarding case review (SCR) for the circumstances that led up to an incident and the role that all the services played. The SCR was an opportunity for us and other agencies to share learning and to make improvements to services and procedures. In 2011, we used the findings of an external audit report to further improve safeguarding; as a result, we have worked hard to ensure that strategy meetings and conferences are held in a timely manner, that our case files are audited on a regular basis and that there is regular review and improvement to procedures.

Last year, safeguarding was part of Commissioning for Quality and Innovation (CQUIN), an incentive scheme where care homes earn payments for meeting a number of quality standards. A third of the homes in Torbay took part in the new scheme.

The Trust and the SAB work closely with other local authorities across the region, with the Chair of the Torbay SAB leading regional meetings with other SAB chairs to ensure integrated working and learning across the South West. The Torbay safeguarding team is also playing their part in a piece of work to develop shared policies and practice standards across the region.



Outcome 8: Leadership

Expectations:

- ◆ Work to raise the profile of Adult Social Care, its importance and contribution to the fabric of Torbay and work to ensure sustainability for plans and personalisation that will provide high quality services and choice for people. This will include the engagement of all elected members to promote understanding in the work of adult social care services and joint working initiatives as a result of the Trust's arrangements.
- ◆ The Trust and Torbay Council will explore further integrated working to improve outcomes and efficiency in light of the NHS reform programme.
- ◆ To engage with the development of the pathfinder Health and Wellbeing Board in the context of the emerging South Devon provider model.

The Trust and the Council have held a series of Open Days in the year 2011/12 to showcase the work of the integrated health and social care organisation and the outcomes achieved. The profile of the Trust and the Council continues to receive national acclaim and is still the subject of many authoritative reports published.

The work of the integrated organisation produces benefits for the health and social care system as a whole and the Trust is keen to ensure that this continues in the future despite the obvious economic pressures present throughout the NHS and the Local Authority.

- ◆ Following the election of the new Mayor and appointment of a new Executive Lead for Adult Social Care, the Council has strengthened its engagement and its future planning arrangements for Adult Social Care. A stronger focus on understanding demand pressures, improvement opportunities and resource planning has been evident both internally within the corporate functions of the Council and in the Council's management of its arrangement with the Trust. Despite the complexities of the NHS Reforms, the Council and the NHS have continued to emphasise the importance of retaining the level of integration and impact that Health and Social Care integration has had to the benefit of Torbay residents.
- ◆ The separation of Commissioner and Provider responsibilities previously vested with Torbay Care Trust has caused an adjustment to the effect that the Director of Adult Social Services (DASS) role moved from the Chief Executive of Torbay and Southern Devon Health and Care NHS Trust (formerly Torbay Care Trust) to the Council's Deputy Chief Executive in April 2012.

Outcome 9: Commissioning and use of resources

Expectations

- ◆ To ensure a maximisation of benefits of joint commissioning and investigate ways in which this can be further consolidated.
- ◆ The Trust will undertake a robust monitoring of its contracts to ensure safe and effective service delivery as appropriate. We regularly benchmark our performance and work closely with other Councils to share good practice and learn from events experienced elsewhere.

Against a backdrop of increasing demand, the Trust provided adult social care to around 6,350 people in 2011/12 (this includes 830 people over 65 with mental health issues).

Our integrated services are helping prolong independence enabling a greater proportion of people to remain living within their own homes. Recent national benchmarking has revealed Torbay is in the top 10% of local authorities for the number of over 65s living permanently in care homes, i.e. in Torbay people are supported in their own homes for longer than in other parts of the country.

- ◆ The Council and the Trust have retained the partnership and pooled budget arrangements in place. This facilitates flexible resource use to meet patient needs. Both NHS and Local Authority Commissioners understand the benefits that this has brought for service users and for the Health and Care system as a whole.
- ◆ In common with the rest of the country, the care home sector is showing signs of vulnerability. Several homes have ceased trading and others are known to be facing longer term viability issues. Nonetheless both quality and value for money indicators have remained strong despite the continued downward trend of about 4% per annum reduction in publicly funded placements. This is in line with the shared local strategy of developing services to support carers and customers in their own homes.
- ◆ The jointly funded and jointly provided function of assessment/care management and care coordination continues to attract external attention for its ability to impact positively on whole system performance.
- ◆ A small proportion (about 25%) of the Council's spend on Learning Disability continues to be provided in-house. This component of our Learning Disability strategy has progressed more slowly than others and will receive fresh impetus during 12/13 when a consolidation of day services sites from three to two will be implemented as the last directly provided residential home will, with full family involvement, be re-procured with a new partner contracted to redevelop the facility into supported living.
- ◆ The domiciliary care market continues to be difficult to balance between the reliability of the four large block contractors, a range of other independent sector providers and the emerging picture of direct payments and personalised care plans further diversifying the picture. A small residual in-house service, focused on post discharge care at present is changing focus to intensive rehabilitation to reduce long-term care package dependency.

The demographic profile within Torbay which has an above average number of elderly residents makes the future choices and decision making by the Trust and the Council a difficult one. Both organisations want to build upon the success of recent years however difficult decisions will inevitably have to be made in the coming years as funds are reduced. Both organisations commit to being open and transparent about the decisions to be made in the future as well as ensuring that this is undertaken on an equitable basis.

Conclusion:

Both the Trust and the Council are pleased that the partnership arrangement continued to bring benefits for the citizens of Torbay during the year 2011/12. Both organisations recognise where more work is required within the limitations of future funding constraints and are keen to explore initiatives to deliver care in alternative ways in the future wherever possible.

Section 9 outlines some of the difficulties facing both organisations in the coming year and the impact this will have on the services we both commission and provide in the future. Every endeavour will be taken to include citizens in the decision making process in the coming year.

Thanks are given to the staff, stakeholders and service users who have contributed to this year's publication of the local account.

We want your feedback:

What did you think of our Local Account for 2011 / 2012? Did you find it helpful?

Do you have any ideas on what we should include in our Local Account for 2012 / 2013?

We welcome your feedback and ideas. Please send your views to either:

Local Account TSDHCT,
Bay House,
Nicholson Road,
Torquay,
TQ2 7TD

or

Director of Adult Services,
Torbay Council,
Town Hall,
Castle Circus,
Torquay,
TQ1 3DS

For information about health and social care in Torbay and South Devon, including carers services, falls prevention and Telecare, please contact the Trust's Customer Service Centre on 01803 219700.

The Local Account is also available in an audio format, large print, Braille or alternative language. If you would like any of these, or require further copies, please contact 01803 210500.

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Local Account	Business Unit:	Corporate Affairs
Name (Key Officer/Author):	Carole Self	Tel:	01803 210508
Position:	Company Secretary	Email:	Carole.self@nhs.net
Date:	06.09.2012		

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	Y <input type="checkbox"/>	N <input checked="" type="checkbox"/>
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	Y <input type="checkbox"/> Y <input type="checkbox"/> Y <input type="checkbox"/>	N <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p><i>Outline exactly what the proposal is / whether there is any change including reasons for the change. List the key objectives of the proposal/strategy.</i></p> <p>In November 2011 the Government published its consultation paper “Transparency in Outcomes, a framework for adult social care” The results of the consultation indicated that Councils were in favour of producing local accounts, replacing annual publications, assessments and ratings by the Care Quality Commission. This offers Councils the opportunity to share a common approach with a more tailored local focus responsive to the needs of citizens</p> <p>The Local Account sets out to demonstrate Adult Social Care performance against the Annual Strategic Agreement between Torbay Council and Torbay Care Trust for the period 1st April 2011 to 31st March 2012.</p>
2.	Who is intended to benefit / who will be affected?	<p><i>Who are the key stakeholders / which individuals / specific groups may benefit from the proposal or who will be most affected?</i></p> <p>Key Stakeholders will be the population/service users in Torbay together with the Council and the Trust. The content of the Local Account will increasingly be defined by the wishes and requirements of the population of Torbay.</p>

No	Question	Details
3.	What is the intended outcome?	<p><i>It is important to identify the specific outcomes that this proposal intends to deliver.</i></p> <p>This first Local Account provides information on Adult Social Care in Torbay and is a key way through which residents can hold the Trust to account on how well we are supporting people with social care needs.</p>

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>Consider data and research already available locally and nationally. Your assessment should be under-pinned by up-to-date and reliable information about the different groups the proposal is likely to affect. For instance, population profile, satisfaction data, deprivation statistics and how this helps to build a picture around your proposal.</p> <p>The Local Account is based on performance data and as part of the Annual Strategic Agreement with the Council contains details of performance against equality and diversity targets. Limited service user engagement has been undertaken for this year's production however this will be more extensive and be part of an ongoing process in the production of the Local Account in future years.</p>
5.	How have you consulted on the proposal?	<p>Have you carried out any consultation on your proposal and if so how? Focus groups / survey / events? Remember that it may be important to also consult on any alternative options. Also include who you have consulted with and if applicable which specific groups you have consulted with (i.e. groups who may be specifically affected by your proposal, specific equality or hard to reach groups).</p> <p>The Local Account has been sent to Speaking out in Torbay and has been sent to members of the Experience and Engagement Group, that includes representatives from various service user groups and organisations across the Bay.</p>
6.	Outline the key findings	<p>Include feedback on your proposal including where you have consulted on any alternative options. Also include response rates, number of attendees to events / focus groups, outline of specific interest groups consulted. Use bullet points to summarise the key conclusions.</p>

No	Question	Details
		There isn't an alternative option. No formal feedback has been forthcoming for this year's publication.
7.	What amendments may be required as a result of the consultation?	<i>Has feedback from the consultation and engagement process identified any changes required to the proposal? Have you had to alter your decision and look at alternative options?</i> No.

Positive and Negative Equality Impacts

No	Question	Positive Impact	Negative Impact	Neutral Impact	Details
8.	Identify the potential positive and negative impacts on specific groups	It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the 'neutral' column to explain why.			
	All groups in society generally			X	
	Older or younger people	X			
	People with caring responsibilities	x			
	People with a disability	X			
	Women or men			X	
	People who are black or from a minority ethnic background (BME)		(please note Gypsies / Roma are within this community)	X	
	Religion or belief (including lack of belief)			X	
	People who are lesbian, gay or bisexual			X	
	People who are transgendered			X	
	People who are in a marriage or civil partnership			X	
	Women who are pregnant / on maternity leave			X	

No	Question	Details
9.	Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?	<p>The council is committed to ensuring that we meet the diverse needs of our community. As part of the Equality Act there is a general duty as well as our moral obligation where we are required to have 'due regard' to eliminating unlawful discrimination, advancing equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Outline how your proposal meets the general duty.</p> <p>The Local Account will provide evidence of achievements made in targeting discrimination and the promotion of equality.</p>

Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	Summarise any positive impacts and how they will be realised most effectively?	<p>Outline any positive impacts that you have identified relating to equalities and how these impacts will be realised most effectively. What ways can the positive impacts be maximised? Use the action plan (after section 5) to outline actions, responsible officers and timescales.</p> <p>The more service user feedback in the future will help the Council and the Trust to identify what is most important to residents of Torbay. The positive impact on specific service users being presented should provide assurance and trust in the work of the Council and the Trust which in turn has a positive psychological effect on individuals and carers as they approach services for the first time.</p>
11.	Summarise any negative impacts and how these will be managed?	<p>Outline any negative impacts that you have identified relating to equalities and how these impacts will be managed / monitored so that they are reduced / eliminated or mitigated. What ways can the negative impact be minimised? Use the action plan (after section 5) to outline actions, responsible officers and timescales.</p> <p>none</p>

Section 4: Course of Action

No	Action	Details
12.	<p>State a course of action [please refer to action after section 5]</p>	<p>Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes below and justify reasons for your decision - If '3' please provide full justification :</p> <p>Where: -</p> <p>Outcome 1: No major change required - EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.</p> <p>Outcome 2: Adjustments to remove barriers – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality.</p> <p>Outcome 3: Continue with proposal - Despite having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p>Outcome 4: Stop and rethink – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified.</p>

Section 5: Monitoring and Action Plan

No	Action	Details
13.	<p>Outline plans to monitor the actual impact of your proposals</p>	<p>The full impact of decisions will only be known once it is introduced. Identify arrangements for reviewing the actual impact of proposals once they have been implemented. Please also use the action plan below.</p> <p>The Local Account contains details of how feedback can be given and this feedback when received, will be incorporated into the production of future Local Accounts.</p>

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	<i>This should include actions highlighted from the sections 3, 4 & 5</i>				
2					
3					
4					
5					



Public Agenda Item: **Yes**

Title: **Revenue Budget Monitoring 2012/13 – Quarter 2**

Wards Affected: **All Wards in Torbay**

To: **Council**

On: **6 December 2012**

Contact Officer: **Paul Looby**

Telephone: **01803 207283**

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

1. Key Points and Summary

- 1.1 At the end of Quarter 2, the Council is projecting an overspend of £1.155m at the end of the financial year. This is after the application of £1.106m from the Comprehensive Spending Review (CSR) Reserve and of £0.275m of the Budget Pressures Reserves to support pressures within Children's Services and £0.225m from the Budget Pressures Reserve to support pressures within Spatial Planning.
- 1.2 A number of emerging pressures that were highlighted in the Quarter one monitoring report have materialised and have been included within the figures. Some of these risks to the 2012/13 budget were advised to Council when the budget was approved in February 2012.
- 1.3 The key variations within services which are projecting an overspend at the end of the year are:
 - Children's Services: £1.319m (after the application of reserves) due to pressures within Safeguarding and Wellbeing service due to the number and costs for looking after Children and the costs for the continued use of agency social workers.
 - Adult Social Care: £0.563m due to the number of Ordinary Residency cases coming into the Bay.
 - Spatial Planning: £0.267m (after the application of reserves) due to a combination of unachieved 2012/13 savings, increased costs for Concessionary Fares and a shortfall in Planning income.

- Residents and Visitors: £0.227m due primarily to a shortfall in car parking income.
- 1.4 Members will recall the Budget Pressures Contingency was created as part of the 2012/13 budget setting to support and address specific pressures identified within the year i.e. Children's Services and Spatial Planning. Due to the ongoing pressures faced within Children's Services a further sum has been released from the CSR reserve to support increased costs within Residential Care.
- 1.5 Directors and Executive Heads continue to working closely with Executive Leads to consider all options for addressing the projected overspend and will be considering the current budget pressures when developing the 2013/14 budget. The Council continues to adopt strict measures of financial control including the continuation of a vacancy freeze and challenging all expenditure not yet committed. Executive Head's are assessing where they can will take measures to bring forward any proposed budget savings which will be required to address the budget gap for the next financial year (2013/14).
- 1.6 The Council must achieve a balanced budget at year end. This will be achieved by either:
- a) those services overspending producing in-year recovery plans which reduces or removes the projected overspend. For some services this will be extremely challenging due to the nature of the service and demand pressures;
 - b) all other services deliver in year savings resulting in an underspend at year end;
 - c) if insufficient savings can be made there is a risk that, as a last resort, uncommitted reserves or uncommitted budgets will be required to ensure a balanced budget can be achieved at the end of the year.
- 1.7 A summary of the projected overspend is shown in the table 1 below and how it must be managed:

Table 1

	£'m	£'m
Council Forecast Overspend		3.982
To be managed by:		
In Year savings identified to date by services	1.221	
Funding From Budget Pressures Reserve	0.500	
Funding From CSR Reserve	1.106	
		2.827
Balance remaining		1.155
Further options to balance budget:		
Further in year savings to be identified through recovery plans	to be confirmed	
Uncommitted budgets	to be confirmed	
Uncommitted reserves (if required)	to be confirmed	
Balance		0

Strategy For in Year Budget Management

- 1.8 As identified in the last monitoring report the majority of 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. However, there are also pressures with respect to the achievement of income targets within services.
- 1.9 At this stage of the financial year it is recognised that some of the pressures within services will not reduce in this financial year and this has been recognised by allocating the budget pressures reserve to Spatial Planning and Children's Services and a further allocation to Children's from the CSR reserve at the end of quarter 2. It must be noted that the allocation of reserves to support these pressures is from one off resources, so action must be taken to address the underlying budget pressures.

- 1.10 However, in line with the Council's policy any service which is overspending its approved budget allocation will be expected to continue to address the key issues through the implementation of their recovery plans and where possible identify further savings during the remainder of the year.
- 1.11 The Strategy to address the current pressures is the implementation of continued strict financial management and control by the Senior Leadership Team and Executive Lead Members including a range of measures for all services:
- a moratorium on all non essential expenditure and a reduction in all other expenditure with an assessment of the services consequences.
 - a freeze on all non essential recruitment through robust control by the Establishment Control Panel.
 - a review of budgeted expenditure that could be ceased and an assessment of the services consequences.
 - bringing forward any savings proposals for 2013/14 and implementing these to derive in-year savings.
 - identification of any invest to save schemes that will have immediate cost savings in 2012/13 and beyond.
 - a review of savings achieved in 2011/12 to ascertain whether these can be repeated.

Paul Looby
Executive Head of Finance and Chief Finance Officer

Appendices

Appendix 1 Summary of Main Variations

Appendix 2 Pooled Budget with Torbay Care Trust

Appendix 3 Budget Monitoring of Council Subsidiaries and Associates

Documents available in Members' rooms

None.

Background Papers:

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

None

Summary of Main Variations

A.1 Report Overview

- A1.1 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 £123.7m.
- A1.2 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.
- A1.3. Ongoing performance and financial monitoring will be provided to Members through the quarterly performance reports.

A.2 Performance

- A2.1 Table 2 below provides a summary of the projected outturn position for Council services.

Projected Outturn Position – Quarter 2

Business Unit/Service	2012/13 Budget	Spend to Date	Projected Out-turn	Variation at Out-turn
	£'000	£'000	£'000	£'000
Adults & Resources				
- Adult Social Care	42,905	25,127	43,468	563
- Information Services	3,863	2,362	3,863	0
- Commercial Services	3,798	1,772	3,788	(10)
- Supporting People	5,913	3,290	5,913	0
	56,479	32,551	57,032	553
Children, Schools & Families	20,456	12,935	21,775	1,319
Community Safety	2,628	544	2,522	(106)
Place & Resources				
- Residents & Visitors	9,034	3,826	9,261	227
- Spatial Planning	5,311	2,244	5,578	267
- TDA - Clientside	2,639	1,606	2,639	0
- TDA - TEDC	1,720	1,279	1,720	0
- Torbay Harbour Authority	0	(512)	0	0
- Waste & Cleaning	11,142	9,055	10,947	(195)
- Finance	12,343	(6,119)	11,543	(800)
- Business Services	1,995	1,016	1,885	(110)
	44,184	12,395	43,573	(611)
Total	123,747	58,425	124,902	1,155

Main Variations

A2.2 A summary of the main variances and the principal reasons for any underspends or overspends and any emerging issues within each directorate are explained below.

Place and Resources

A2.3 There is a projected underspend of £0.611. A summary of the main variations are identified below:

Residents and Visitor Services is predicted to declare an overspend of £0.227m at year end.

One of the emerging pressures identified in the previous budget monitoring report was a fall in the amount of car parking income. The latest shortfall in car parking income has been confirmed as £0.410m which is thought to be primarily as a result of the poor weather during the summer season which has had an impact upon the number of visitors to the Bay. This relates primarily to off street parking. On-Street income is expected to meet its income target.

To mitigate against the shortfall in income, Residents and Visitors have implemented a full moratorium on all discretionary spending, allowing only Health & Safety works, committed and contracted expenditure to be taking place. It is as a result of these offsetting savings that the projected overspend has been contained at £0.227m.

A corporate approach will be taken when reviewing the moratorium such that if the income situation improves then a loosening of the moratorium can be put in place. However, as the majority of income is received in the summer season it is unlikely that there will be a significant improvement in the projected outturn position for income in the last 6 months of the financial year.

The largest reductions are likely to be made in repairs and maintenance budgets across the services and therefore only essential works will be completed as a result. This will have service implications and will be kept under review.

As with all services, strict controls will be put in place to ensure that expenditure is controlled at the point of ordering, so all expenditure can be thoroughly challenged before approval is given.

Waste and Cleaning is projecting an underspend of £0.195m. As previously reported this is due to a continuation TOR2's introduction of various waste reduction and diversions initiatives which has generated savings in landfill tax and transportation costs. This has been partly offset by lower than expected income due to the non implementation of disposal charges at the Council's civic amenity site at Paignton.

Spatial Planning – is projected to overspend by £0.267m, which has fallen by £0.073m since quarter 1. This is after the application £0.225m from the Council's budget pressures reserve to fund the shortfall in the final negotiated payment to bus operators, and the use of £0.1m of the earmarked reserve for future Planning Inquiry's.

The projected overspend has arisen due to increased passenger numbers and therefore costs for Concessionary Fares and budget pressures within Planning. However there has been an improvement in income levels from planning and building control helped further by the 15% increase in fee income anticipated from December due to the government approved increase in statutory planning application fees.

Economic Development Company (Client side) – is projecting to spend within budget as at the end of quarter 2. Officers are considering the impact of the moratorium on expenditure and it is expected that savings of at least £0.050m can be identified over the next quarter.

Finance – is projected to underspend by £0.8m which is due to savings within treasury management as a result of higher than budgeted cash balances (linked to the profile of spend within the capital programme) combined with higher investment rates leading to better investment returns. Further savings have been identified due to lower audit fees resulting from new arrangements for external audit of local authorities, housing benefit administration grant and lower costs for discretionary rate relief.

Business Services is projected to underspend by £0.110m due to savings within the recruitment and retention budget due to the freeze on recruitment and the receipt of additional income for services to schools.

A2.4 **Community Safety.**

Community Safety is projecting an underspend of £0.106m due to additional contract income derived from the Cemeteries and Crematorium Service and vacancy management savings.

A2.5 **Children, Schools & Families**

Children's are projecting an overspend of £1.319m - this is after the application of £0.275m from the budget pressures reserve to fund the costs of the recruitment and retention initiative to reduce social care agency costs and a further £1.106m from the CSR reserve to fund the increased costs within Residential Care.

This remaining overspend reflects the ongoing budget pressures and volatility faced by this service, primarily within Safeguarding and Wellbeing due to the numbers and costs for children in care and placements within the independent sector. Whilst there has been some success with the recruitment and retention policy of social workers there is still continued use of agency social workers which has a significant impact upon the projected overspend for the year. Unless the recruitment process can be fully embedded over the next few weeks further budget pressures will occur.

The overspend has been partly offset by savings within Children's, Schools and Communities and Commissioning and Performance budgets.

The number of looked after children at the end of August was 258 and the number of children on Child Protection Plans was 252.

Children's Services Response to the projected overspend

As reported in the last monitoring report, Children's Services is currently going through a process of remodelling that aims to reduce the dependency on statutory

provision by creating a targeted Early Help Service and Child in Need Service. This will systematically reduce the number of Looked After Children and the amount of time they spend in care. It will also reduce the number of children subject to a Child Protection Plan, thus reducing budget pressures in relation to statutory activity and placement costs.

Children's Services are also in the process of developing a more robust and assertive Fostering Strategy, which is designed to increase the number of in-house foster carers via a focused recruitment campaign which has been re-launched. As a consequence this will reduce the growing dependency on external independent fostering placements and residential care and associated costs.

At the start of this financial year, Children's Services were dependent upon the use of Agency staff for social workers. This is being addressed by the previously approved Recruitment and Retention Strategy that has been designed to reduce Agency spend by at least 60% in this current financial year and a further 40% in the 2013/14 financial year. To date 4 social workers, 2 practice managers and 2 Service managers have been appointed with a further round of interviews scheduled to take place w/e 16th November 2012.

As an invest to save model, by September 2013, the investment to the Recruitment and Retention Strategy will achieve an overall saving of approximately £0.664m. This will result in a permanent staff team without any ongoing dependency on agency staff.

As a result of the continual appointment of permanent staff this will have a significant effect on the child's journey through social care which will enable more effective long term planning and care arrangements for vulnerable young people.

As part of the Service Review Process, other savings have been identified and are in the process of being formalised as part of the overarching budget strategy. These will result in a remodelling of the non safeguarding element of Children's Services.

There is a recognition that for any changes to be effective, a longer term plan is required which focuses on how the service will look in 2 years time. As part of this a business plan will be developed over the next 3 months which will review current processes and structures together with any management information requirements which are needed to inform decision making around service delivery and performance management.

Adults and Operations

A2.6 This portfolio covers a range of services with budget pressures of £0.553m projected to year end.

Adult Social Care – net overspend of £0.563m. This is due mainly to the number of ordinary residency cases within the Council i.e. movement of 22 adult social care clients from other local authorities. This is a volatile area resulting in increased cost pressures for the Council. The issue of Adult Social care clients changing their residence has been recognised nationally but is currently having a detrimental impact upon Torbay as a net importer of clients. This area will be monitored closely throughout the year but it is recognised that it is difficult to actively manage this cost pressure.

The Torbay and Southern Devon Health and Care NHS Trust have a Cost Improvement Programme (CIP) which is used to monitor and deliver the savings as required when the 2012/13 budget was approved. The main risks to not achieving the cost reduction package include the achievement of a number of reviews within domiciliary care, and any changes to care home fees settlement.

At the end of the second quarter the Trust continues to made progress in delivering these savings. However, the full year effect of some of these savings will not be achieved due to the timing of the CIP.

The Trust has advised the Council that it will manage any shortfall in the delivery of its CIP in year savings target by utilising section 256 monies.

Appendix 2 shows the pooled budget for the partnership as managed by the [Torbay and Southern Devon Health and Care NHS Trust](#).

Commercial Services – is projecting a small underspend of £0.010m due to savings within the Members Allowances budget.

All other services within this portfolio are projected to spend within their budget allocation as at the end of quarter 2

A3. Reserves

A3.1 The Comprehensive Spending Review reserve is the Council's uncommitted reserve which was set up to meet the financial challenges it faces over the next few years. These challenges include:

- any unforeseen events or pressures that emerge during the year;
- invest to save initiatives where demonstrable savings can be delivered in future years;
- making provision for any costs of restructuring Council services.

Where possible reserves should only be used to support one off initiatives as it is not sustainable to use reserves to support ongoing budgets.

A3.2 As part of the ongoing review of reserves unallocated performance reward grant has been consolidated within the CSR Reserve.

A3.3 The Mayor has agreed to release the following monies from reserves during 2012/13:

- £1.106m to Children’s Services to fund the increased costs within Residential Care.
- £0.1m to fund an initiative for Housing Enforcement with respect to landlords.
- £0.050m for Arboriculture Services for the maintenance of trees due to the unseasonal wet summer.
- £0.020m to undertake a land review at Hollicombe.

In addition, to date £0.6m has already been incurred to fund the costs arising from council reorganisations and restructuring and will be funded from the CSR reserve.

A3.4 A summary of the Council’s uncommitted reserve is shown below in table 3.

Table 3 - Uncommitted Reserves

Reserve	Working Balance £’m
Comprehensive Spending Review Reserve	
Uncommitted Balance as at 1 October 2012	2.650
Possible calls upon reserves	
Redundancy Costs arising from 2013/14 budget	1.000m (estimated)
Projected overspend – 2012/13	1.115m (latest position)

A3.5 The Council is faced with a number of other cost pressures which will further reduce the level of reserves it holds. These include redundancy costs which will arise from the 2013/14 budget proposals and will be a liability in 2012/13. In addition, if the Council is unable to declare a balanced budget at year end any overspend will have to be funded from the CSR reserve.

A3.6 Based on the latest projected position the CSR reserve could be significantly reduced by the end of this financial year and ideally the council needs to consider how this reserve can be replenished to ensure it has sufficient one off resources to support the council in addressing the financial challenges it faces in the next few years. If appropriate action is not taken the Council’s uncommitted reserves may be insufficient to support it managing further reductions in government grant in 2013/14 and 2014/15.

A3.7 The Council also has its General Fund balance which is £4.0m and represents 3.2% of the Council's net budget which I consider to be a prudent level. It should be noted that the General Fund reserve should only be called upon in emergencies.

A.4 Dedicated Schools Grant (DSG)

A.4.1 The final confirmed Dedicated Schools Grant in 2012/13 is £84.3 and is used to fund all Schools Related Expenditure. The DSG is currently reporting an overspend of £0.027m. The DSG is a ring fenced grant and can only be used to fund schools related activities.

A.5 Debtors Monitoring

A5.1 This section of the report provides Members with an update for the second quarter in 2012/13 in respect of council tax and business rate collection.

Council Tax

A5.2 The targets for the collection of Council Tax in 2012/13 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.

A5.3 The Council is due to collect £60.1m after the granting of statutory exemptions and reductions and Council Tax Benefit in the period April 2012 to March 2013. To date the Council has collected £32.5m which is about 54.15% of the Council Tax due in year. The collection level is in line with last year's performance.

A5.4 The total arrears outstanding at 31 March 2012 were £3.9m and this has been reduced by £1.2m which is about 30% of the total arrears due.

A5.5 There are no Council Tax write-offs over £5,000 to report.

Non-Domestic Rates

A5.6 The targets for the collection of NNDR (business rates) re:

- (i) collect 96.5% 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.

A5.7 The Council is due to collect £36.9m after the granting of mandatory relief in the period April 2012 to March 2013. To date the Council has collected £21.6m which is about 58.6% of the business rates due in year. The collection rate is slightly up compared to this point last year.

A5.8 The total arrears outstanding were £1.490m and this has been reduced by £0.545m which is about 36.5% of the total arrears due.

A5.9 There are five write offs above £5,000 which have been circulated to Members of the Overview and Scrutiny Board and are available to all Members upon request.

A.6 **Financial Performance of External Companies**

A6.1 For completeness a summary of the financial performance of the companies that Torbay Council has an interest in is included. Attached as appendix 3 is a list of those companies which summarises their projected outturn position.

Appendix 2

Torbay and Southern Devon Health and Care NHS Trust - Financial Position

Table 1- Month 6 Financial Summary.

	Year to Date - September 2012			Forecast End Year Outturn		
	Budget	Actual	Variance (Under)/ Over	Budget	Actual	Variance (Under)/ Over
	£'000	£'000	£'000	£'000	£'000	£'000
Total Contract Income	60,058	60,367	309	120,126	120,677	551
Community Based Teams/ Clinical Services	28,813	28,786	(27)	57,635	57,630	(6)
Commissioned Social Care (Net of Client Charges)	22,738	23,047	309	45,478	46,029	551
Support Services (Management / Capital/Infrastructure/Unalloc'd CIP)	8,458	8,485	27	16,913	16,919	6
TOTAL PROVIDER SERVICES	60,008	60,318	309	120,026	120,577	551
(Surplus)/Deficit	(50)	(50)	(0)	(100)	(100)	0

Table 2- Month 6 Operating Budget Performance - Detail

	Year to Date - September 2012			Forecast End Year Outturn		
	Budget	Actual	Variance (Under)/ Over	Budget	Actual	Variance (Under)/ Over
	£'000	£'000	£'000	£'000	£'000	£'000
Contract Income						
Social Care - Torbay Council	20,599	20,908	309	41,207	41,758	551
NHS Torbay Care Trust	22,323	22,323	0	44,646	44,646	0
NHS Devon	17,137	17,137	0	34,273	34,273	0
Total Contract Income	60,058	60,367	309	120,126	120,677	551
	<u>YTD Var.</u>					
Torquay South Zone	1,233	1,219	(14)	2,466	2,444	(22)
Torquay North Zone	860	861	2	1,717	1,716	(1)
Brixham Zone	824	808	(16)	1,648	1,632	(16)
Paignton North Zone	521	516	(5)	1,042	1,042	0
Paignton South Zone	1,155	1,148	(7)	2,310	2,305	(5)
Torquay Baywide Services	1,395	1,386	(9)	2,790	2,784	(6)
Baywide Enabling Services Team (BEST)	317	320	3	634	639	5
Other Adult Social care & Other Social care	622	619	(3)	1,243	1,240	(3)
Professional Practice & Public Health	4,739	4,739	1	9,483	9,471	(12)
Medical Directorate	505	503	(2)	1,011	1,009	(2)
South - Dartmouth & Totnes	578	576	(2)	1,158	1,153	(5)
South - Ivybridge & Kingsbridge	1,066	1,067	1	2,132	2,140	8
South- Tavistock	682	671	(11)	1,364	1,362	(2)
South - Coastal	468	460	(8)	935	928	(8)
South - Moorland	275	277	2	550	552	2
South - Newton Abbot	599	601	3	1,197	1,195	(2)
South - Other Clinical Services	1,495	1,444	(51)	2,989	2,930	(59)
Community Hospitals	11,482	11,571	89	22,966	23,088	122
Community Based Teams/ Clinical Services	28,813	28,786	(27)	57,635	57,630	(6)
Social Care	14,792	15,084	293	29,585	30,148	563
LD (In-House)	1,344	1,369	25	2,688	2,688	0
Other Baywide Social Care	334	325	(9)	668	656	0
Ind Sector (Health Commissioned)	6,269	6,269	1	12,537	12,537	0
Social Care (Net of Client Charges)	22,738	23,047	309	45,478	46,029	563
Support Services (Management / Capital/Infrastructure/Unalloc'd CIP)	8,458	8,485	27	16,913	16,919	6
	8,458	8,485	27	16,913	16,919	6
TOTAL PROVIDER SERVICES	60,008	60,318	309	120,026	120,577	551
(Surplus)/Deficit	(50)	(50)	(0)	(100)	(100)	0

Budget Monitoring of Council Subsidiaries & Associates

Budget Monitoring of Council Subsidiaries & Associates 2011/12 - Quarter Three	Council Ownership	Gross Income to Date £m	Gross Spend to Date £m	Surplus or (Deficit) to date £m	Projected Outturn £m
Subsidiaries					
Torbay Economic Development Company	100%	2.9	2.4	0.5	0
English Riviera Tourism Company	100%	0.8	0.4	0.4	0
Associates					
TOR2	19.99%	9.1	9.0	0.1	0.6
South West Careers	25%	6.1	6.0	0.1	0.1
PLUSS	25%	14.1	14.0	0.1	0.1



Public Agenda Item: Yes

Title: **Capital Investment Plan Update - 12/13 (2nd Quarter)**

Wards Affected: **All Wards in Torbay**

To: **Council**

On: **6th December 2012**

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 Investment Plan for the quarter ending September 2012. The report provides details of expenditure and funding of service and community assets within the Council's approved Capital Investment Plan and is a key element of meeting the Council's aims and objectives.

2. Recommendation(s) for decision

Council

- 2.1 That Council notes the latest position on the Capital Investment Plan
- 2.2 That Council approve £0.1m for the purchase of 25 beach huts at Broadsands as a prudential borrowing scheme to be funded from additional income from the new beach huts.

3. Key points and reasons for recommendations

- 3.1 This report incorporates the 4-year Capital Plan Budget for 2012/13 – 2015/16 approved by Council in February 2012, adjusted for re profiling arising in 2011/12 and amended by any further revision to both projects and timing in 2012/13.
- 3.2 The overall funding position of the 4-year Capital Plan Budget of £68.2 million, covering the period 2012/13 – 2015/16, is in balance but still relies upon the generation of over £6.2 million of capital receipts before the end of the current Plan period. Of this sum £0.9 million has been received by 30 September 2012, leaving a balance of £5.3 million to be realised.
- 3.3 Of the total £68.2 million of the 4 year programme, £24.8 million is currently scheduled to be spent in 2012/13. As at end of the second quarter actual spend and commitments (orders raised on finance system) are £10.7m.

3.4 It should be noted that re profiling can be the result of valid project management reasons such as scheme re engineering, further consultation and clarification with users or detailed tendering.

3.5 The Annual Capital Investment Plan review report (Council 1 Feb 2012) identified potential capital resources of £31.4million in total for the four years of the Plan period and indicated provisional allocations by type of works such as infrastructure. Since then, services have presented detailed business cases for schemes they wish to pursue and the Chief Executive and subsequently, the Chief Operating Officer have now approved funding of around £19 million for a number of specific schemes. Details of schemes approved in quarter two 2012/13 are shown at Paragraph A2.6 in this report.

3.6 Movements in 2012/13 Estimated expenditure

3.7 The movements in the estimate of expenditure in 2012/13 on the Capital Investment Plan between the estimate at Quarter One 2012/13 of £29.5m and the current estimated budget for 2012/13 of £24.9m, split by the categories of funding, are as follows:

Scheme	Variation in Q2	Change £m	Reason
Estimate at Quarter One 2012/13		29.5	Capital Budget Monitoring 2012/13 (Report 27 Sept 2012)
“Old” Funding Regime			
New Growth Points:			
Windy Corner Tweenaway Cross	Transfer allocation	(0.2) 0.2	Transfer funds to support Tweenaway Junction
Great Parks Access	Re phased to 2013/14	(0.4)	Delay in development
Babbacombe Beach Road	Move to 2013/14	(0.1)	No plans from Developer
Barton Infrastructure	Move to 2013/14	(0.1)	Unlikely to be required this year
Education Review Projects	Re phased to 2013/14	(0.3)	Unlikely to spend all this budget in this financial year
Haldon Pier	Re phased to 2013/14	(0.2)	Some works will be incurred early 2013/14
		(1.1)	
“New” Funding Regime			
Cockington Primary expansion	Re phased to 2013/14	(0.2)	Revised cashflow on expected programme
Warberry Primary expansion	Re phased to 2013/14	(0.3)	Revised cashflow on expected programme
Princess Promenade Phase 3	Additional budget	0.2	Further allocation of resources to enhance sea front area.
		(0.3)	

“New” Ring fenced funding			
Integrated Transport Better Buses area	Re phased to 2013/14	(0.4)	Review of likely spend pattern
		(0.4)	
Prudential Borrowing			
Princess Promenade	Re phased to 2013/14	(0.5)	Completion of scheme scheduled for June 2013
South Devon Link Road	Re phased to 2013/14	(2.1)	Earlier DfT funding delays Torbay’s contribution
Beach Huts - Broadsands	New scheme	0.1	Purchase of 25 beach huts
		(2.5)	
General Capital Contingency			
General Contingency	Re phase budget	(0.4)	Reduced expectation of usage in 2012/13
		(0.4)	
Estimate – Quarter Two 2012/13		24.8	

4 Capital Investment Plan - 2013/14 Budget Process

- 4.1 Council, in February 2012, approved a four year Capital Investment Plan that included an estimate of funding over four years and a four year allocation of resources to services.
- 4.2 Council at its meeting in February 2013 will receive a quarterly Capital Investment Plan report which will include an update on the latest Capital Investment Plan which will include any funding that has been confirmed as part of the 2013/14 local government finance settlement. The quarterly report will, as usual, be distributed to members of the Overview and Scrutiny Board
- 4.3 As Council has already approved a four year capital plan there is no operational need for a separate Capital Investment Plan report to be approved as part of the Council’s 2013/14 budget process.
- 4.4 Members will continue to be updated of capital funding, grant allocations and projects on a quarterly basis as part of the usual Capital Investment Plan budget monitoring report.
- 4.5 The Plan usually spans four years, which will now include 2016/17. However as 2016/17 is after both the next national and Council elections no estimates of funding will be introduced at this stage.
- 4.6 The Council has a requirement to approve prudential indicators on an annual basis which include those that relate to capital expenditure and funding. These will be included as an appendix to the 2013/14 Treasury Management Strategy Report going to Audit Committee in December 2012 and Council in February 2013.

- 4.7 Under the Council's constitution the Capital Strategy and Asset Management Plan are required to be approved by Council. These are due to be presented to Priorities & Resources Panel in November 2012 and Council in December 2012.

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

**Paul Looby
Executive Head - Finance (S151 Officer)**

Appendices

Annex 1 Capital Investment Plan Budget 2012/13 - 2015/16 (Oct 2012)

Capital Investment Plan Budget Monitoring Statement – 2nd Quarter 2012/13

Supporting information

A1. Introduction and history

- A1.1 The Council approved the original 4-year Capital Investment Plan Budget for the period 2012/13 – 2015/16 in February 2012. This plan has been subsequently adjusted for re profiling arising in 2011/12 of £3.8 million, (Capital Outturn Report Council 12th July – agenda item 12 refers), and amended by any further revision to both projects and timing, resulting in the latest revision attached to Annex 1. The Plan totals £68.3 million over the 4 year period of which £24.7 million relates to 2012/13.
- A1.2 The purpose of this report and the Monitoring statement attached is to highlight any existing or potential issues which may affect the delivery of the major projects included in the Plan and to consider any potential effect on corporate resources. This report to Council has been updated since the draft report distributed for information to Members of the Overview & Scrutiny Board.
- A1.3 Expenditure to the end of this second quarter was £6 million with a further £5m of commitments on the Council's finance system. The expenditure of £6m is 24% of the latest budget for 2012/13. This compares with £7 million (or 32% of outturn) for the second quarter last year.

	2009/10 £m - (%)	2010/11 £m - (%)	2011/12 £m - (%)	2012/13 £m - (%)
Quarter One	8 - 16%	10 - 23%	3 - 14%	2 – 8%
Quarter Two	11 – 22%	13 - 30%	7- 32%	4 – 16%
Quarter Three	13 – 27%	9 - 21%	5 - 22%	X
Quarter Four	17 – 35%	11 - 26%	7- 32%	X
Total In Year	49	43	22	25

A2. Main Variations & Management Action

A2.1 "New Funding Regime"

- A2.2 As part of the approval of the Capital Investment Plan by Council – February 8th 2012 the following was approved
- A2.3 *"That the approval of specific capital schemes in the Capital Investment Plan 2012/13 to 2015/16 be delegated to the Chief Executive in consultation with the Mayor, Executive Lead for Finance and Chief Finance Officer"*
- A2.4 An estimate of funds was identified in the Capital Investment Plan (February 2012) for the four years of the Plan, which was provisionally allocated to a number of "priority" areas. In a number of services, requests have now been submitted for funding which has been approved by the Chief Executive and, since September, the Chief Operating Officer in line with the Council delegated approval.
- A2.5 Funding adjustments have been made to the four year estimate of funding including a reduction to the estimated funds available from S106 for housing and

the Community Infrastructure Levy. As a result the allocation for redundancy costs and affordable housing has been removed. Future redundancy costs will have to be funded from the Council's Comprehensive Spending Review Reserve.

A2.6 A summary of allocations over the four years of the Plan is shown in the table below:

Scheme	Allocation Council Feb 12 £m	Allocated To Q1 2012/13 £m	Allocated In Q2 2012/13 £m	Total Un allocated £m
	(Revised)			
Employment Schemes – such as Riviera Centre investment	2.0	0.1	0	1.9
Torre Abbey – Council maximum funding pending English Heritage Grant and other income.	2.0	2.0	0	0
Princess Pier Structural Repairs – Council match funding to a bid for to the Environment Agency	1.4	1.4	0	0
Grants for both Disabled Facilities and Childrens Adaptations	3.2	0.8	0	2.4
Provision for Infrastructure Works	2.0	1.0	0.2	0.8
Improving Leisure Facilities	1.7	0.5	0.4	0.8
Schools – Basic Need (including school places) and capital repairs	9.6	9.4	0	0.2
Transport – Structural Repairs and Integrated Transport	6.2	6.1	0	0.1
Adult Social Care	1.0	0.1	0	0.9
Affordable Housing	0.1	0.1	0	0
Total Schemes	29.2	21.5	0.6	7.1

A2.7 The Capital Investment Plan as at quarter one shows the approved schemes to the extent that funding has been received or confirmed. Where the value of the approved schemes exceeds the known funding, temporary prudential borrowing has been used pending the future receipt of funds, at which point the funding will be swapped. However if funding is not realised then the Capital Investment Plan will have to be reduced accordingly or alternative sources of funding allocated such as prudential borrowing.

A2.8 Details of schemes approved by the Chief Executive or Chief Operating Officer from the four year capital allocation in quarter two are as follows:

Scheme	Budget Approved £m	Details
Oldway Estate – public works	0.400	Contribution by Council to Oldway developer to works to the public areas in the estate – a future year cost.
Princess promenade – Phase 3	0.200	Further Improvements to the public realm aspects of the Princess Promenade area
Total Quarter Two	0.600	

A2.9 Affordable Housing

The Capital Investment Plan in February estimated £2m of income specific to affordable housing schemes from s106 and right to buy receipts. As a result of the low level of this type of income the £2m estimate has now been removed and funds, and therefore schemes, will only now be added when funding received. To date £0.1m has been added.

A2.10 Princess Promenade Phase Three

Chief Executive in consultation with the Mayor, Executive Lead for Finance and Chief Finance Officer has approved the next phase of works to Princess Promenade at a cost of £0.200m. The funding to be taken from the Infrastructure allocation in the Capital Investment Plan. The works will improve the public realm around Torquay Harbour side. This project focuses on the third phase of the Promenade including the Banjo and the paving up to Princess Theatre.

A2.11 Oldway Public Works

As part of the development agreement with Akkeron for the Oldway estate the Council is to contribute £0.4m for improvements to the public areas on the estate. Chief Executive in consultation with the Mayor, Executive Lead for Finance and Chief Finance Officer has approved the funds from the Leisure Facilities allocation in the Capital Investment Plan. This budget has been added to 2013/14 financial year.

A2.12 School Projects

Cashflow changes are required for the following schemes:

Cockington Primary Expansion - £0.2 m to be re-profiled to 2013/14

Warberry Primary Expansion - £0.3 m to be re-profiled to 2013/14

Re-profiling for these 2 projects is a result of further design work and firming up of the expected programme of works.

A2.13 "Old Funding Regime"

Relates to the schemes in the Capital Investment Plan that were allocated to services from capital funding that originated in 2011/12 and earlier financial years.

A2.14 Children's, Schools, and Families

£0.3m budget for Education Review Projects has been moved to 2013/14 as it is now felt unlikely that all the available budget will be spent this year.

Completed schemes in Quarter

Curledge Street Primary Remodelling – achieved practical completion on 7th September 2012. The project was delivered on time but slightly over budget. The additional funding required can be resourced from the small contingency within the existing Children's Services Capital Programme.

Preston Primary ASD Unit & Remodelling – achieved partial completion/beneficial handover on 7th September 2012. The project was delivered on time and within budget.

Westlands 14-19 (Torquay United) Project – achieved practical completion on 27th July 2012. The project was delivered on time and within budget.

A2.15 Place and Resources

The Council previously allocated nearly £1.5 million of New Growth Points (NGP) grant for the purpose of acquiring land to facilitate Affordable Housing developments. The Council is finalising the purchase of two parcels of land (Hatchcombe Nurseries, Torquay and Grange Road, Paignton) for this purpose which will require approx £0.780m of this NGP grant allocation, along with £0.5m of (scheme specific) capital funding.

£0.4m of New Growth Points Grant in relation to Great Parks Access has been re profiled to future years arising from delays in the delivery of the development.

Budgets available for works on Barton Infrastructure £0.1m and Babbacombe Beach Road £0.1m have been re profiled in to future years as neither scheme is currently expected to take place in this year:

Haldon Pier

Part of the works for improving sea defences at Haldon Pier is unlikely to be completed until next year so £0.25 million of the budget has been transferred.

A2.16 General Contingency

Currently there are no major potential variations in the Capital Investment Plan and consequently it is unlikely that the contingency will be required this financial year so £0.350m budget has been moved to 2013/14.

A2.17 "New" Ring fenced funding

There are no changes to report

A2.18 Schemes funded from Prudential Borrowing

A2.19 Beach Huts - Broadsands

It is proposed to invest £0.1m in the purchase and location of 25 additional beach huts/chalets at Broadsands in Paignton. This is to be a prudential borrowing scheme with the investment costs repaid over 10 years from the additional income generated from the new huts. The original proposal for this scheme was part of the RIO project which has now been developed to include a business case, and will increase the quality of the beach amenity offer in this area.

A2.20 South Devon Link Road

Work on the South Devon Link Road is now underway and the Department for Transport have advised that they are keen to provide more of their funding in this financial year which will mean that Torbay's budgeted contribution to the scheme will not be needed until next year. The £2.1 m budget scheduled for 2012/13 has therefore been moved to 2013/14. Further changes in the spending and funding profiles are expected as the scheme progresses.

Part of the funding submission to the Department of Transport identified that Torbay and Devon Councils would generate £2.5m each of third party contributions to the scheme. To help meet this target a report will be presented to Council for a Section 106 charging policy to support the South Devon Link Road.

A2.21 Office Rationalisation Project

Following the successful transfer of Oldway Mansion to Akkeron (developer) the expected capital receipt of £1m will be applied to fund work under the Office Rationalisation Project which will reduce the level of prudential borrowing required, thereby reducing the Council's revenue costs in 2013/14 and future years by approx £70,000 per annum.

A2.22 Princess Promenade

The contractors are now on site for this work but the scheme will not be completed until early 2013/14, consequently £0.5 million budget has been re-phased to next financial year.

A3. Income Monitoring

A3.1 The funding identified for the latest Capital Investment Plan budget is shown in Annex 1. 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 Investment Plan is shown in the Table below:

	2012/13	2013/14	2014/15	2015/16	Total 12/13 Q2	Potential Funds	Total Funds 4 yrs
	A	B	C	D	E	F	G
Funding	£m	£m	£m	£m	£m	£m	£m
Supported Borrowing	1	0	0	0	1	0	1

Unsupported Borrowing	6	8	5	11	30	(9)	21
Grants	15	12	3	0	30	10	40
Contributions	0	1	0	0	1	3	4
Reserves	1	1	0	0	2	0	2
Revenue	0	0	0	1	1	0	1
Capital Receipts	2	1	0	0	3	3	6
Total	25	23	8	12	68	7	75

Notes to Table:

Column E –reflects the Capital Investment Plan as at quarter two 2012/13 and shows the approved schemes to the extent that funding has been received or confirmed. Where the value of the approved schemes exceeds the known funding, temporary prudential borrowing has been used pending the future receipt of funds, at which point the funding will be swapped.

Column F – reflects the balance on the 2012/13 four year Capital Investment Plan that has not yet been allocated and the expected funding sources that have not yet been confirmed. When funding is confirmed the use of temporary prudential borrowing will be reversed.

A3.2 Capital Receipts

As mentioned above, the £1 m due to be received from the disposal of Oldway Mansion will be used to reduce the prudential borrowing for the Office Reorganisation Project rather than being used towards the capital receipts target.

The Council has received £0.9m capital receipts in the year to date with a few other disposals “in the pipeline”. All previous receipts prior to 2012/13 had been utilised to fund capital expenditure in 2011/12 so the balance of receipts at the start of the year was nil, leaving a target of £3.2 million over the four years of the Capital Investment Plan, including the additional £1m from Oldway Mansion.

However the anticipated total resources of £31.4 million used at the Annual Review of the Capital Investment Plan included an assumption of a further £3 million from potential capital receipts; therefore the total target for capital receipts is £6.2 million by 2015/16. Allowing for capital receipts received so far, the remaining target is currently £5.3 million.

The total of over £5m is challenging. Within this total there are a number of expected individual receipts that are significant including the Oldway Estate, Brixham Town Square (Tesco) and the old Paignton Library. It is still anticipated that successful marketing of the earmarked sites and the remaining assets on the approved disposal list, along with any other major developments on Council owned land, will eventually generate sufficient receipts to meet the overall sales target. The Council’s Asset Rationalisation Board encourages services to identify surplus assets for disposal and to generate resources to fund investment in the remaining assets.

The Community Asset Transfer Strategy enables some assets, which previously would have been sold, are now transferred to Community groups, thereby reducing the amount of achievable capital receipts. To date two parcels of land, at Hollicombe, Paignton and Hartop Road, Torquay have been leased to community groups under the Council’s Community Asset Transfer Policy

A3.3 S106 Contributions and Community Infrastructure Levy

As reported in quarter one there is uncertainty over the level and timing of both S106 contributions and Community Infrastructure Levy income. Therefore as noted above funding adjustments have been made to the four year estimate of funding including a reduction to the estimated funds available from S106 for housing and the Community Infrastructure Levy. As a result the allocations for Redundancy costs and Housing have been removed from the Capital Investment Plan. Future redundancy costs will have to be funded from the Comprehensive Spending Review Reserve and Affordable Housing schemes will only now be added when funding is received or confirmed.

To the end of quarter 2 in 2012/13, invoices to a total of £0.240m from S106 income for (non housing) capital purposes were raised to developers. When these are received these funds will be used to support the current funding allocations in the four year Capital Investment Plan and not allocated to new schemes.

A3.4 Grants

Unringfenced Grants

Since the last Capital monitoring report plan was approved by Council in September 2012 the following unringfenced grants has been received:

- a) A capital grant of £0.075 million for Short Breaks for Disabled Children

This unringfenced grant will be initially used to support the allocations in the four year Capital Investment Plan and not allocated to new schemes.

A4. Prudential Indicators

- A4.1 The Council set its Prudential Indicators and monitoring arrangements for affordable borrowing in February 2012. The Authorised Limit for External Debt including long term liabilities (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 Executive Head of Finance and reported to Members quarterly.

- A4.2 The limits are as follows

• Authorised Limit	£192 m
• Operational Boundary	£173 m

External Debt, and long term liabilities, such as the PFI liability, as at end of September 2012 was £163 million. No borrowing, or repayment of borrowing, was undertaken during the second quarter of 2012/13. 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.

- A4.3 The Council's capital expenditure has an overall positive impact on the Council's Balance Sheet. The majority of expenditure in the Capital Investment 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 2012 the Council's "Non Current Assets" were valued at over £320 million. (Note when Council schools transfer to Academy status the value of the asset is removed from the Council's balance sheet, however the Council remains liable for any outstanding borrowing or other long term liability in relation to the asset being transferred).

A5. Outline of significant key risks

That capital receipts, other capital contributions such as S106 and Community Infrastructure levy and future year grant allocations will be not be received to support the plan.

The contingency is approximately 1.6% of total planned expenditure on a total programme of £68 million. There could be inflationary cost pressures on the programme thus increasing expenditure.

A6. Other Options

Council could consider reducing the Capital Investment Plan to reflect any potential reduction in capital receipts or other capital resources

A7. Summary of resource implications

Resources implications are outlined in the report with a summary of funding in paragraph A3.1.

Schemes funded from prudential borrowing are a revenue budget pressure until the borrowing is "repaid". Unless the scheme is an 'invest to save' scheme, the costs of interest and repayment of principal (MRP) will need to be funded from the Council's revenue budget.

A8. 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 polices.

A9. Consultation and Customer Focus

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

A10. Are there any implications for other Business Units?

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

					Revised 4-year Plan Oct 2012				
	Actuals & Commitments 2012/13 Qtr 2	Previous (Q1) 2012/13	2012/13 Q2 Adjustments	New Schemes 2012/13	Total 2012/13 Revised	2013/14	2014/15	2015/16	Total for Plan Period
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Roselands Primary expansion	34	129			129	365	6	0	500
Schools Access	46	98			98	0	0	0	98
Torre CoE Primary expansion	21	85			85	800	550	15	1,450
Warberry CoE Primary expansion	25	739	(300)		439	1,240	21	0	1,700
Whiterock Primary expansion	1	0			0	0	0	0	0
Place & Resources	1,347	3,015	(460)	0	2,555	4,775	2,277	160	9,767
Affordable Housing	0	0			0	145	0	0	145
Flood Defence schemes (with Env Agency)	0	0			0	0	155	0	155
Livermead Sea Wall structural repair	15	352			352	0	0	0	352
Oldway Estate works			(400)	400	0	400	0	0	400
Paignton Community Library	16	0			0	0	0	0	0
Princess Pier - Structural repair (with Env Agency)	0	0			0	0	1,850	0	1,850
Princess Promenade Phase 3	0			200	200	0	0	0	200
Riviera Centre renewal	0	138			138	0	0	0	138
Social Care - Hollacombe CRC	0	60			60	0	0	0	60
SWIM Torquay - improve facilities	8	100			100	500	0	0	600
Torre Abbey Renovation - Phase 2	3,008	2,969			2,969	1,237	0	0	4,206
Transport Gateway Enhancement	0	100			100	0	0	0	100
Transport Integrated Transport Schemes	42	620	(287)		333	575	575	620	2,103
Transport Structural Maintenance	41	840			840	840	840	840	3,360
Transport Western Corridor	0	250			250	0	0	0	250
Public Health	3,131	5,429	(687)	600	5,342	3,697	3,420	1,460	13,919
Disabled Facilities Grants	195	1,056			1,056	0	0	0	1,056
	195	1,056	0	0	1,056	0	0	0	1,056
Govt Dept Non-ringfenced grants to be allocated to Projects	0	0			0	0	0	0	0
	4,673	9,500	(1,147)	600	8,953	8,472	5,697	1,620	24,742
New Ring Fenced or Specific Funding (12/13)									
Adults & Resources									
Corporate Telephony System	0	205	0		205	0	0	0	205
	0	205	0	0	205	0	0	0	205
Childrens, Schools & Families									
Devolved Formula Capital	470	576		0	576	500	0	0	1,076
	470	576	0	0	576	500	0	0	1,076
Place & Resources									
DfT Better Bus Areas	14	515	(400)		115	400	0	0	515
DfT Local Sustainable Transport Fund (Ferry/Cycle)	31	900	0		900	295	295	0	1,490
Torbay Leisure Centre - structural repairs	544	544	0		544	0	0	0	544
	589	1,959	(400)	0	1,559	695	295	0	2,549
	1,060	2,535	(400)	0	2,340	1,195	295	0	3,830
Prudential Borrowing Schemes									
Place & Resources									
Beach Huts	0	0		100	100	0	0	0	100
Council Fleet Vehicles	91	341			341	0	0	0	341
Empty Homes Scheme	0	0			0	75	200	225	500
Office Rationalisation Project Ph 2 - Project Remainder	1,144	2,546			2,546	0	0	0	2,546
On Street Parking meters	12	241			241	0	0	0	241
Princess Promenade (Western Section) Repairs	533	2,566	(500)		2,066	500	0	0	2,566
South Devon Link Rd - Council contribution	-11	2,093	(2,093)		0	4,822	2,147	9,888	16,857
	1,768	7,787	(2,593)	100	5,294	5,397	2,347	10,113	23,151
	1,768	7,787	(2,593)	100	5,294	5,397	2,347	10,113	23,151
Contingency									
General Capital Contingency	0	401	(350)	0	51	1,080	0	0	1,131
	0	401	(350)	0	51	1,080	0	0	1,131
TOTALS	10,673	29,477	(5,345)	700	24,832	22,989	8,563	11,783	68,167
CAPITAL INVESTMENT PLAN - QUARTER 2 2012/13 - FUNDING									
Supported Borrowing		1,225	(177)		1,048	207	0	0	1,255
Unsupported Borrowing		9,354	(3,782)	624	6,196	7,982	4,530	11,463	30,171
Grants		16,706	(1,865)	76	14,917	12,210	3,749	95	30,971
Contributions		360	(33)		327	541	25	0	893
Reserves		694	(420)		274	789	0	0	1,063
Revenue		0	40		40	75	200	225	540
Capital Receipts		1,138	892		2,030	1,185	59	0	3,274
Total		29,477	(5,345)	700	24,832	22,989	8,563	11,783	68,167



Meeting: Council

Date: 6 December 2012

Wards Affected: All wards in Torbay

Report Title: Torbay Council Annual Pay Policy Statement

Executive Lead Contact Details: Ken Pritchard, Executive Lead for Business Planning and Governance, 07791 598091, ken.pritchard@torbay.gov.uk

Supporting Officer Contact Details: Jo Sandbrook, HR Advisor – Policy, (01803) 207366, jo.sandbrook@torbay.gov.uk

1. Purpose

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a pay policy statement for each financial year. This is a statutory requirement. The pay policy statement must be approved formally by full council. The pay policy statement draws together the Council's overarching policies on pay and conditions and will publish them on the Council's Website and update them as necessary through the year.

2. Proposed Decision

- 2.1 It is recommended that Council approve the Torbay Council Annual Pay Policy Statement in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011.

3. Action Needed

- 3.1 To agree the Torbay Council Annual Pay Policy Statement.

4. Summary

- 4.1 The publication of the Annual Salary Statement is a Statutory requirement under Section 38 (1) of the Localism Act 2011. If Council does not approve the Salary Statement then there is a significant risk that the Council will be in breach of the legislation from 1st April 2013.
-

Supporting Information

5. Position

- 5.1 See attached Pay Policy Statement for full details.

6. **Possibilities and Options**

6.1 None

7. **Preferred Solution/Option**

7.1 None

8. **Consultation**

8.1 Consultation is currently being undertaken with Trade Union representatives.

9. **Risks**

9.1 Non-Compliance with Section 38 (1) of Localism Act 2011. It is currently not determined as to whether there would be a financial penalty for non-compliance. However, it is advisable for the Council to publish in terms of its legal obligations, and reputation.

10 Appendices

Appendix 1 – Torbay Council's Pay Policy Statement April 2013 and associated policies and information

Additional Information

Copies of Torbay Councils associated Pay Policies will be made available upon request. All policies are currently on the HR Intranet pages.

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

Localism Act Pay Policy Guidance from the Local Government Association.

TORBAY COUNCIL ANNUAL PAY POLICY STATEMENT APRIL 2013

Human Resources

This document can be made available in other languages, on tape, in Braille, large print and in other formats. For more information please contact 01803 207367 or HRPolicy@torbay.gov.uk

Provide contents and quick links for larger documents:

Hyperlinks...

Policy Statement	
Scope of the Policy	
Equality Statement	
Part 1	
Part 2a	Go to Part 2a
Part 2b	Go to Part 2b

1. Purpose and Scope of the Policy Statement

- 1.1 Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement.
- 1.2 In dealing with staff pay it is the Council's strategy to ensure that our Pay Policy facilitates the recruitment and retention of staff with the skills and capabilities the Council needs.
- 1.3 Arrangements for staff pay must comply with Equal Pay legislation.
- 1.4 This Pay Policy Statement applies to the Chief Operating Officer, Directors, Executive Heads and Senior Officers within Torbay Council. It addresses the legal requirement to set out how pay is determined for this group. This includes the following posts within Torbay Council:
 - Chief Operating Officer
 - Directors
 - Executive Heads (and those posts with specific responsibility such as Section 151 Officer)
 - Senior Officers (non-executive heads) – These are posts where the salary is above £50,000.

1.5 This Pay Policy Statement is a supplement to Torbay Council's overarching Pay and associated policies which form part of the terms and conditions of employees. These include but are not limited to;

- Torbay Council Pay Policy
- Job Evaluation Scheme Policies (Greater London Provincial Councils Job Evaluation Scheme).
- NJC Terms and Conditions of Employment (Green Book)
- JNC Terms and Conditions for Chief Executives
- JNC Terms and Conditions for Chief Officers (Directors within Torbay Council are appointed to these Terms and Conditions).
- Torbay Council Local Government Pension Scheme Policy Discretions
- Employment of Apprentices Policy
- Re-Evaluation Policy
- Temporary Acting Up Policy
- Expenses Policy
- Market Supplement Policy
- Market Forces Policy
- Staff Travel Plan
- Key Skills Retention policy

1.6 Draft guidance from the Secretary of State makes reference to the Hutton Review of Fair Pay. This indicated that the most appropriate metric for pay dispersion is the multiple of chief executive pay to median salary. Tracking this multiple will allow the Council to ensure that public services are accountable for the relationship between top pay and that paid to the wider workforce. This annual pay policy statement will pay-publish this multiple along with the following information:

- The level of salary for each of the Officers as defined in (1.4) above;
- The salary of the lowest paid employee

This information can be found at appendix 2

2. Arrangements for Officer Pay

2.1 The general terms and conditions of employment are governed by the following national agreements:

- Chief Operating Officer - JNC for Chief Executives of Local Authorities,
- Directors - JNC for Chief Officers of Local Authorities,
- Executive Heads - NJC for Local Government Services
- Educational Advisors and Inspectors/ Educational Psychologists – Soulbury Pay and Conditions
- All other Employee Groups – NJC for Local Government Services

2.2 The Hay Job Evaluation scheme is used to evaluate the following roles within the Council.

- Chief Operating Officer
- Directors
- Executive Heads
- Other Senior Officer Roles (non-executive heads), where the annual salary is in excess of £50,000 per annum are evaluated under both the Hay and the GLPC scheme. This is due these roles normally being graded at N under the GLPC and the cross over point of the two schemes.
- All other posts within the Council are evaluated under the Torbay Council GLPC evaluation scheme in accordance with the agreed policies.

2.3 The Hay scheme produces a point's score for each post evaluated, this is called the Know-How score. Know-How is the sum of every kind of knowledge, skill and experience required for the standard acceptable job performance.

2.4 The Officers evaluated under Hay within Torbay Council are paid on spot salaries based on median salary levels as set in 2008 for Local Government. Torbay Council publishes this in bands of £5,000. This is set out in appendix 1.

2.5 In determining the salary for the Chief Operating Officer the Council will take advice from Human Resources Hay Trained assessors and the Executive Head Business Services, formally as the Head of Human Resources. Further independent advice will be sought from South West Councils (HR & Employment Services) and other professional organisations to ensure the correct level of remuneration is awarded. Full Council will agree the overall budget for the remuneration level of the Chief Operating Officer. The Council's Employment Committee will make the final decision on the actual salary level and any other terms and conditions provided that it is line with the Council's Annual Pay Policy Statement.

2.5 In determining the salary for Executive Heads and other senior officers as defined by 1.4 above. The Directors will take advice from Human Resources Hay trained assessors. The Directors following consultation with the Chief Operating Officer will then agree the salary level.

2.6 Following significant changes in duties, posts can be re-evaluated. The evaluation will be based on a Job Evaluation Questionnaire which will be assessed by an independent panel of Hay Trained assessors within Human Resources. External advice and benchmarking can also be undertaken. These assessments will then be considered by the Mayor, Employment Committee, Chief Operating Officer and or Directors depending on the job role. Where appropriate the Employment Committee will be involved for Chief Operating Officer and Directors salary. Changes to Executive Heads roles and other senior officers will be agreed by Directors following consultation and agreement of the Chief Operating Officer. Successful re-evaluations can result in a change to the salary.

- 2.7 Salary increases in relation to cost of living will be applied according to the awards made by the appropriate National Joint Council as described in paragraph 2.1.
- 2.8 No additional payments are made to in respect of:
- Bonus payments or Performance payments to the Senior Officers are defined by 1.4.
 - Additional payments are made to NJC Employees who are employed on SCP 29 or below of the Torbay Council Salary Scale. These are paid in accordance with NJC Terms and Conditions of Employment (Green Book) part 3, pay and grading.
- 2.9 Additional payments are made to any Council Officers who act as Returning Officers and carry out duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. This is treated as a separate employment as and when required.
- 2.10 In comparing Chief Officer Pay with the wider workforce the Council will use the following definitions:
- The lowest-paid employee: the employee or group of employees with the lowest salary (full-time equivalent) employed by the Council at the date of assessment.
 - The median: the mid -point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.

This excludes those employed on casual contracts of employment, but includes part time employees where there salaries are normalised to the full-time equivalent. It also excludes Apprentices who are employed on the Torbay Council apprentice pay grade.

3. Contributions and other terms and conditions

- 3.1 All staff who are members of the Local Government Pension Scheme make individual contributions to the scheme in accordance with the following table. These figures represent the 2012/2013 contribution rates.

Band	Salary Range	Contribution Rate
1	£0 To £13,500.00.	5.50%
2	£13,501.00 To £15,800.00.	5.80%
3	£15,801.00 To £20,400.00.	5.90%

4	£20,401.00 To £34,000.00.	6.50%
5	£34,401.00 To £45,500.00.	6.80%
6	£45,501.00 To £85,300.00.	7.20%
7	More than £85,300.00.	7.50%

3.2 The Employer Contribution pension rate is: 17%

3.3 All employees are currently able to apply for a Car Parking permit, which enables the employee to park on council property for a reduced daily rate.

4. Payments on Termination

The Council's approach to statutory and discretionary payments on termination of employment of chief officers, at retirement age or prior to this, is set out within its Redundancy policy (available upon request) and is in accordance with Regulation 5 of the Local Government (Early termination of Employment) (Discretionary Compensation) Regulations 2006 and Regulations 8 and 10 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. Final payment details are submitted to Full Council for information.

5. Compromise Agreements

5.1 Torbay Council will only enter into Compromise Agreements in exceptional circumstances where it is in the Council's overall commercial and financial interests to do so. Any Compromise Agreement for the Chief Operating Officer and Directors will need to be approved by the Council's Employment Committee. Compromise Agreements for any other member of staff will need to be authorised for the Director of the service following consultation of the Chief Operating Officer.

6. Publication

6.1 Once approved by Full Council, this Policy and any subsequent amendment will be published on the Council's website. Human Resources Policy will be responsible for the annual review to ensure an accurate pay policy is published ahead of each financial year.

6.2 In accordance with the Code of Practice on Local Authority Accounting the annual Statement of Accounts includes pay details of Senior Officers reporting directly to the Chief Operating Officer and statutory posts where the salary is above £50,000 per annum.

Appendix 1

Current Salary Levels for Chief Operating Officer, Directors and other Senior Officers

Post Title and Know-How Score	Salary Spot Rate or Salary Band (as FTE)	FTE as hours, where 1.0 = FTE
Chief Operating Officer Know How Score 700 This post was first appointed to in September 2012.	£120,000 - £124,999	0.2
Director of Children's Services Know-How Score 608	£105,000 - £109,999	1
Director of Adults and Resources Know-How Score 608	£105,000 - £109,999	0.3
Director of Place and Resources Know-How Score 608	£105,000 - £109,999	0.8
Executive Head Business Services Know-How Score 400	£60,000 - £64,999	1
Executive Head Commercial Services Know-How Score 400	£60,000- £64,999	1
Executive Head Resident and Visitor Services Know-How Score 400	£60,000 - £64,999	1
Executive Head Information Services (CIO) Know-How Score 400	£70,000- £74,999	1
Executive Head Spatial Planning Know-How Score 400	£55,000 -£59,999	1
Executive Head Community Safety Know-How Score 400	£60,000- £64,999	1
Executive Head Finance (Section 151 officer) Know-How Score 460	£75,000- £79,999	1
Executive Head Safeguarding and Wellbeing Know-How Score 528	£90,000- £94,999	1
Executive Head Torbay Harbour Authority Know-How Score 350	£50,000- £54,999	1
Non- Executive Head Roles		
Coroner	£70,000 - £74,999	1
PSHEE Education Advisor	£50,000 - £54,999	1
Group Manager Schools Commissioning Know-How Score 350 GLPC Grade O	£50,000- £54,999	1
Head of Learning Access	£55,000 - £59,999	1
Head of Schools Support and Challenge	£55,000 - £59,999	1
Group Manager Commissioning	£50,000-£54,999	1

and Performance Know-How Score 350		
14-19 Strategy Manager	£50,000 - £54,999	1
Principal Education Psychologist	£50,000 - £54,999	1
Director of Public Health	Not directly employed by Torbay Council	
Head of Schools	£65,000- £69,999	1
Head of Family Services	£60,000 - £64,999	1

*FTE = Full Time Equivalent

Appendix 2 Multipliers

The idea of publishing the ratio of the pay of an organisation's top salary to that of its median salary has been recommended in order to support the principles of Fair Pay and transparency. These multipliers will be monitored each year within the Pay Policy Statement.

The Council's current ratio in this respect is 5.88:1, i.e. the highest salary (Chief Operating Officer) earns 5.88 times more than the Council's median salary. When measured against the lowest salary the ratio is 9.43:1.

In comparing Chief Operating Officer Pay with the wider workforce the Council will use the following definitions:

- The lowest-paid employee: the employee or group of employees with the lowest rate of pay (full-time equivalent) employed by the Council at the date of assessment. This includes all types of employment within the Council.
- The median: the mid-point salary when full-time equivalent salaries of all core council staff are arranged in order of size (highest to lowest). Based on the salary levels of staff on the date of assessment. This includes all types of employment within the Council.

The lowest full time equivalent salary is £12,145, which is Point 4 of Grade A. Date of assessment: 06/11/2012

	Annual Salary	Ratio to Highest
Highest Salary	£114,570.00	
Median (Mid-point) value	£19,473.60	5.88:1
Lowest full time salary	£12,145.00	9.43:1

Please note, the ratio information above has changed from what was stated within the 2012/13 Pay Policy Statement, please see below. This is due to a change in post structure at the Head of Paid Service level. The Chief Executive role has been replaced by the Chief Operating Officer post, this post is undertaken on a part-time basis (0.2 of a full-time equivalent), which has therefore had a positive effect on the overall ratio of difference between the highest and lowest salaries.

Ratio Information from 2012/13 Pay Policy Statement

	Annual Salary	Ratio to Highest
Highest Salary	£151,316.00	
Median (Mid-point) value	£21,519.00	7.02:1
Lowest full time salary	£12,145.00	12.46 : 1

Equality Statement

These guidelines apply equally to all Council employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy Feedback mailbox –

HRpolicy@torbay.gov.uk

History of Policy Changes

This policy was first agreed by members of the Torbay JCC in March 2012

Date	Page	Details of Change	Agreed by:
November 2012	Various	Amendment from Chief Executive to Chief Operating Officer	SSG 8.11.12
	4-5	Update to pension ranges re: LGPS contribution rates Addition of Payments upon Termination Section	
	7	Update to Ratio + Multiplier information (Appendix 2)	
	6	Update to current salary levels + addition of newly appointed posts (Appendix 1)	

Policy to be reviewed January 2014



Meeting: Council

Date: 6 December 2012

Wards Affected: All Wards in Torbay

Report Title: Draft Annual Report 2011/12

Executive Lead Contact Details: Ken Pritchard, Executive Lead for Business Planning & Governance, 07791 598091, ken.pritchard@torbay.gov.uk

Supporting Officer Contact Details: Claire Barrow, Communications Manager, (01803) 208832, claire.barrow@torbay.gov.uk

1. Purpose

- 1.1 To inform the public, councillors and stakeholders of the Council's performance as well as summary financial information on revenue and capital spend, achievements and future plans.
- 1.2 To outline future ambitions and priorities against this background of past achievements, performance and challenges.

2. Proposed Decision

- 2.1 That, subject to any additional recommendations from the Mayor and Group Leaders, the Council is recommended to approve the Annual Report 2011/2012 set out in Appendix 1 to this report.

3. Action Needed

- 3.1 To approve the draft report as set out above

4. Summary

- 4.1 To enable the Council to publish the Annual Report, to be accountable for its performance, and to inform all stakeholders of how well the Council is performing, its achievements and future plans.

Supporting Information

5. Position

- 5.1 Torbay Council is accountable for its performance and is keen to inform all stakeholders of how it has performed, its achievements and future plans.
- 5.2 The approved Annual Report will be published on the Council's website and it will be made available by joining together with the Council's Statement of Accounts. This document will be made available through the Council's Connections offices as well as libraries and it will be provided to our external auditors.

6. Possibilities and Options

- 6.1 The Council's Annual Report reflects at a strategic level both local and national priorities and sets out how the Council will achieve its part of the Community Plan, Corporate Plan. An indication of high-level funding sources is contained within the plan and more detailed resource implications are contained within individual Business Unit Plans.
- 6.2 The report takes as its lead the analysis of the key issues in the Bay based on our Joint Strategic Needs Analysis (JSNA).
- 6.3 The other option is to do nothing. Whilst there is no statutory requirement to produce an Annual Report, best practice suggests it is beneficial to produce such a document to communicate to key stakeholders (the community, partners, employees) our key priorities and activities and achievements in the short to medium-term

7. Preferred Solution/Option

- 7.1 That, subject to any additional recommendations from the Mayor and Group Leaders, the Council is recommended to approve the Annual Report 2011/2012 set out in Appendix 1 to this report.

8. Consultation

- 8.1 The Community Plan has been subject to wide consultation, and is evolving to reflect the current context of significant changes in Government policy and local changes in the administration of the Council. The Annual Report cascades from this and other documents and also contains high-level references to other previously agreed policies and plans.

9. Risks

- 9.1 The main possible risk associated with this report is that the plan may not be fit for purpose e.g. inconsistent with national priorities or the Community Plan and new Corporate Plan. Work has been undertaken to ensure that the direction within the plan is in line with the Community Plan and new Corporate Plan. This action should reduce this risk significantly.
- 9.2 Another possible further risk is that the priorities and supporting actions will not be delivered. Ensuring that the Council's Corporate Plan and its activities are monitored through the Council's performance management arrangements will mitigate this. The development of the Council's strategic balanced scorecard (which is hosted on the Council's performance monitoring and reporting system SPAR.net) is a further enhancement to the performance management framework and will assist with mitigating against this risk.

Appendices

Appendix1 - Annual Report 2011/12

Additional Information

Community Plan

Corporate Plan

Joint Strategic needs assessment (JSNA)

Agenda Item 15
Appendix 1

Annual Report

2011-2012

www.torbay.gov.uk



Welcome

to our Annual Report

It was a privilege to be elected Mayor of Torbay in May 2011 and the time since has proved to be an exceptionally challenging period as the UK copes with austerity measures. However, we have still been able to make good progress in turning around the fortunes of this truly wonderful part of the country.

Whilst we still have much more to do, we can at least look back with pride on what we have achieved over the past year. This reports aims to reflect just some of the positive work that has been undertaken by fellow elected members, council staff and partner organisations for the benefit of the Bay.

It also sets out our pledges which give us a clear focus for the way ahead, as well as providing information on our performance and financial accounts, and noting some of the awards that came our way.

Perhaps the most significant announcement during the year under review was the Government's green light for the building of the South Devon Link Road, which will play such a crucial part in driving forward the Bay's economic prosperity.

To say that this £110 million road, which will bypass Kingskerswell, has been a long-awaited scheme is something of an under-statement, as it was around half a century ago that its need was first identified. After decades of lobbying by Devon County Council with the backing of the Bay and others, it has now been given the go-ahead, with main construction works due to get underway before the end of 2012 and completion scheduled in late 2015.

The highly congested road through Kingskerswell has hampered our economic prospects over the years, but the new road, which is expected to lead to the creation of nearly 8,000 jobs, 3,600 of them in Torbay, will enable us to attract new businesses to the Bay.

Also on the subject of transport links, the year also saw the completion of the main phase of the £4.8 million improvement scheme at Tweenaway Cross in Paignton, another part of the Bay that had previously suffered from traffic congestion, having an adverse effect on the area's economy.

Of course, regeneration does not depend solely on decent roads, important as they are. The sympathetic regeneration of the Bay and boosting local employment are key priorities. We want to continue to encourage inward investment to enable our young people to continue to live and work here and encourage new employment opportunities for all.

We are committed to protecting vulnerable children and adults. We know that early intervention – initiatives targeted at an emerging problem to prevent it escalating or to reduce its severity – improves overall outcomes for people and ultimately reduces cost; and that if we can continue to move our limited resources towards preventative work and early intervention, then we can make a real tangible difference to our communities.

The demographic projection for Torbay shows an increasing ageing population. We will continue to make sure we use the wisdom and social capacity of older people who are fit and able in the Bay to contribute to quality of life. We will also work with providers to ensure when older people do need care and support that we have the right affordable care in place based on personal choice.

The physical environment of the Bay continues to be a source of pride for residents and visitors. Torbay's regeneration projects combined with our commitment to maintaining our high cleaning standards will further develop that civic pride. I am delighted that we have been able to fund repairs to the promenade to enable it to be open for all to enjoy in the season; to plant new iconic palm trees and invest a further £250,000 into marketing the Bay.

This document can be made available in other formats and languages. For more information telephone 01803 208832

Torbay is a vibrant and forward thinking resort, attracting visitors of all interests, from people looking for art and culture to marine enthusiasts. We host numerous maritime events throughout the year, from powerboat racing to cruise ships, and we are looking forward to building on this success to attract events of all kinds that have a positive direct economic impact on local businesses, reinforcing the message that the English Riviera is a great place to live, work, visit and invest in.

There is no doubt that the coming years will continue to be difficult ones. We are re-examining everything we do and how we do it to ensure that the work we do for the Torbay community is focused on their priorities and provides value for money. The reduced funding available to us will mean tough decisions; some services will be reduced and some will stop altogether. We are committed to continuing to consult and involve our communities in making these difficult choices. You can view our customers' views, on what we are doing well, what needs improving and which services matter the most to them, on page 5.

Finally I would personally like to thank all members, partners and officers whose hard work and efforts have contributed to these achievements.

In the meantime I hope you will join me in celebrating the achievements in this report, as they set a standard for excellence which will inspire us to attain our goals for a prosperous, healthy and happy Bay.

**Gordon Oliver,
Mayor**



featuring...

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Jack and Emily do it

on the number 12

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Your council

Torbay Council provides over 700 services to the local community, including:

- Schools, children's centres and youth clubs
- Investing in projects that will help develop and support our local economy
- Keeping the Bay clean, recycling facilities and refuse disposal
- Safeguarding vulnerable children and adults
- Maintaining and improving roads, street lights, traffic lights and footpaths
- Libraries
- Registration services, births, deaths, marriages and civil partnerships
- Investing in bus routes and park and ride services.

Torbay Council is dedicated to delivering top quality, value for money services to every section of the community, but we need your help to ensure what we provide meets your needs and aspirations.

Every year we seek our customers' views on what we are doing well, what needs improving and which services matter the most to you.

How well informed do you feel about local services?

	2006 % response	2008-9 % response	2009-10 % response	2010-11 % response	2011-12 % response
How and where to register to vote	91.0%	90.8%	89.6%	95.9%	97.8%
How your council tax is spent		58.8%	60.5%	74.3%	81.2%
How you can get involved in local decision-making	33.1%	27.3%	30.9%	50.3%	63.4%
What standard of service you should expect from local public services	39.0%	37.5%	37.0%	49.2%	61.5%
How well local public services are performing	23.3%	35.4%	37.9%	45.3%	51.3%
How to complain about local public services	40.8%	34.2%	33.3%	41.9%	56.4%
What to do in the event of a large-scale emergency e.g. flooding, human pandemic flu		16.8%	37.8%	25.4%	31.1%
Overall, how well informed do you feel about local public services?	30.7%	34.7%	41.0%	52.3%	58.5%

Improving our services to you

We are committed to putting our residents, businesses and visitors at the heart of all we do and making sure you receive the best possible service from us.

Our aim is to provide you with high quality services and information. Improving customer care is an important part of the council's work.

Contact your council the easy way

How do you want to do it?

Sky TV

Go to channel 539 and press the red button
Type in the QuickCode 867

Virgin

Go to channel 233 and press the red button
Type in the QuickCode 867

Wii

<http://lookinglocal.gov.uk/torbaycouncil>

Mobile

Download the 'looking local' app, go to 'service search' and enter QuickCode 867
<http://lookinglocal.gov.uk/torbaycouncil> on any web-enabled mobile phone

Computer

Visit our website: www.torbay.gov.uk

Telephone

01803 20 70 20

Our pledges

Working for a prosperous, healthy and happy Bay

- Sympathetic regeneration
- Boosting local employment
- Protecting vulnerable children and adults
- A cleaner, greener, healthier Bay
- Expansion of our tourism and heritage offer
- A safer Bay
- Value for money



Our future plans

Working for a prosperous, healthy and happy Bay

What will this mean for the Bay?

- Building schemes that enhance our environment
- Increased skills for children and adults
- More jobs
- Better health and more engaged, active communities
- More visitors and vibrant town centres
- Keeping crime low
- Managing our resources well
- Keeping vulnerable adults and children safe

A prosperous Bay

- Job-led regeneration focusing on specific sectors
 - Create the right environment for inward investment
 - Continue to work towards completion of the South Devon Link Road
 - Lobby to improve rail services
 - Monitor the TOR2 contract for improved recycling, waste and clean streets
 - Adhere to sympathetic regeneration
 - Raise skills levels by working with schools and South Devon College to meet the standards set by Department for Education for attainment and attendance
 - Work with partners, encourage public and private sectors to develop employment of apprentices
 - Continue to support town centres Business Improvement Districts
- Revitalise the retail offer in the town centres
 - Plan for the future supply and demand of energy for the Bay
 - Continue to provide value for money for our communities by:
 - Reducing costs/increasing income/improving productivity so increases in council tax are kept low
 - Reviewing the structures of the council so they are still fit for purpose.



image © Roy Riley 2011



A healthy Bay

- Continue to improve Children and Adults Safeguarding
- Continue to work on the Closing the Gap Strategy and roll out to other areas by involving communities
- Reduce the negative impact of alcohol, obesity, tobacco and drugs on our communities
- With partners, use the principles of Early Intervention and Early Prevention in supporting communities
- Reduce local greenhouse gas emissions
- Reduce teenage pregnancy
- Promote sport and outdoor activity to improve health and wellbeing.

A happy Bay

Work towards keeping crime low by:

- Maintain focus on the night-time economy
- Work with the Police Commissioner for resources to ensure crime levels remain low and people feel safe
- Jointly engage and involve communities to resolve local issues in neighbourhoods
- Work towards creating a sustainable and flourishing leisure, culture and tourism sector that is open to residents and visitors
- Make it easier to get around the Bay by developing integrated transport where feasible
- Ensure an appropriate supply of quality housing within communities
- Engage with communities in rolling out locality working and community budgets as part of localism
- Promote democracy, transparency and civic engagement, and when able to, re-look at the Mayoral System of Governance.

Sorry Wilfie,
it's all mine!



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Working for a prosperous Bay



South Devon Link Road

The Department for Transport gave the go-ahead for the long-awaited South Devon Link Road.

The news was warmly welcomed by Torbay Council and Devon County Council, as it heralds the fact that an end is in sight to the congestion that has clogged the A380 for decades.

Full funding approval was given to the major new road, which will bypass the A380 between Newton Abbot and Torbay.

The main works on site are due to get underway before the end of 2012, with completion expected by the end of 2015.

The 5.5km dual carriageway, which will bypass Kingskerswell, has been awarded £76.4 million toward the £110 million cost by the Government. Devon County Council and Torbay Council have committed £33 million from their budgets towards the scheme costs and Teignbridge District Council will contribute a further £500,000.

It is predicted that the new road will remove 95% of traffic away from Kingskerswell, restoring and revitalising the village.

It is also estimated that almost 8,000 jobs will be created across the area, with 3,600 of those in Torbay. Research indicates that every £1 invested into the construction of the bypass will produce a £9 stimulus to the South Devon economy, providing a vital economic boost to the area.

The link road's green light is excellent news for Torbay and for South Devon, and is vital to the local economy, with the lack of a decent road into Torbay having severely hampered the Bay's economic prospects.

Inadequate road access into the Bay has made potential investors think very carefully in recent

years about whether to come to the area, but now the building of the link road will enable the council to attract new investment and jobs to the area.

Tweenaway Cross

Traffic journey times through one of South Devon's busiest junctions have been cut by up to a half thanks to a £4.8 million major road scheme in Torbay.

The Tweenaway Cross junction in Paignton, which forms a key part of Torbay's transport network, used to suffer traffic congestion, particular during the morning and afternoon peak periods and at the end of the school day.

These problems also had an adverse effect on the economy of the area and the regeneration of Torbay.

The main phase of Torbay Council's Tweenaway Cross junction improvement scheme was completed in the summer, and monitoring showed a big improvement to traffic flows and journey times.

The monitoring was carried out using Automatic Nameplate Recognition Cameras (ANPRs), with the system recording the journey time along a 1.4 kilometre length of Kings Ash Road and Brixham Road through both the Tweenaway Cross and Claylands Cross junctions.

Analysis of flows during one week in August 2010 and in the same period in 2011 showed a halving in journey times during peak periods from 7.5 minutes to 3.75 minutes, with the average speed at peak times increasing from about 7.5mph to 15 mph.

The final stage of the Tweenaway Cross scheme, which forms part of a long term plan to improve the A380 western corridor serving many business areas, commenced in early 2012, with further improvements to journey times and junction capacity anticipated.

Progress on the buses

Torbay has a comprehensive network of bus routes, and the council's efforts to promote public transport continued to make good progress during the year.

Figures showed that passenger journey numbers continued to rise during the year.

In the 12 months up to the end of March there were 8,145,617

passenger journeys made on Bay buses – a rise of nearly 83,000 compared with the previous year.

Several improvements to bus services came into operation in partnership with local bus operators.

Frequency of services on some routes increased, and changes to some routes were made in response to requests from local residents.

The council bid successfully for money from the Department of Transport's Better Bus Area Fund.

It received £514,700 for a number of schemes in Torbay. These include the installation of Real Time Information screens and kiosks in main transport areas such as Paignton Bus Station, South Devon College and Torbay Hospital, and the upgrading of all bus stops across the Bay to provide information to mobile phones to let people know when the next bus can be expected.

The public transport guide "Getting Around Torbay" provides detailed information about bus, coach and rail travel services.



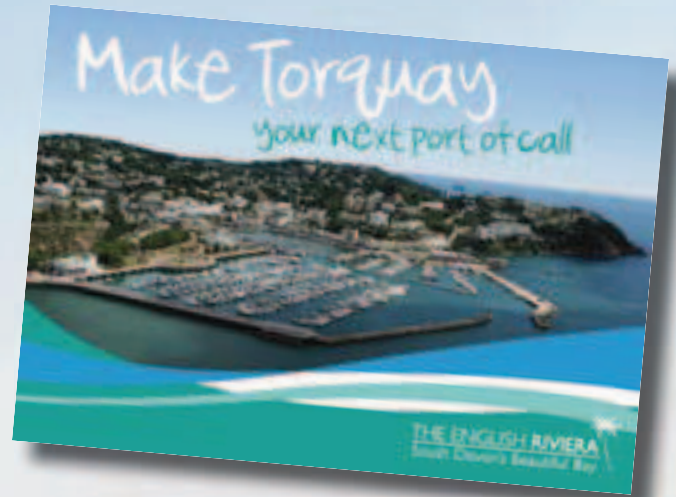
Cruise ships

Torbay Council has been working with a number of partners to look at different ways to attract cruise ship visits to the Bay.

As part of the Mayor's pledge to boost local tourism, postcards promoting Torbay were sent to Cruise Shipping Miami - the cruise industry's leading international exhibition and conference - for distribution to key decision makers.

Cruise Shipping Miami provided the opportunity to showcase Torbay and its attractions on an international platform to an audience of influential buyers and decision makers who attend.

The aim is to actively pursue further vessels for future visits as part of continued investment to maritime tourism. Key strategies include providing warm welcomes for cruise ship passengers and alternative excursion options to help keep passengers entertained in the Bay during their visit.



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Bringing the Princess Promenade back to life

A promenade in one of Torquay's prime locations came back into use following the completion of a £795,000 restoration project.

Princess Promenade is now fully open to the public again for the first time since 2006.

During the Torbay Council scheme, the dilapidated and fenced off eastern section of promenade between the Pavilion and the Banjo was demolished and rebuilt. Heavy lifting equipment access for the work was from the harbour-side and with the full co-operation of MDL Marinas. Repairs were also carried out on both levels of the Banjo structure.

Most of the work was carried out from the seaward side of the promenade in order to minimise the impact on visitors to Princess Gardens and users of Torbay Road.

A large barge was located alongside the promenade throughout the project. A smaller shuttle barge operated from Haldon Pier, taking away waste material and delivering supplies for installation.

The promenade deck has been finished in granite paving to match the street theme at Victoria Parade, the Beacon Quay development and the Union Street highway scheme.

Work on Phase 2 of the refurbishment of the area is due to be get underway later in 2012.



Job creation in the community

Torbay Development Agency (TDA), the council's regeneration arm, is working in supportive partnerships with Outset Torbay, Peninsula Enterprise and the Prince's Trust to help provide business start up support for local residents.

Both Outset Torbay and Peninsula Enterprise are part of a European funded programme to stimulate enterprise. Outset Torbay provides intensive business start up support in the Bay's most deprived neighbourhoods; so far Outset has helped 100 new business start up in Torbay. Peninsula Enterprise is raising the profile of social enterprise as well as providing advice and guidance to new and existing social enterprises.

The Prince's Trust provides practical and financial support to the young people who need it most, helping to develop key skills, confidence and motivation, enabling young people to move into work, education or training.



Gail Tresize, from Art Cermics, who was supported by Outset Torbay.

Rob does it

in his lunch hour



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The green economy

For the first time, a report released in January put a monetary value on the benefits of trees around the Bay, totaling over £6-million.

In June 2010 Torbay Council announced that it had been selected as the first area in the UK to take part in an international tree project to identify the monetary value for the social, economic and environmental benefits provided by its different species of trees.

A total of 250 randomly selected sites across the Bay were studied in terms of the tree species, growth rates and air quality. The information was then evaluated, using i-Tree Eco software, developed in the United States.

The main findings of the report were:

- Torbay has around 818,000 trees covering 11.8 percent of its land area.
- If these trees had to be replaced it would cost around £280 million.
- Torbay's trees store around 98,000 tonnes of carbon and sequesters/captures around 3,320 tonnes per year.
- The trees remove around 50 tonnes of air pollution particles from the local atmosphere every year.

Work by Natural England suggests that the monetary value of carbon storage by Torbay's trees is around £5million and the sequestration/capturing is around £200k. The air pollution removal is estimated to be worth around £1.3million per year.

Torbay became the only area in the UK to have such information, and the council will be using it to develop plans for maintaining and improving Torbay's trees in the future.

The full report is available from the Torbay Council website www.torbay.gov.uk/itree

Delivery of affordable housing

Torbay has benefited from a variety of flagship affordable housing schemes.

Thirty-five new homes have been delivered through partnership working with housing associations, with many more in the pipeline.

Torbay Council gifted land at Beechfield Avenue and a further £700,000 to Sovereign Housing Association to deliver the £20-million flagship Beechfield development. The new homes are designed to meet levels 3, 4 and 5 of the Government's Code for Sustainable Homes which will be the highest level of housing sustainability achieved in the South-west on this scale. All code 5 homes will have photovoltaic cells, smart meters, solar panels, rainwater recycling and permeable paving.

The site will comprise 140 homes, and affordable homes will represent two thirds and will include homes for older people, wheelchair adapted apartments and houses, shared ownership homes, homes for rent and properties which will be sold on the open housing market.

Supporting business growth

Torbay Hi-Tech Forum was set up to build upon the strengths of hi-tech companies that operate in the Bay. In October the first Hi-Tech Forum conference was attended by over 200 delegates from around 100 local businesses and was a resounding success.

A regional event, 'How to build a 21st Century Business,' was held in February, attracting around 300 delegates. Former BBC Dragons' Den panellist and School for Start-ups founder Doug Richards gave an informative and entertaining full-day seminar on how South-west businesses can improve their chances of success.

Throughout 2011-12 more than 30 Business Networking Events were held in the TDA's South West Innovation Centres, providing local clients and tenants with new skills and networking opportunities to grow their business.

The Devon International Trade Forum was held, supported by UKTI, and assisted the Mayor to establish the South Devon Enterprise Task Force which brings together local authorities to promote economic growth across the sub-economic region.

The Torbay Manufacturers Forum was established, recognising that this, too, is an important sector with growth potential.

Sponsorship was provided to support of the South Devon Business Excellence Awards and the South Devon Skills Awards.



Innovation centres continue to grow

The TDA, through ongoing support of businesses housed in its South West Innovation Centres, has created over 100 new jobs over the last 12 months for residents of Torbay and increased their combined turnover by £3 million. The centres are now supporting around 70 businesses and operate at a consistent 90% occupancy rate.

White Rock Innovation Centre

Torbay Council has approved and supported plans for prudential borrowing of £2 million to match fund a third Innovation Centre proposal at White Rock, which if EU funding (ERDF) permits, the new centre will deliver 40 new business units and support up to 220 new jobs in the area. The facilities will offer Grade A office accommodation designed specifically for hi-tech early stage, and start-up businesses to complement the existing cluster of hi-tech firms in the area.

Broadband campaign

Throughout 2011, the TDA supported the Mayor to build a strong relationship with the Heart of the South West Local Enterprise Partnership, which has secured over £30 million to support the roll out of high speed broadband across the region.



FASTER BROADBAND

IS ON ITS WAY



Parkfield

Torbay Council successfully applied for £4.8 million from the Government's MyPlace programme, part of the Big Lottery Fund, to finance Torbay's flagship youth and activities centre, Parkfield, based in Paignton. The scheme, designed with considerable input from young people, involved both new build and refurbishment works.

The centre is packed full of fantastic facilities including skate and BMX parks, superb climbing walls, a media suite, sports hall and theatre as well as a chill out zone. It also hosts extreme sports competitions, youth events, exhibitions and music festivals.





Cockington Court

Through support from the European Development Fund, Torbay Council and CABE (Commission for Architecture and the Built Environment), the sensitive regeneration and restoration of Cockington Court has been carried out at a cost of £2.85 million.

Regeneration at Cockington comprised the restoration of the Grade II* listed Cockington Court manor house, and establishment of a creative centre of excellence with new workspace, visitor centre, exhibition space, outdoor entertainment area, and an education and skills training venue.

The project benefits the wider Torbay community by improving the tourism offer, increasing visitor numbers, raising skills, providing employment opportunities and developing pride in the environment and culture.

The scheme was strengthened by a partnership with the Devon Guild of Craftsmen, Dartington Hall Trust, Creative Torbay, South Devon College and the English Riviera Tourism Company to establish Cockington as a premier craft centre and leading visitor attraction for Torbay.

Palm Court development

Land was sold to developer Havard Tisdale to enable the regeneration of former Palm Court Hotel site. The scheme will deliver a new landmark building for Torbay, designed to maximise the view over Torquay seafront and provide new employment and regeneration opportunities for residents.

Proposals include 14 self-catering holiday apartments, 12 private residential apartments, two penthouse residential suites and four high quality restaurants; together with car parking and improvements to the surrounding highways and public spaces.

The development of this key site is estimated to create in the region of 60 to 90 jobs in the commercial units on the ground floor, with a further 10 to 15 jobs created by the upper floor holiday apartments.

CREATING A LANDSCAPE FOR BUSINESS

Torbay Development Agency is focussed on generating new jobs by supporting local businesses - whether they are looking to start up, develop further, or expand and grow.

Business start-up support

Enterprise Coaching - funded through the European Regional Development Fund, it offers advice, intensive support and loans for new start-ups.

New Enterprise Allowance - extra support for registered job seekers for 6 months, with mentoring and access to loans.

Business growth support

Access to Finance - help for businesses to apply for finance.

Exporting Club - helping businesses generate growth and jobs through export, with advice and collaboration from experienced companies.

Diagnostic and brokerage service - to better understand your business plans and signpost businesses to relevant services.

Flexible, affordable workspace at South West Innovation Centres

Incubation space - services and business support plus networking and collaboration opportunities.

Industrial units - for expanding businesses; and work hubs for home-based businesses needing occasional office and professional facilities.

Events and forums

Regular Friday Breakfast networking events - inspiring speakers and an opportunity to network.

Programme of business events - plus forums and groups focussed on a variety of sector interests.

Employment and skills

Employers' Guide to Skills

- a comprehensive, free, on-line guide to the skills training services on offer in South Devon.

Business promotion

Free Online Business Directory,

case studies of successful businesses on the website and a Buy Local campaign.

Relocation assistance

For businesses relocating and investing in Torbay, we have Torbay Touchdown soft landings service to help every step of the way: from finding premises, to finding staff and everything in between. Details can be found on our Factsheet available on our website.

This is just a summary of the support that Torbay's economic development company has put in place to support enterprise. Our website has detailed, updated information at www.torbaydevelopmentagency/businesssupport



@TorbayTDA



Torbay
Development
Agency

Working for a healthy Bay



Public health working in partnership

There are already well developed arrangements for joint working between Torbay and Southern Devon Health and Care NHS Trust, formerly known as Torbay Care Trust, and Torbay Council.

The shift of public health responsibility to the local authority in April 2013 provides an opportunity to strengthen and build on the existing arrangements of joint posts, shared targets, performance management and pooled budgets.

The public health provider services have been working with the council for some time around locality working and developing a joint approach to children in need. A number of Safeguarding staff have co-located with Children's Services staff to support a more joined up approach across practitioners with sharing of information informing the decision making process. It is our aim to progress this further through the development of the Safeguarding Hub and the public health role in delivering the Children's Partnership Improvement Plan.

Reducing teenage conception rates

Teenage conception rates for 2010 have fallen for the second year, signalling a very positive step in the right direction, with overall conceptions having fallen by 15%. This is evidence of the immense work that has been undertaken across all agencies as well as among young people themselves being involved in how services are being delivered.

Love Life campaign

The aim of the campaign is for individuals, families, groups, clubs and employers to pledge to stay active or try something new over the next 12 months and help create a lasting legacy of good health in the Bay,

Many local people have made pledges and there has been great success in losing the pounds, measuring the miles, stubbing out the cigarettes and dancing their way to fitness. The public health lifestyle team is providing the advice and support 'and also training a number of people in the community to become health champions.

Immunisation and screening success

An important aspect of public health work is the prevention and protection of our population. A series of vaccination and immunisation and screening programmes are delivered.

The annual flu immunisation campaign saw an increased uptake of vaccine among health and social care workers. There is, however, still work to be done with improving uptake in the community. Uptake in people aged 65 and over was 70.3% in 2011/12 with the target at 75%.

Screening – in 2011/12 there has been a halt in the recent decline in the uptake of cervical screening. Women aged 25 to 64 years are encouraged to attend for screening.

Childhood immunisation remains good. -- There has been a steady increase in the uptake of MMR over the last three years. In 2011/12 92.4% of two year olds had received one dose of MMR and 85.1% of five year olds had received two doses. Two doses are important to provide effective protection. The uptake of HPV among teenagers is good; 77.9% of year eight girls aged 12-13 years received three doses this year.



Health check success

Torbay has successfully introduced the new health checks for the 40-74 year olds and reached the target set of inviting 18%. This stands us in a good position for the programme as it moves to a core performance indicator for public health.

Positive results for drug and alcohol services

Continuing service development and investment in drug and alcohol services is having positive outcomes for people needing to access treatment services

- The rate of increase in alcohol admissions has been lower in Torbay than in the South West for the last three years running.
- Successful discharges are at 68%, above last year's performance and well above national averages of 58%.
- a successful bid has been approved for a targeted alcohol case worker to commence in 2012/13 on basis of pilot in 2010/11 to work with the top 20 people who utilise local care services in Torbay relating to their alcohol intake.

Adult drugs

(up to the third quarter of 2011/12)

- successful discharges from drug treatment are in line with regional and national performance
- the proportion of those discharged who subsequently represent to treatment is significantly lower than peers or national performance
- Waiting times remain at 100% waiting three weeks to access treatment
- Blood-borne virus screening (Hepatitis B and Hepatitis C) and vaccination (Hepatitis B) is well above regional or national rates and ensures spread of communicable diseases in the drug using population is well managed.

Young persons drug and alcohol (up to the third quarter of 2011/12)

- Torbay has seen an 8% growth in the numbers accessing treatment, nationally there has been a 7% decline
- 100% of young people wait less than three weeks to treatment
- 93% of young people are discharged successfully, compared with 77% nationally.

Improved choices

In the last year we have worked hard to further improve the services available to a person with a learning disability. In 2011/12 we increased the choice of approved providers for people who use services in their own home. This has proved to be really useful for people who have complex needs, meaning people are better able to support their own individual needs.

We have also extended the choice of day service opportunities for people, and this is something that we plan to build upon in 2012/13, ensuring that day activities are closely linked to a person's needs.

Community, safety and relationships

Our independent sector partners have been active in establishing funding from the Home Office to tackle the issues of "Hate Crime" and "Mate Crime". They have been keen to share information about this to people who have learning disabilities, and the agencies working with them. Support in relation to the independent reporting of crime and revitalising the "Safe Place" scheme will be further developed this year.

The Trust has also been working with Speech and Language Therapy colleagues to improve communication in community services such as libraries and leisure centres.



Improving health and choice throughout learning disability services

Last year in Torbay, 87 per cent of people with a learning disability had an annual health check. This was the highest percentage in the UK. The annual health checks improve the quality of life for a person by enabling early diagnosis and treatment, and where necessary prevention of a condition. The annual health checks have also supported general improvements to people's health and lifestyle.

Training in assessing the mental health needs of people who have a learning disability has also been undertaken this year with a view to improving the diagnosis and early treatment of mental health needs. Fifteen nurses across mainstream and specialist services have been trained to support this work.

Recent feedback from the annual 'big health day', a local event for people with learning disabilities and their families, said that primary and acute care had improved but learning disabilities still needed to be a focused upon within pharmacy and dentistry services.



Safeguarding patients and service users

Ensuring the safety and wellbeing of patients and service users is of the highest priority for us and robust procedures are in place to ensure that everyone in our care is protected from harm.

In 2011 we used the findings of an external audit report to further improve safeguarding and as a result we have worked hard to ensure strategy meeting and conferences are held in a timely manner, our case files are audited on a regular basis and that there is regular review and improvement to procedures.

Last year safeguarding was part of the Commissioning for Quality and Innovation (CQUIN) scheme, which is an incentive scheme where care homes earn payments for meeting a number of quality standards. A third of the homes in Torbay took part in the new scheme.

Community equipment more widely available

Patients in Torbay are now able to redeem a prescription from over 20 different retailers for

a range of community equipment and aids to support daily living.

The new system applies to smaller items of community equipment known as Simple Aids to Daily Living (SADLs). Simple Aids for Daily Living include items such as grab rails, kettle tippers, shower stools and raised toilet seats. Via a community equipment prescription, SADLs are now available from accredited retailers such as local pharmacies and mobility stores. As part of the transformation to the way community equipment is supplied, over 200 staff at the Trust, including occupational therapists and physiotherapists, have been trained as authorised prescribers.

Under the previous system an order for a simple aid would have to have to have been placed by a health or social care professional, which could sometimes result in a delay in receiving the equipment. The new system now means that a patient or a person nominated by the patient can take an equipment prescription to any one of the accredited retailers and receive their aids right away.

For more information about prescriptions for community equipment as well as a full list of retailers please visit www.tsdhc.nhs.uk



A new strategy for carers - Measure Up 2012–14

Measure Up 2012–14 is the fourth edition of the strategy and action plan for developing carers support over the next three years. The document has a summary of what progress has been made and the detailed priorities for the future. It has been endorsed by the Trust Board, the new Health and Wellbeing Board and Torbay Strategic Partnership. Copies are available from Signposts on 01803 666620 or online at www.tsdhc.nhs.uk

If you are caring for someone and need help please contact your Carers Support Worker at your GP surgery or ring the information service 'Signposts for Carers' on 01803 666620.

Care homes in Torbay celebrated for quality and innovation

Torbay was the first place in the country to use the Commissioning for Quality and Innovation (CQUIN) payment incentive scheme to improve care and quality within care homes.

The Trust and Torbay Care Quality Forum, which is made up of care home providers across the Bay, developed six key indicators to assess care homes against the Commissioning for Quality and Innovation (CQUIN) payment framework.

The CQUIN framework is a national NHS initiative, whereby healthcare providers are rewarded for excellence in providing quality services. The incentives are linked to a proportion of the homes' income from the Trust and are dependent on the evidence submitted to meet the locally agreed indicators. The incentives aim to enable service providers to further develop and improve quality for patients.

In order to receive the quality payments, care homes in Torbay had to comply with five out of six quality and innovations areas. These areas included training, end of life care, user feedback and innovation, use of malnutrition universal screening tool, safeguarding and essence of care.

The CQUIN scheme for care homes was implemented over a period of six months with over a third of the care home market in Torbay choosing to take part in the scheme.

Supporting People successes

Involving people

- Quest is team of people with direct experience of using support services. They are qualified by experience and this is reinforced by training. The team are employed to review projects and consult with people who use services. This form of 'peer review' aims to achieve more meaningful results by making service users feel more at ease because they are talking to others who have used services. In 2011/12 Quest reviewed mental health and learning disability services by talking to the people in the services, to find out how they felt about their services, to help make changes for the better and to recognise good practice
- Torbay Voice is a friendly dynamic group of volunteers who use or have used support services. The main aim of Torbay Voice is to



Torbay Voice members

‘Give a voice to people who use services’. They represent service users at all stages in the development and review of services. This year the group has gone from strength to strength with new members joining from all walks of life

- Torbay Voice members were successful in encouraging Torbay Care Trust and Torbay Council to sign up to the Mindful Employers scheme. Mindful Employers is a national scheme that supports organisations to be more open about mental health issues and support their employees with these issues.
- People who use services have been involved in the procurement process for all new services. For example:
 - People who use services were included in the presentation process for the selection of providers of services for children, families and young people. Feedback from one provider was that they very much liked the presentation question; this was developed by a group of parents.
 - Service users were involved in designing the service specification and in evaluating the award questions and presentations for selecting the provider of the new Community Outreach Support Service.

- Young people entirely made up the panel for the tender presentation for provision of the supported lodgings service, and their score contributed towards 15% of the total evaluation score.

New services

Supporting People successfully tendered five new contracts to provide support to vulnerable people in Torbay. Four of the services have a specific remit around the prevention of homelessness for families and young people. These are:

- Youth Homelessness Prevention Service
- Young People’s Accommodation and Support Service
- Young Parents’ Accommodation and Support Service
- Homeless Families Accommodation and Support Service.

The services are anticipated to reduce the number of young people and families presenting to the authority as homeless. The services offer a pipeline of support to give early intervention to prevent homelessness.

In addition a fifth service was tendered for a Community Outreach Support Service. The aim of the service is to work with vulnerable people in

the community, those people experiencing poor mental health, adults with a learning disability and people with a physical disability who are living in their own homes. The service works with people to enable them to remain independent and potentially reduce the need for higher cost intensive services.

Extra Care

Dunboyne Court became operational. This is an Extra Care scheme which provides 45 units of self contained accommodation for people aged 55 and over who have care and support needs. Extra Care aims to maintain independence and prevent people needing to enter long term residential or nursing care. The service is jointly commissioned with Torbay and South Devon Health Care NHS Trust (TSDHCT). Zone teams have identified people currently inappropriately housed in residential care who would benefit from the more independent emphasis of Extra Care accommodation. Once housed, positive outcomes have been seen as well as considerable cost savings to TSDHCT.

It is hoped that Dunboyne Court will provide a great venue for Day services, serving to further

integrate the building and its residents into the wider community.

Supporting People continue to work with colleagues in TSDHCT and the Torbay Development Agency on the development of further Extra Care schemes within Torbay.

Following on from the success at Dunboyne, work has started on a state-of-the-art housing development in Hayes Road, Paignton. The development will include 62 apartments for people with extra care needs, as well as 54 apartments and seven bungalows for the over 55s. Torbay Council has donated the land and part-funded the development along with the Homes and Communities Agency.

Supported Employment

Supporting People have successfully tendered a Supported Employment Service for people with learning disabilities and autistic spectrum conditions. The service replaces previous supported employment services and will be a modern service which fits with nationally recognised good practice in supported employment.



Our achievements

One element of the new Service is Project Search which is part funded by Torbay Council Supporting People department. Project Search is an innovative project that works with a small group of young people with learning disabilities and autistic spectrum conditions using an 'internship' model. The project is based at Torbay Hospital where the young people are provided with three different work placements across a year, an employment support worker and a tutor from South Devon College to support them with academic work around employment skills. This project has a proven international track record in supporting young people with learning disabilities into employment and is a good example of local partnership working.

Intensive support for families

Half a million pounds was released from council reserves to deliver intensive support for families with a range of complex issues.

The Family Intensive Support Service doesn't just benefit children and their families; it also helps to reduce excessive demand on local services and associated costs, such as staff time and intervention at a later date.

Torbay already has a successful Family Intervention Project, but the intensive family support service aims to prevent the numbers of children subject to Child Protection Plans and becoming Looked After by the Local Authority rising. When there is no intervention each family with five or more types of significant social, economic and health problems can cost up to £300,000. The highest costs are associated with children entering care following a family breakdown.

The Intensive Family Support Service ensures that existing families continue to be given the support they need whilst new families are offered co-ordinated, targeted, early support. This intensive family support can prevent some children being taken into care, which benefits the whole family and reduces pressure on the care system.

The development of the Intensive Family Support Service is delivered through the multi-agency Children's Partnership Improvement Plan, which was set up to help drive through improvements to Children's Services.





Recycling milestone

A major milestone and investment in Torbay's recycling programme was celebrated in June with the official re-opening of the Household Waste Recycling Centre at Yalberton on the outskirts of Paignton.

The centre underwent a £500,000 transformation with improved facilities being provided for householders and tradespeople.

It is run by TOR2, the joint venture company set up by Torbay Council and May Gurney to deliver a wide range of essential front-line services across the Bay.

The launch of the improved Household Waste and Recycling Centre was the latest addition to Torbay's extensive recycling programme and aims to give residents a convenient way to recycle more of their waste and unwanted goods, items that they would previously have taken to a municipal landfill site.



From December, Torbay residents were able to recycle even more, including several more plastic items.

Promoting the extended range of recyclable materials that householders can put out was boosted by the support of Unilever, one of the world's leading fast moving consumer goods companies and manufacturer of many well-known household brands.

Find out more about recycling and waste on the council and TOR2 websites at www.torbay.gov.uk and www.tor2.co.uk



Attendance

Around 400 primary and secondary school pupils in Torbay celebrated their good school attendance through a range of educational and healthy activities across the Bay.

As part of Torbay Council's Every School Day Matters 2010/11 campaign every school was allocated 5-20 places for a range of activities for pupils with the best or most improved school attendance since the start of the academic year.

The campaign, which was launched in September 2010, aims to encourage local communities, schools, parents/carers, young people and professional partners to play a part in improving and celebrating good school attendance across the Bay. Research has identified a strong correlation between attendance and attainment.

Since its launch the importance of good school attendance has been promoted across the Bay. All schools have also been sent a comprehensive information and resource pack to encourage them to actively support the campaign.

Solar panels

More Torbay schools are now helping the environment by generating their own electricity.

Work installing solar panels on five schools was completed in the spring of 2012. The panels are expected to save £400,000 in total for the participating schools over the panels' lifetime

(25 years). In addition over 70 tonnes of CO₂ emissions will be saved every year - the same amount generated by 40 households.

The five schools are Churston Ferrers Grammar Academy, Mayfield School, Paignton Community and Sports College, Sherwell Valley Primary School and Shiphay Learning Academy.

Torbay Council has worked with the schools and Eco-Schools Solar Programme: Free Power for Schools to drive the project forward. The panels were supplied free to the schools through the Eco-Schools solar programme managed by Winch Energy.

The project reflects the council's commitment to reducing carbon emissions and working with other organisations to become greener and save money. Schools are playing a major part in helping Torbay become more environmentally friendly - not just by using renewable energy, but also by educating pupils about this important issue so they can pass the message onto their parents and carers.

Victoria Park

Responding to the needs of young people who wanted more facilities for out of school activities, Victoria Park Youth Centre in Paignton is proving to be a big success.

Since opening in April 2010 a large number of activities by several different organisations have been taking place at the centre run by Torbay Council's Youth Service. Its presence has also had a positive impact on the local area and crime levels with police reporting a drop in the number of anti social behaviour (ASB) incidents in the park.

In the first 12 months Torbay Youth Service ran 260 sessions from the building with an impressive 2,500 young people taking part. These provisions included Rnite, UKYP and Youth Cabinet meetings, drop in sessions, DJ sessions, craft clubs, intercultural and intergenerational projects.

Multi-agency groups have also used the building -- Connexions hold drop in sessions and meetings with young people, BBC Blast used the centre as a base when they were presenting their national roadshow from Torbay and Supporting People have found the facilities perfect for meeting with young people linked with their project.



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Working for a happy Bay



Art and culture in the Bay

Torbay Council continued to show its commitment to making arts and culture accessible to residents and visitors to the Bay. Many local and high profile events took place across the Bay.

In the spring, Torre Abbey's Spanish Barn held its annual schools art exhibition which showed exuberant and exciting works of art from local primary and secondary school children.

A world-class exhibition, Robert Lenkiewicz's 1974 *Death and the Maiden*, came to Torre Abbey from July to October. The exhibition included work from a richly illustrated notebook, not previously seen publicly, and the controversial embalmed body of the vagrant Edwin Mackenzie, known as 'Diogenes'.

Cockington Court Craft Centre hosted the world premiere of Henry Bruce's *Horizon Cube* exhibition from Friday 22 July to Monday 29 August.

His first piece of outdoor sculpture since his Dartmoor Chair creation had links to the landscape, both in the literal sense and through the imagination.

Mike Fletcher's public piece of land art, *The Hazel Cloud*, was also created by children and adults outside at Cockington. The stick created a 24-metre diameter circular field, or cloud, of sticks around and through which people were able to walk.

A West Country ceramic exhibition complemented the outside arts of work at Cockington and featured the work of Bernard Leach.

In the autumn, acclaimed sculptor and founder Andrew Lacey showcased dramatic pieces of sculpture in bronze and other natural materials.

Heavily influenced by classical and renaissance equestrian sculpture, Andrew is a master craftsman of renown in his field and has gifted one of his magnificent Megalith Still bronzes to Her Majesty the Queen.

Teignmouth Recycled Art in the Landscape (T.R.A.I.L.) exhibition was exquisitely placed around Torre Abbey's beautiful gardens at the end of the summer.

The pieces of work were inspired by climate change and concern for the environment and created by local voluntary groups such as Brixham Adult Community Education, as well as established West Country artists including Peter Stride and Deborah Duffin.



Torre Abbey Restoration Work

Restoration work commenced on the £4.7m phase II restoration of Torre Abbey Historic House, following a £2.8m grant from the Heritage Lottery Fund for this Torbay Council owned and operated visitor attraction.

Following the successful delivery of phase I, Torbay Development Agency was commissioned to oversee the next phase which is to restore the south range elements and improve the interpretation.

The project includes the creation of new learning spaces, including a new educational activity zone to be built in the south-east wing, transforming opportunities for students of all ages to get involved and explore the history of the site.

As part of the scheme, the Abbey's top floor will become a dramatic and dynamic gallery based around the 800 year history of Torre Abbey. State of the art displays and viewing stations overlooking the stunning marine vista of Tor Bay will show how the building evolved against the history of the local area.



Neighbourhood planning

The Government's Localism Act has radically changed the planning system. It devolves greater powers to councils and neighbourhoods. A key element of this includes Neighbourhood Planning and the opportunity for local communities to draw up a blueprint for development at the local level, in the form of Neighbourhood Plans. When adopted, Neighbourhood Plans will, along with the Local Plan, form the legal basis for deciding planning applications in Torbay. Torbay currently has three forums operating in Torquay, Paignton and the Brixham peninsula.

Torbay Council's Strategic Planning team successfully bid to take part in the Neighbourhood Planning Front Runners Scheme, to secure £20,000 in funding from central government to help create a Neighbourhood Plan for Brixham in 2011. The success of subsequent bids for the Torquay and Paignton Neighbourhood Forums for the fifth wave of front runners was announced in March 2012, receiving a further £20,000 for each. In association with this work, the Strategic Planning team invited the Prince's Foundation to hold Community Planning Workshops for all three Neighbourhood Forums.

Established in 1998 by the Prince of Wales, the Prince's Foundation for Building Community is a highly regarded educational charity that promotes

community engagement in the planning process. The work of the Prince's Foundation during these events was entirely funded through a grant provided by the Department for Local Government and Communities as part of the "Communities and Neighbourhoods in Planning Scheme." The value of this technical support is estimated to be £75,000.

Bookstart

The Bookstart Book Crawl challenge is a great way to encourage children to start learning to read at a young age. A group of local youngsters were rewarded following their successful completion of the challenge.

All of the young library members have become regular visitors to libraries across Torbay as part of the 'Book Crawl' scheme run by Torbay Council's Library Service. The children, all aged under five, have successfully made more than 40 visits to their local library.

Children taking part in the Book Crawl scheme receive a special sticker to place in their Book Crawl card each time they visit their local library. After collecting four stickers the children receive a colourful certificate to mark their achievement. The children taking part in the presentation have collected not one but ten certificates, the entire set, representing more than 40 visits to the library each.





Democracy

Local residents can access a wide range of information and documents relating to Torbay Council's decision-making processes as 'new look' web pages were launched by the Democratic Services department.

The new pages enable residents to find out about forthcoming meetings, decisions that have been made and obtain details about local councillors including their allowances and interests. There is also the option to be emailed updates on selected committee or council meetings when new information is published.

To subscribe to receive email updates or to find out more information, please visit www.torbay.gov.uk/councillorsdecisions

Young people from across Torbay were invited to share their views at the annual Your Bay, Your Say event at Parkfield in November.

Organised by members of Torbay's Youth Parliament the event enabled 11 to 19-year-olds to take part in a variety of activities as well as share their views and debate current issues affecting young people in the Bay.

The event included a sexual health seminar, bullying workshops and Question Time with a panel of Torbay councillors and decision makers.

a safer Bay



Safer Communities Torbay provides something called the Family Intervention Project which is a service that supports families. The families the service works with often experience a wide range of complicated things which can include domestic abuse, drug and alcohol misuse, unemployment, housing problems, poor parenting, poor school attendance, delayed learning in children, and mental health issues. In families where all of this stuff is going on it's not uncommon to see criminal (or the start of) criminal behaviours and these families can also sometimes have a negative impact on their neighbours and other people living in or around their community.

As well as the Family Intervention Project this year Safer Communities Torbay also launched a new service called the Intensive Family Support Service. The Service works with families who are in crisis and have children on the cusp of care over 8-12 weeks. Key workers support families to make

radical and long term changes to their behaviours and their lifestyles, in an effort to keep the family together, although unfortunately sometimes that's not always possible.

In 2012 Louise Casey, Head of the Troubled Families Team within the Department for Communities and Local Government, and Eric Pickles, Secretary of State for Communities and Local Government, visited Torbay to find out about the work being done locally to help families whose chaotic lifestyles and behaviours are impacting most on the communities around them. After that visit Kirsty Mooney, Torbay's Community Safety Manager, and Elizabeth Raikes the council's Chief Executive, were invited to Number 10 Downing Street to join the Prime Minister to mark the successful beginning of a partnership between central and local government in turning around the lives of 120,000 troubled families across the country.

Supporting communities

The Queen Elizabeth Drive Project

Safer Communities Torbay and other partners are working with residents in the area of Queen Elizabeth Drive in Paignton to make improvements to the area and help provide more opportunities for local people of all ages. In the last year lots of things have been happening, including the start up of a new youth café as well as a community café, a new parent and toddler group and a jobs club which has helped a number of residents to get permanent employment.

Sharing information and taking action

It's important for agencies to share information and work together to tackle crime. Something called Locality Tasking continues to be used in Torbay to do exactly that. Locality Tasking Groups bring agencies and organisations together to review crime information and other intelligence from frontline officers and residents to help inform what action should be taken and where to tackle crime and protect the most vulnerable people in Torbay.

Rowdy and nuisance behaviour in Torbay has reduced by 17.9% in the last year, as has criminal damage which has seen a reduction of 8%.



SORTIT!

A new initiative has been launched to help residents to deal with low level neighbourhood nuisance issues themselves, in cases where it may not be appropriate for a statutory intervention.

SORTIT provides a mediation service in Torbay that is free to the service users. The service is run by trained volunteers. Disputes cover anything from high hedges to noise and inconsiderate behaviour, and the mediators have been working with all parties to encourage them to come up with a solution themselves. To find out more about the service or to make a referral please contact 01803 208025 or email sortit@torbay.gov.uk





Supporting businesses and the economy

Making later nights safer nights

Torquay's harbourside area is a well known and popular late night destination for residents and visitors. Many areas like Torbay that offer a large number of restaurants, pubs and nightclubs have to work hard to reduce the crime and disorder that's unfortunately sometimes associated with a drinking and party culture.

Many agencies, organisations, businesses and volunteers work together to make the area safer which is why Torquay harbourside was awarded the prestigious Purple Flag.

To achieve the Purple Flag the area was assessed on issues like crime rates, hygiene standards and the range of visitor attractions. To find out more visit www.purpleflag.org.uk/projects/torquay-21.html

Town centre safety

Sharing information is vital in preventing and tackling crime. A new Business Crime Partnership has been set up in Torquay to bring together businesses and agencies, such as the council and the police, to do just that.

If you have a view about crime and community safety in your neighbourhood, please email haveyoursay@torbay.gov.uk or write to us at: Have Your Say Torbay Team, Safer Communities Torbay, Ground Floor Commerce House, 97-101 Abbey Road, Torquay, TQ2 5PJ. You can also find us at www.safercommunitiestorbay.org.uk

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An award winning local authority

April 2011



- Three local regeneration projects managed by Torbay Council and the Torbay Development Agency (TDA) were considered among the best in the West as the shortlist for the Michelmore and Western Morning News Commercial Property Awards was announced. The shortlisted schemes were: Paignton Community Library and Information Centre, Building of the Year; Torquay Harbour Waterfront Regeneration, Heritage Project of the Year; Torquay Community College, Project of the Year over £3-million.
- Torbay Council and TOR2 were shortlisted in two categories for the National Recycling Awards 2011. The two shortlisted categories were for Local Authority Team of the Year and for Best Partnership Project for Recycling. The awards recognise outstanding quality, innovation and best practice in the UK recycling and waste management industry, rewarding and supporting the efforts of local authorities and councils, as well as the construction and retail sectors.

May 2011

- Torbay's beaches are among its most prized assets, and confirmation came through that the Bay has the cleanest bathing waters in the country, scooping a record breaking 16 awards - more than anywhere else in the country. For the first time ever six Blue Flags flew high in the summer over Oddicombe, Meadfoot, Preston, Paignton, Broadsands and Breakwater Ten Torbay beaches also secured Quality Coast Awards for being clean and safe.

June 2011



- Torbay Council was named as one of several pioneering councils to receive additional support from Government to secure investment, via the Community Infrastructure Levy, from development in road and rail, green infrastructure and broadband. The Levy gives councils more choice and flexibility in how they fund infrastructure that local communities need and want and has the potential, nationally, to raise an estimated £1-billion a year of funding by 2016 that can be used by neighbourhoods and councils to support local growth
- The Royal Terrace Gardens restoration project in Torquay was considered among the best in the west. It received a finalist award from the Royal Institution of Chartered Surveyors (RICS) South West Awards 2011. The Torbay Council scheme was selected as a finalist in the 'Community Benefit' section where projects are judged on recognising the importance of providing local communities with outstanding facilities.
- Torbay Council's Communications Team won the Chartered Institute of Public Relations (CIPR) Excellence Award 2011 for its Employee



Engagement Campaign. The CIPR Excellence Awards recognise and reward best practice in public relations throughout the UK and acknowledge team achievement at the highest professional level.

- Torbay scooped three awards at the South West Local Authority Building Control (LABC) Building Excellence Awards for its prestigious developments at Torquay Community College, Ilsham House & Marine House in Torquay, and the £20 million Brixham Fish Quay project which was managed by Torbay Development Agency on behalf of Torbay Council.
- Torbay Council scooped three Green Flag Awards for Sherwell Park and Tessier Gardens, Torquay and Youngs Park in Paignton. Parks need to reach nationally laid down standards for their facilities, safety, cleanliness, maintenance, conservation, and care of historic heritage. They are also judged on how well they are promoted and how people are encouraged to use them.

August 2011

- Schools and students in Torbay celebrated in August when exam results showed a significant improvement. 58% of pupils gained five A* to C graded GCSEs, including English and Maths, a 4% improvement on 2010. 81% of pupils gained five A* to C graded GCSEs, not including English and Maths, which was in line with national results of 80.5%. However, Torbay showed greater improvement - nearly 6% above the 2010 figure of 75% compared with 4.3% nationally.

September 2011

- Torbay's blooming displays scooped an amazing 23 awards in the Royal Horticultural Society (RHS) South West in Bloom competition. Torquay and Paignton were awarded the prestigious Silver Gilt. St Marychurch and Babbacombe scooped a Silver award. Royal Terrace Gardens were also recognised this year winning the prestigious City of Bath Trophy for Landscaping, and several parks won "It's your neighbourhood" awards.

October 2011



- Torquay harbourside was awarded the prestigious Purple Flag for the quality of the evening and night-time activities that are on offer and the co-operation between the council, the police and businesses in managing the area. The scheme assesses each areas crime rates, hygiene standards and a range of visitor attractions.
- Torbay Council and bus operator Local Link won an award at the prestigious National Transport Awards ceremony in London. They were winners of the category "Dedication to Access for All" for the 67 Flyer service.
- Three sportspeople from Torbay were awarded council grants to help them excel even further with their chosen sports. The grants went to a water polo player, a gymnast and a table tennis player who have already shown great promise.
- Torbay's sporting stars were honoured at the EUROPLAS Torbay Sports Awards held at Torquay's Riviera International Conference Centre, supported by Torbay Council. They included local gymnast Jay Thompson, who was named 2011 Europlas Sports Personality of the Year and EUROPLAS Junior Sports Personality of the Year

- Torbay Council and Sanctuary Housing Group won a prestigious Merit Certificate from the Torbay Civic Society in recognition of exceptional design and finish for the Dunboyne Court retirement home development in St. Marychurch, Torquay. The extra care housing incorporates a modern design, high-end finish and views across the Bay including attractive communal spaces, a restaurant, hairdressing salon, buggy store and a variety of care support packages which enable residents to remain independent in their own apartment for longer.

November 2011

- Play Torbay was awarded £300,000 from the Big Lottery to support and develop three state of the art adventure play areas at Hele in Torquay, Blatchcombe in Paignton and Summercombe in Brixham. The award totalling £335,116 is being spread over three years for the play areas planned in Torbay's three Bay Ventures project.
- Torbay Council and Torbay Coast & Countryside Trust were shortlisted for the South West Green Energy Awards, in the category of Most Proactive Public Sector Body.

December 2011



- Torbay Council's recycling officer Carol Arthur won two more accolades for her work in helping to boost recycling across the Bay. She was named Recycling Officer of the Year by the Local Authority Recycling Advisory Committee (LARAC), and she also picked up her eighth successive Green Apple environmental award, this time for co-ordinating a successful "Go Green on the Green" family fun day in Paignton.
- Torbay Council was awarded a Good Egg Award in the Compassion in World Farming's 2011 Good Farm Animal Welfare Awards. Torbay's award was in recognition of its school contract caterer, Eden Foodservice, which only uses free range eggs and which supplies school meals to 25 primary and special schools in the Bay.
- Torbay Council commissioned the Torbay Development Agency to deliver a £2.85-million renovation project at Cockington Court, incorporating new craft studios and innovation centre. Architects Kay Elliott won the UK Property Awards Commercial Renovation/Redevelopment Award in the Best Architecture category.

January 2012

- Torbay Council not only retained its prestigious Customer Service Excellence Award, but also increased its areas of outstanding practice to five, the highest of any public organisation in the South-west. The Customer Service Excellence (CSE) standard is awarded by the Home Office to organisations that demonstrate high levels of customer delivery, timeliness, information, professionalism and staff attitude.
- Torbay Council helped secure £31,000 from the Heritage Lottery Fund (HLF) to continue to develop the Bay's popular Mini Museum project. The project, which will focus on teaching young children about Torbay's heritage, is being delivered by Torbay Childminders in partnership with Torbay Coast and Countryside Trust, Torbay Council, Brixham Heritage Museum and Torquay Museum.

- Following the successful delivery of phase I, the Torbay Development Agency was commissioned by Torbay Council to oversee the next phase which is to restore the south range elements and improve the interpretation. Restoration work has commenced on the £4.7m phase II restoration of Torre Abbey Historic House, following a £2.8m grant from the Heritage Lottery Fund for this Torbay Council owned and operated visitor attraction.

February 2012

- The council received a government grant to help guide people through the energy suppliers and grants maze. The Department of Health awarded £43,700 to be used by Torbay and Southern Devon Health and Care NHS Trust to fund domiciliary care visits to people in their own homes and provide training to key workers.
- Torbay Council's Cllr Alison Hernandez won 'Online Councillor of the Year' at the 2012 LGiU (Local Government information Unit) and CCLA Cllr Achievement Awards, for her work in using social media to promote local democracy and participation in local government.

March 2012



- Torbay Council's efforts to promote public transport received a boost when it bid successfully for money from the Department of Transport's Better Bus Area Fund. It received £514,700 for a number of schemes in Torbay. These include the installation of Real Time Information screens and kiosks in main transport areas such as Paignton Bus Station, South Devon College and Torbay Hospital, and the upgrading of all bus stops across the Bay to provide information to mobile phones to let people know when the next bus can be expected.
- Torbay Development Agency co-ordinated a bid from the Homes and Communities Agency and was successful in winning £680,000 to bring empty homes back into use and help house local families. Torbay Council also committed £500,000 to the project. The project will see Torbay Council working with Chapter 1 and Shekinah to bring 100 empty properties back into use by 2015.
- Torbay Council's Strategic Planning team successfully bid to take part in the Neighbourhood Planning Front Runners Scheme, to secure £20,000 in funding from central government to help create a Neighbourhood Plan for Brixham in 2011. The success of subsequent bids for the Torquay and Paignton Neighbourhood Forums for the fifth wave of Front Runners was announced in March 2012, receiving a further £20,000 for each.
- When the Department of Work and Pensions announced the results for the Work Choice programme, releasing a report on all organisations that deliver the programme and stating their success levels, the top performing organisation in Britain was the South-west based Social Firm called Pluss, which is owned by several local authorities including Torbay Council.
- The second annual South Devon Skills Awards took place at a packed out Riviera International Conference Centre, Torquay. A total of 12 awards were presented in recognition of a variety of accomplishments and contributions to skills and workforce development.



Our financial information

Balance Sheet - What the council owns, owes and is owed

Assets	restated 10/11 £m	11/12 £m
Buildings, land and assets owned by the council	352.8	339.9
Cash in bank	2.7	11.8
Money owed to the council	15.1	16.6
Investments	115.0	97.2
Less		
Money owed by the council	(40.0)	(40.6)
Capital grants and contributions	(6.8)	(1.4)
Pension liability	(76.6)	(123.5)
Long-term borrowing	(174.1)	(166.0)
Total	188.1	134.0
Financed by		
Usable Reserves	54.3	51.2
Unusable Reserves	133.8	82.8
Total	188.1	134.0

Capital Expenditure

	10/11 £m	11/12 £m
Schools related	18.9	10.1
Housing grants	1.6	2
Highways and roads	6.1	4.6
Economic regeneration	6.3	0.5
Torre Abbey	0.2	0.6
Paignton Library	2.5	0
Rock Walk	1.9	0
Other schemes	6.3	4.3
Total	43.8	22.1

Financial information

The revenue account below shows the cost of running council services between April 2011 and March 2012, and where the money came from to finance these costs.

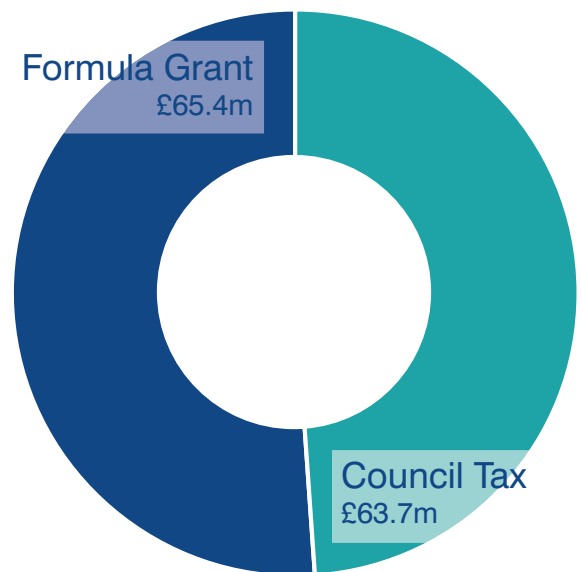
	10/11 £m	11/12 £m
Adult Social Care	45.0	43.5
Children's Services and Education	28.8	39.5
Housing Services	7.7	7.4
Highways and Transport Services	17.2	11.1
Cultural Services	15.2	10.6
Environmental and Regulatory	15.3	14.2
Planning and Regeneration	3.8	7.9
Corporate and Democratic core	3.4	3.1
Exceptional Items	(25.1)	0
Other services	(5.3)	2.6
Net cost of services	106.0	139.9
Add		
Other Operating Expenditure	(0.1)	4.1
Exceptional item - transfer of schools to academies	0	16.9
Financing and Investment	10.2	7.6
Adjustment under Regulations	16.2	(40.0)
Earmarked Reserves	1.8	0.6
Sub Total	134.1	129.1
Financed by		
Formula Grant	71.8	65.4
Council Tax	62.6	63.7
Total	134.4	129.1
Net surplus for the year	0.3	0

Finding out more

Visit our website for a range of information and online services

www.torbay.gov.uk

Where the money came from 2011/12



Services the money was spent on 2011/12



Adult Social Care	43.5m
Education & Children's Services	39.5m
Housing Services	7.4m
Highways & Transport Services	11.1m
Cultural Services	10.6m
Environmental & Regulatory	14.2m
Planning & Regeneration	7.9m
Corporate & Democratic Core	3.1m
Other services	2.6m



A Strong Voice for the voluntary and community sector in Torbay.

Supporting, developing and promoting voluntary activities in the Torbay area.

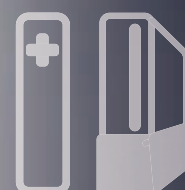
Some of the things we do:

- Help groups to establish and clarify their volunteer needs via the local Volunteer Bureau. We also help individuals identify voluntary positions. For more information on volunteering visit www.do-it.org.uk
- Provide support for the community development process and demonstrate good practice
- Encourage collaboration between voluntary and community groups and all public sector organisations
- Participate in strategic planning and represent Voluntary Community Sector (VCS) groups in Torbay



An integral part of CVA Torbay is the Torbay Consortium 'Torcom' a specific group of VCS organisations in Torbay who have joined together to work for the mutual benefit of the whole community.

To find out more about how CVA Torbay can assist you or your group telephone 01803 212638 or visit www.cvatorbay.org.uk



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Agenda Item 17



Meeting: Full Council

Date: 6th December 2012

Wards Affected: All

Report Title: Gambling Act 2005 'Statement of Principles 2013', (*Gambling Policy*)

Executive Lead Contact Details: Robert Excell, Executive Lead for Safer Communities and Transport, (01803) 207579, robert.excell@torbay.gov.uk

Supporting Officer Contact Details: Mandy Guy, Senior Licensing Officer, (01803) 208124, mandy.guy@torbay.gov.uk

1. Purpose

- 1.1 The report sets out the revised draft Gambling Policy for Torbay Council ("the Council") which is required by statute to be reviewed every three years. It contains the principles by which the Council will exercise their functions under the Gambling Act. This draft Gambling Policy, when adopted, will replace the existing Gambling Policy Statement on or before the 30 January 2013. The draft Policy can be found at Appendix 1 to this report.

2. Proposed Decision

- 2.1 **That the Gambling Policy Statement of Principles 2013, as set out in Appendix 1 to this report be approved.**

3. Action Needed

- 3.1 To agree the Gambling Policy Statement of Principles 2013.

4. Summary

- 4.1 The Council is required under the provisions of the Gambling Act 2005 to write, consult upon and publish a revised Gambling Policy Statement by the 30 January 2013.
- 4.2 The Council is also required to include within the Statement of Principles, the procedure that they propose to follow in making any determinations required under paragraph 4 and 5 of Schedule 9 to the Gambling Act 2005 (**as per pgh 19.4 & 19.5 of our Policy**). This is in effect the procedure and criteria to be applied in determining the grant of its Small Casino Premises Licence.

Supporting Information

5. Position

- 5.1 By the provisions of the Gambling Act 2005, the Guidance issued by the Gambling Commission under section 25 Gambling Act 2005 and the Gambling Act (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, the Council is required to write, consult upon and publish a revised Gambling Policy Statement every three years. This must be completed by 30 January 2013.
- 5.2 By the provisions of the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008, Torbay Council was given the right to issue one Small Casino Premises Licence.
- 5.3 By the provisions of the Gambling Act 2005 and the Code of Practice issued by the Secretary of State for the Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos, the Statement of Principles must include the procedure the Council proposes to follow in making such a determination. This is in effect the procedure and criteria to be applied in determining the grant of its Small Casino Premises Licence.
- 5.4 The final draft document, as presented, was sent to a licensing QC for consideration to ensure that it meets all the latest advice and guidance. Subsequent legal advice given by that QC has been incorporated within the final draft document to ensure that it is fit for purpose.
- 5.5 The work and costs associated with the administering of the Gambling Act 2005 are met from existing budgets.

6. Possibilities and Options

- 6.1 There are no alternative options, as this is a statutory requirement of the Council. That said, the contents of the document could be altered but it is important to note that any amendments could run the risk of a legal challenge and would therefore need legal support.
- 6.2 To refuse the Statement of Principles would mean that the Council will not meet its statutory obligation to publish the revised Statement of Principles by the 30 January 2013.

7. Preferred Solution/Option

- 7.1 There is no preferred solution/option, as this is a legal requirement under the Gambling Act 2005 to replace the existing Statement of Principles by the 30 January 2013.

7.2 In preparing this report and draft Policy, Officer's have undertaken an Equality Impact Assessment. The positive impacts are that those under 18 year olds cannot enter the vast majority of gambling premises, as depicted in law. A potential negative impact is gambling addiction, however this is a lawful activity and measures are in place through nationally issued codes of practice to attempt to address this. All licensed premises must offer self exclusion and advice on where individuals can obtain support for gambling addictions. There is no nationally agreed definition of a 'vulnerable person', which forms part of one of the licensing objectives, and after national consultation no agency or group was identified to represent them. Although Adult Safeguarding is not a statutory consultee, discussions will be ongoing with them to explore whether any improvements can be made to help protect 'vulnerable persons'.

8. Consultation

8.1 The draft Statement of Principles 2013 has been consulted upon widely for a period of 12 weeks, finishing on the 26 October 2012. There has been one response. This can be found at Appendix 2 to this report. The recommendation outlined in this response has been incorporated within the Final Draft Statement of Principles 2013.

9. Risks

9.1 There is no risk associated with accepting this report, as it is a statutory obligation placed on the Council, as required by the Gambling Act 2005. There is however risks associated with not agreeing the revised Statement of Principles 2013, in that the Council would be failing to comply with its statutory obligation.

Appendices

Appendix 1 Draft 'Gambling Policy' Statement of Principles 2013

Appendix 2 Response from consultation on Draft Statement of Principles 2013

Additional Information

Statutory Guidance –

http://www.gamblingcommission.gov.uk/shared_content_areas/publications_2012/gla.asp
[x](#)

Legislation – <http://www.legislation.gov.uk/>

Current Gambling Act Statement of Principles 2010 –

<http://www.torbay.gov.uk/index/yourbusiness/licensing/gamblinglicences.htm>



DRAFT ~ STATEMENT OF PRINCIPLES 2013 ~ DRAFT

GAMBLING ACT 2005

FORWARD

Torbay Council is designated as a 'Licensing Authority' for the purposes of the Gambling Act 2005 (hereinafter referred to as 'the Act'), under Section 2 (1) of Part 1 to the Act.

This document is Torbay Council's 'Statement of Principles', made under Section 349 of the Gambling Act 2005 and supports the Torbay Council's vision working for a healthy, prosperous and happy Bay.

Torbay is situated on the South Devon coast, on the south west peninsular of England and comprises the three towns of Torquay, Paignton and Brixham. Torbay is an outstanding coastal destination, including 22 miles of coastline which has shaped its economic and social development over time. Historically the local economy has focused on tourism, fishing and to a lesser extent manufacturing activities.

The three towns of Torbay and its environs have a combined population of around 134,000, making Torbay the second largest conurbation to the south west of Bristol. Tourism in Torbay today accounts for 1.45 million staying visitors plus 3.8 million day visitors, generating a direct and indirect spend of £442 million per annum. This represents around one third of the area's wealth and also one third of its jobs.

Torbay Council is committed to a broad corporate vision for Torbay and through the Torbay Strategic Partnership the Council has formulated a Community Plan, built around the principles of creating and developing an area that:

- Is prosperous area known to be a great place to live and learn and grow up in.
- Is able to compete on a world stage in our traditional industries of tourism and fishing.
- Communities know and support each other and enjoy some of the best quality of life in England.
- Widens opportunities and provides high quality employment and retains our young people in the Bay.
- Celebrates the differences in the three towns, builds on the strengths of these towns and brings back the feel good factor.

Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DS

www.torbay.gov.uk

MAP of TORBAY



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**This ‘Statement of Principles 2013’ was approved by Torbay Council on
????????????????**

PART A ~ OVERVIEW

1 THE LICENSING OBJECTIVES

1.1 In exercising its functions under the Gambling Act 2005, the Licensing Authority will have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- b) Ensuring that gambling is conducted in a fair and open way.
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

[The Act defines a ‘Child’ as an individual aged 15 years or under; and defines a ‘Young Person’ as an individual aged 16 to 17 years].

1.2 In making decisions in relation to premises licences the Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks that use will be:

- a) In accordance with any relevant code of practice issued by the Gambling Commission.
- b) In accordance with any relevant guidance issued by the Gambling Commission.
- c) Reasonably consistent with the licensing objectives (subject to the above).
- d) In accordance with Torbay Council’s ‘Statement of Principles’, issued under the Act (subject to the above).

2 INTRODUCTION

2.1 Torbay is situated on the South Devon coast, on the south west peninsular of England and comprises the three towns of Torquay, Paignton and Brixham. Torbay is an outstanding coastal destination, including 22 miles of coastline, which was recognised as a Global Geopark in 2007. The Council area is mainly urban, comprising the three bay towns of Torquay, Paignton, and Brixham; there is a map of the Torbay area on page 2.

2.2 Under the Gambling Act 2005 Torbay Council must publish a statement of the principles which it intends to apply when exercising its functions under the Act, and that statement must be published at least every three years.

2.3 Torbay Council has consulted widely upon a ‘Draft Statement of Principles 2013’, before approving and publishing the finalised ‘Statement of Principles 2013’.



	<p>The draft version of this 'Statement of Principles 2013' was published for a statutory 12 week consultation period, from 3rd August to 26th October 2012 via the Torbay Council website and copies of the document were also made available for public inspection during that time, at the Council's 'Connections' offices and at the public libraries located in Torquay, Paignton and Brixham.</p> <p>A list of those persons consulted is provided in Appendix 1 to this 'Statement of Principles 2013'</p>
2.4	<p>This 'Statement of Principles 2013' was approved at a meeting of the Full Council on 6th December 2012 and was published via the Torbay Council website thereafter. Copies were also made available for public inspection at public libraries and at the Council's 'Connections' offices, located in Torquay, Paignton and Brixham upon publication.</p>
2.5	<p>It should be noted that this 'Statement of Principles 2013' will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Gambling Act 2005.</p>
3	<p>DECLARATION</p>
3.1	<p>In producing this 'Statement of Principles 2013', Torbay Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the current version of the 'Guidance to Licensing Authorities' issued by the Gambling Commission, any responses received from those who were consulted on the 'Draft Statement of Principles 2013' and any representations submitted by any interested party, person, body or organisation in response to the publication of the 'Draft Statement of Principles 2013'.</p>
4	<p>INTERESTED PARTIES</p>
4.1	<p>'Interested Parties' can make representations to the Licensing Authority, in respect of an application for a 'Premises Licence', or in respect of an application for a 'Provisional Statement', submitted to the Licensing Authority by an applicant, under the Gambling Act 2005.</p>
4.2	<p>Interested parties can also initiate, (or make representation in respect of), a review of a premises licence, the detail of which is outlined at Section 28 of this 'Statement of Principles' on Page 28, under the heading of 'Reviews'.</p>
4.3	<p>The Act states that a person is an 'Interested Party', if in the opinion of the Licensing Authority, that person:</p> <ul style="list-style-type: none"> a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; b) Has business interests that might be affected by the authorised activities, or c) Represents persons who satisfy the criteria at paragraph a) or b). <p>These persons include trade associations, trade unions, and residents' and tenants' associations. However, the Licensing Authority will not generally view these bodies as interested parties, unless they have a member who satisfies the criteria in paragraphs a)</p>

	or b) above; and they have written authority of representation.
4.4	'Interested Parties' can be persons who are democratically elected, such as Councillors, (including Town Councillors), and Members of Parliament. In such circumstances, no specific evidence of being 'asked' to represent an interested person will be required, provided the relevant Elected Member represents the Ward or Town likely to be affected.
4.5	In respect of any application for the grant of a small casino premises licence the Act provides that at Stage 1 of the consideration procedure, each competing applicant is an 'Interested Party' in relation to each of the other competing applications.
4.6	The Licensing Authority will apply the following principles in determining whether a person or body is an interested party for the purposes of the Act: <ul style="list-style-type: none"> a) Each case will be decided upon its own merits subject to the licensing objectives and to any requirements imposed by the Gambling Act 2005. b) The Licensing Authority will not apply a rigid rule to its decision making. <p>The Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the status and interpretation of 'Interested Parties'.</p>
4.7	In respect of any representation made by an interested party, the Licensing Authority will make a determination as to whether or not the representation is relevant.
	The following are examples of grounds which may be considered by the Licensing Authority, to be irrelevant, (<i>this list is indicative only and is not exhaustive</i>): <ul style="list-style-type: none"> a) Representations which are inconsistent with Section 153 of the Act. b) Representations that are inconsistent with any guidance or codes of practice issued by the Gambling Commission, or with this 'Statement of Principles'. c) Representations which relate to the objection to gambling activity generally; for instance on moral grounds. d) Representations in relation to the demand or unmet demand for gambling premises. e) Representations in relation to planning matters. f) Public Safety Issues. g) Traffic Congestion issues.
4.8	The Licensing Authority may disregard a representation which it considers to be: <ul style="list-style-type: none"> a) Frivolous b) Vexatious c) Insignificant; to such an extent, that it would be wholly unreasonable for the Licensing Authority to refuse the grant of the licence, or remove / attach conditions to the licence, on the basis of such representation or will certainly not influence the Licensing Authority's determination of the application.
5	EXCHANGE OF INFORMATION
5.1	In respect of the exchange of information between the Licensing Authority and the Gambling Commission under Sections 29 and 30 of the Gambling Act 2005, and the

	exchange of information under Section 350 of the Act with other persons listed in Schedule 6 of the Act, the Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 and the Data Protection Act 1988.
5.2	The Licensing Authority will have regard to any guidance issued by the Secretary of State on this matter. Should any protocols be established as regards the exchange of information with other bodies, then they will be made available.
6	ENFORCEMENT
6.1	<p>In discharging its responsibilities under the Act with regard to inspection and enforcement regimes, the Licensing Authority will have regard to any guidance issued by the Gambling Commission and Torbay Council's 'Enforcement and Prosecution Policy' and will endeavour to be:</p> <ul style="list-style-type: none"> a) Proportionate: the Licensing Authority will only intervene when it is deemed necessary and remedies will be appropriate to the risk posed; costs will be identified and minimised. b) Accountable: the Licensing Authority will ensure that it can justify decisions and will provide facilities for the public scrutiny of decisions taken. c) Consistent: the Licensing Authority will ensure that rules and standards are 'joined up' and implemented fairly. d) Transparent: the Licensing Authority will be open and will endeavour to keep regulations simple and user friendly. e) Targeted: the Licensing Authority will endeavour to focus on the problem, minimise side effects and avoid duplication with other regulatory regimes.
6.2	<p>The Licensing Authority has adopted and implemented a risk-based / intelligence led inspection programme, based on;</p> <ul style="list-style-type: none"> a) The licensing objectives. b) Relevant codes of practice. c) Guidance issued by the Gambling Commission. d) The principles set out in this 'Statement of Principles'. e) Regulators Compliance Code. f) Departmental and Partner Agency intelligence.
7	LICENSING AUTHORITY FUNCTIONS
7.1	<p>The Licensing Authority have a duty under the Gambling Act 2005 to:</p> <ul style="list-style-type: none"> a) Issue '<i>Premises Licences</i>' where gambling activities are to take place. b) Issue '<i>Provisional Statements</i>' where gambling activities may take place. c) Regulate '<i>Members' Clubs</i>' that wish to undertake certain regulated gaming activities via issuing '<i>Club Gaming Permits</i>' or '<i>Club Machine Permits</i>'.

	<ul style="list-style-type: none"> d) Issue <i>'Club Machine Permits'</i> to <i>'Commercial Clubs'</i>. e) Grant <i>'Permits'</i> for the use of certain lower stake gaming machines at <i>'Unlicensed Family Entertainment Centres'</i>. f) Receive <i>'Notifications'</i> from premises licensed under the Licensing Act 2003, (for the sale and consumption of alcohol on the premises), for the use of up to two gaming machines on the premises. g) Grant <i>'Licensed Premises Gaming Machine Permits'</i> for premises licensed under the Licensing Act 2003, (for the sale and consumption of alcohol on the premises), where there are more than two machines on the premises. h) Register <i>'Small Society Lotteries'</i> below prescribed thresholds. i) Issue <i>'Prize Gaming Permits'</i>. j) Receive and endorse <i>'Temporary Use Notices'</i> k) Receive <i>'Occasional Use Notices'</i>. l) Provide information to the Gambling Commission; m) Maintain registers of the permits and licences issued.
	PART B ~ PREMISES LICENCES
8	GENERAL PRINCIPLES
8.1	In exercising its functions under the Act in relation to premises licences, the Licensing Authority will have regard to the provisions of the Act, Regulations drafted under the Act, the mandatory and default conditions and any guidance or codes of practice issued by the Gambling Commission.
8.2	<p>The Licensing Authority may:</p> <ul style="list-style-type: none"> a) Exclude default conditions from the premises licence if it does not adversely affect the licensing objectives. b) Attach additional licence conditions, if it is deemed necessary to do so to promote the licensing objectives.
9	GUIDING PRINCIPLES
9.1	The Licensing Authority will treat each licensing objective with equal importance.
9.2	The Licensing Authority will have regard to its responsibilities under Section 17 of the Crime and Disorder Act 1998 and within the strategic aims of the Safer Communities Annual Plan 2012, do all that is reasonable to prevent crime and disorder in Torbay.
9.3	The Licensing Authority will have regard to its responsibilities under the European

	Convention on Human Rights, set out by the Human Rights Act 1998, and its statutory role as a Local Authority to fulfil the duties and responsibilities vested in it.
9.4	The Licensing Authority will have regard to its responsibilities under the Equalities Act 2010.
9.5	Torbay Council's Constitution states that the Licensing Committee shall be comprised of 15 Elected Members of the Council; with a quorum of 5, and the Licensing Sub Committee shall be comprised of 3 Elected Members of the Council; with a quorum of 3.
9.6	The Chair of Torbay Council's Licensing Committee will be elected at the annual meeting of the Council.
9.7	Torbay Council will ensure that Members and Officers are appropriately trained to carry out their duties under the Act and in accordance with Torbay Council's constitution. No Member of Torbay Council shall sit upon the Licensing Committee or Sub-Committee unless they have received appropriate training.
9.8	The Licensing Authority considers that effective licensing can only be achieved by recognising the value of all contributors and will work in partnership with the Police and other statutory services, local businesses, local people, professionals involved in child protection and all others who can contribute positively, to the successful promotion of the three licensing objectives.
9.9	Torbay Council considers that the decisions of the Licensing Authority can be a key factor of the Council effectively discharging its duties under the Section 17 of the Crime and Disorder Act 1998. Whilst the Licensing Authority will not use licensing conditions to control anti social behaviour by patrons once they are away from licensed premises, licensees will be expected to demonstrate that they have taken appropriate action to minimise the potential impact of that behaviour, within the general vicinity of the licensed premises.
9.10	<p>The Licensing Authority will ensure that any conditions attached to a licence will relate to matters within:</p> <ul style="list-style-type: none"> a) The control of the licensee, or, b) The control of other persons who may have relevant licences or authorisations, in respect of the subject premises, or adjacent premises. <p>In determining any such conditions the Licensing Authority will have regard to the Act, any guidance or codes of practice issued by the Gambling Commission and this 'Statement of Principles'.</p>
9.11	Persons under 18 years of age will be restricted from entering gambling premises in accordance with the requirements of the Gambling Act 2005, any relevant Codes of Practice and any guidance issued by the Gambling Commission. The Licensing Authority may attach conditions to a premises licence to ensure that persons under 18 years of age are not permitted access to the premises, if it is considered appropriate to do so.
9.12	The Licensing Authority will have regard to any relevant published information, especially with regard to gambling addiction in children and vulnerable persons, in discharging its function with regard to premises licences and permits.
9.13	The Licensing Authority considers that the licensing process, insofar as it may seek to protect children from harm and exploitation, includes protection from moral, psychological

	and physical harm.
9.14	Torbay Council will ensure that decisions made in relation to planning and building control legislation will be made independently of those made in respect of the Gambling Act 2005. The Licensing Authority will not have regard to the likelihood of obtain consents under planning or building legislation in considering any application for a premises licence, made under the Gambling Act 2005.
9.15	The Licensing Committee will receive reports, compiled six-monthly, on decisions made by Officers under the provisions of the scheme of delegation.
9.16	The Licensing Authority will, where relevant to its functions under the Gambling Act 2005, have regard to and promote Torbay Council's Economic Strategy 2010-2015, which forms part of the Council's Policy Framework.
10	DECISION MAKING PROCESS
10.1	In making decisions about premises licences the Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it is: <ul style="list-style-type: none"> a) In accordance with any relevant code of practice issued by the Gambling Commission. b) In accordance with any relevant guidance issued by the Gambling Commission. c) Reasonably consistent with the licensing objectives (subject to the above). d) In accordance with the Council's 'Statement of Principles' (subject to the above).
10.2	In determining a premises licence application, the Licensing Authority shall not have regard to any objections which are deemed to be raised on moral grounds, nor will it be concerned with matters of sufficiency of, or unmet demand for, gambling facilities.
11	DEFINITION OF PREMISES
11.1	In deciding if parts of a given building constitute premises in their own right, the Licensing Authority will have due regard to the definition of 'premises' within the Act, any guidance issued by the Gambling Commission and any decisions handed down by the Courts.
11.2	The Act allows for a single building to be subject to more than one premises licence, provided those premises licences are for different parts of the building, and the different parts of the building can reasonably be regarded as being 'different premises'. This provision exists to allow large multiple unit premises, such as a pleasure park, pier, track or shopping mall, to obtain separate premises licences.
11.3	The Licensing Authority will take particular care in considering applications for multiple licences for a building and / or those relating to a separate part of a building used for other (non-gambling) purposes. In particular, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable, so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

11.4	The Licensing Authority will pay particular attention to premises licence applications, where access to the proposed licensed premises, can only be made by passing through other premises; being other premises which may or may not have the benefit of licences in their own right.
11.5	Where access to the proposed licensed premises cannot be made directly from the public highway the Licensing Authority will consider specific issues before granting such applications, for example: <ul style="list-style-type: none"> a) The general access arrangements of the premises. b) The structural integrity and nature of any premises separation. c) Whether persons under 18 years of age can gain access to or have sightlines into the premises. d) The compatibility of adjacent establishments. e) Supervision and monitoring systems. f) The nature and legitimacy of any unlicensed areas providing separation of licensed premises. g) The overall ability to comply with the requirements of the Act.
12	PROVISIONAL STATEMENTS ~ PREMISES NOT YET READY FOR GAMBLING
12.1	Where there is an intention on the part of an applicant, to provide gambling facilities at premises: <ul style="list-style-type: none"> a) which they expect to be constructed, or b) which they expect to be altered, or c) for which they do not yet have the right to occupy the premises', then an application may be made to the Licensing Authority for a 'Provisional Statement'.
12.2	The Licensing Authority will issue 'Provisional Statements' in accordance with the provisions of the Act, any guidance or codes of practice issued by the Gambling Commission and the principles contained within this 'Statement of Principles'.
12.3	'Interested Parties' and 'Responsible Authorities' can make representations to the Licensing Authority, in respect of an application for a 'Provisional Statement' in accordance with the procedures outlined at Section 4 of this 'Statement of Principles'. Following the grant of a 'Provisional Statement', no further representations from Relevant Authorities or Interested Parties can be taken into account unless: <ul style="list-style-type: none"> a) The representations concern matters which could not have been addressed at the 'Provisional Statement' stage. b) The representations reflect a change in the applicant's circumstances.
12.4	The Licensing Authority may refuse the grant of a Premises Licence, or grant the licence on terms different to those which may have been attached to the 'Provisional Statement', only by reference to matters which: <ul style="list-style-type: none"> a) Could not have been raised by objectors at the 'Provisional Statement' stage b) In the Licensing Authority's considered opinion, reflect a material change in the

	operator's circumstances.
13	PREMISES LOCATION
13.1	The Licensing Authority must be satisfied that the potential location of a premises intended for gambling is suitable for the purposes of the required gambling activity. In considering matters of location the Licensing Authority will have particular regard to the licensing objectives.
13.2	Therefore in determining whether a premises location is suitable for the grant of a licence, the Licensing Authority will have particular regard to the following: <ul style="list-style-type: none"> a) The proximity of the premises to any school, centre or establishment for the education, training or care of young persons and/or vulnerable persons. b) The proximity of the premises to leisure centres used for sporting and similar activities by young persons and/or vulnerable persons, c) The proximity of the premises to any youth club or similar establishment, and d) The proximity of the premises to community, welfare, health and similar establishments used specifically, or to a large extent, by young persons and/or vulnerable persons.
14	DUPLICATION WITH OTHER REGULATORY REGIMES
14.1	The Licensing Authority will endeavour to avoid any duplication with other statutory and regulatory regimes in discharging its functions under the Act, unless the Licensing Authority believes such duplication is necessary for the promotion of, and compliance with, the licensing objectives.
14.2	In considering an application for a premises licence the Licensing Authority will not take into account matters which lie beyond the remit of the licensing objectives. Although this is not an exhaustive list, this would include issues such as: <ul style="list-style-type: none"> a) Whether the premises which is the subject of the licence application, is likely to be awarded planning permission or building consent. b) Whether the premises is safe for the intended use, (e.g. the structure, the means of escape, fire precaution provisions, etc). c) Whether the use of the premises under the licence may cause any public nuisance (e.g. to residents within the vicinity). <p>The above matters will be addressed by other regulatory regimes.</p>
15	LICENSING OBJECTIVES
15.1	The Licensing Authority will endeavour to ensure that any premises licences granted will be consistent with the licensing objectives. The Licensing Objectives are:

	<ul style="list-style-type: none"> a) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime. b) Ensuring that gambling is conducted in a fair and open way. c) Protecting children and the vulnerable from being harmed or exploited by gambling.
15.2	<p>Licensing Objective a): <i>Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.</i></p> <p>The Gambling Commission will take a lead role in preventing gambling from becoming a source of crime. However, the Licensing Authority will endeavour to promote this objective in the delivery of its responsibilities. For instance, in considering applications for premises licences the Licensing Authority will have particular regard to the following:</p> <ul style="list-style-type: none"> a) Where an area has known high levels of organised crime the Licensing Authority will consider carefully whether gambling premises should be located in the proximity of that area. b) Whether additional licence conditions may be appropriate, such as the provision of Security Industry Authority, (SIA), registered door supervisors. c) Whether additional security measures should be installed at the premises, such as monitored CCTV. d) The likelihood of any violence or public order issues if the licence is granted. e) The design and layout of the premises. f) The training given to staff in crime prevention measures appropriate to those premises. g) Physical security features installed in the premises. This may include matters such as the positioning of cash registers and the standard of any CCTV system. h) If premises are to be subject to age restrictions; the procedures in place to conduct age verification checks.
15.3	<p>Licensing Objective b): <i>Ensuring that gambling is conducted in a fair and open way.</i></p> <p>The Licensing Authority will not generally be concerned with ensuring that gambling is conducted in a fair and open way, (as that is the remit of the Gambling Commission), unless the gambling facilities are being provided at a Track; see Section 25, Page 25.</p>
15.4	<p>Licensing Objective c): <i>Protecting children and the vulnerable from being harmed or exploited by gambling.</i></p> <p>This objective is concerned with protecting children from gambling, as well as restrictions upon advertising, to ensure that the commercial promotion of gambling is not targeted towards children, or portrayed as attractive to children. It is also concerned with protecting vulnerable people from being harmed or exploited by gambling. The Licensing Authority will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective, which may include the supervision of entrances, the supervision of machines and the appropriate segregation of high risk areas, the provision of a 'chill out' room or area free from gambling and alcohol facilities.</p>
15.5	<p>In discharging its responsibilities with respect to this particular licensing objective, the Licensing Authority will have regard to the current 'Gambling Commission Codes of Practice', insofar as they may apply to specific premises, such as casinos.</p>

15.6	<p>The Act does not offer a definition with regard to the term, '<i>vulnerable persons</i>', however the Gambling Commission states the following.</p> <p>For regulatory purposes the Commission will assume that this group includes:</p> <ul style="list-style-type: none"> a) People who gamble more than they want to. b) People who gamble beyond their means c) People who may not be able to make informed or balanced decisions about gambling, due to a mental impairment, alcohol or drugs.
15.7	<p>The Torbay & Southern Devon Health & Care NHS Trust, (<i>Safeguarding Adults Section</i>), defines a vulnerable person in the following terms:</p> <p><i>A Vulnerable Adult is a person who is, or may be in need of community care services by reason of mental or other disability, age, or illness; and who is or may be, unable to protect him or herself against significant harm or exploitation.</i></p>
15.8	<p>Torbay Council defines a vulnerable person in the following terms:</p> <p><i>An individual or family will be seen as vulnerable where there are concerns about their health or social welfare and where these concerns have been identified as placing them at risk of harm or exploitation.</i></p>
15.9	<p>The Licensing Authority will have regard to the definitions of a '<i>Vulnerable Person</i>' as provided by the Gambling Commission, by the Torbay Care Trust and Torbay Council, in discharging its responsibilities under the Act.</p>
16	LICENCE CONDITIONS
16.1	<p>Any conditions attached to licences will be proportionate and will be:</p> <ul style="list-style-type: none"> a) Relevant to the need to make the proposed building suitable as a gambling facility. b) Directly related to the premises and the type of licence applied for. c) Related to the scale and type of premises. d) Reasonable in all other respects.
16.2	<p>Decisions upon individual conditions will be made on a case by case basis, although there are a number of control measures that the Licensing Authority can utilise, such as the use of supervisors or the use of appropriate signage for adult only areas. The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively and promoted.</p>
16.3	<p>The Licensing Authority may require additional control measures in respect of buildings which are the subject of multiple premises licence applications, in order to ensure the promotion of the licensing objectives.</p> <p>Such requirements may relate to the supervision of entrances, the segregation of gambling areas from non-gambling areas which may be frequented by children and the supervision of gaming machines in non-adult gambling specific premises.</p> <p>The Licensing Authority will have regard to any guidance issued by the Gambling Commission in determining any such additional measures. The Licensing Authority will</p>

	also expect the licence applicant to offer his / her own suggestions as to ways in which the licensing objectives can be met effectively and promoted.
16.4	<p>The Licensing Authority will ensure that, where category A to C machines are made available on premises to which children have access that:</p> <ul style="list-style-type: none"> a) All such machines are located in an area of the premises that is separated from the remainder of the premises by a physical barrier and which is effective to prevent access, other than through a designated entrance. b) Only adults have access to the area where these machines are located. c) Access to the area where the machines are located is adequately supervised. d) The area where these machines are located is arranged so that it can be observed by the staff or the licence holder. e) At the entrance to and inside any such areas notices are prominently displayed, indicating that access to the area is prohibited to persons under 18 years of age.
16.5	Tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. In discharging its functions in relation to Tracks, the Licensing Authority will consider the impact upon the licensing objective that refers to the 'protection of children'. The Licensing Authority will specifically require that the entrances to each part of premises are distinct and that children are effectively excluded from gambling areas where they are not permitted to enter.
17	ADULT GAMING CENTRES
17.1	In respect of adult gaming centres the Licensing Authority will have specific regard to the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Licensing Authority that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the premises.
17.2	<p>The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures and/or licence conditions may cover issues such as: <i>(this list is indicative only and is not exhaustive)</i></p> <ul style="list-style-type: none"> a) Proof of age schemes. b) Closed Circuit Television Systems, (CCTV). c) Supervision of entrances and machine areas d) Physical separation of areas. e) Location of entry. f) Appropriate notices and signage. g) Specific opening hours. h) Self-exclusion schemes and the display of information regarding self-exclusion schemes. i) Provision of information leaflets and helpline numbers for organisations such as 'GamCare' <i>(please see Appendix 2 of this document for 'Gamcare' contact details).</i>

18	(LICENSED) FAMILY ENTERTAINMENT CENTRES
18.1	In respect of (Licensed) Family Entertainment Centres, (<i>L FEC's</i>), the Licensing Authority will have specific regard to the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Licensing Authority that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the 'adult only' gaming machine areas on the premises.
18.2	The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures and/or licence conditions may cover issues such as: (<i>this list is indicative only and is not exhaustive</i>) <ul style="list-style-type: none"> a) Proof of age schemes. b) Closed Circuit Television Systems, (<i>CCTV</i>). c) Supervision of entrances and machine areas d) Physical separation of areas. e) Location of entry. f) Appropriate notices and signage. g) Specific opening hours. h) Self-exclusion schemes. i) Measures / training for staff on how to deal with suspected truant school children on the premises j) Provision of information leaflets and helpline numbers for organisations such as GamCare, (<i>please see Appendix 2 of this document for 'Gamcare' contact details</i>).
18.3	In determining an application for a licensed family entertainment centre, the Licensing Authority will have regard to any guidance issued by the Gambling Commission and any mandatory or default conditions deemed to have a positive effect. The Licensing Authority will have particular regard to any guidance or direction on how the separation and/or delineation of the 'adult only' machine areas of the premises should be achieved.
19	SMALL CASINO PREMISES LICENCE OVERVIEW
19.1	The Gambling Act 2005 provided for an increase in the number of casino premises permitted to operate in the United Kingdom and established that two new types of casino should be permitted; eight large and eight small casinos. The Secretary of State for Culture, Media and Sport was given the authority under the Act to determine which licensing authorities should be permitted to grant new casino premises licences.
19.2	The Secretary of State established a ' <i>Casino Advisory Panel</i> ' to recommend the most appropriate areas of the UK in which to site the 16 new casino premises and invited interested Local Authorities to submit proposals to the Panel; Torbay Council submitted a proposal to the panel in response to this invitation.
19.3	On 15 th May 2008 the ' <i>Categories of Casino Regulation 2008</i> ' and the ' <i>Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008</i> '

	were approved. The Order specified which Licensing Authorities could issue premises licences for both large and small casinos; Torbay Council's Licensing Authority was included in the Order and was authorised to issue one small casino premises licence.
19.4	<p>On 26th February 2008 the Secretary of State for Culture, Media and Sport issued the 'Code of Practice on Determinations Relating to Large and Small Casinos' (herein referred to as the Code of Practice). The Licensing Authority must comply with the Code of Practice which states:</p> <ol style="list-style-type: none"> a) The procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005. b) Matters to which the Licensing Authority should have regard in making those determinations.
19.5	<p>Schedule 9 paragraph 5 to the Act states the following:</p> <ol style="list-style-type: none"> 1) This paragraph applies if a Licensing Authority determine under Paragraph 4 that they would grant a number of competing applications greater than the number which they can grant as a result of section 175 and the Order under it. 2) The Authority shall then determine which of those applications to grant under section 163(1)(a). 3) For that purpose the Authority - <ol style="list-style-type: none"> a) shall determine which of the competing applications would, in the Authority's opinion, be likely if granted to result in the greatest benefit to the Authority's area, b) may enter into a written agreement with an applicant, whether as to the provision of services in respect of the Authority's area or otherwise, c) may determine to attach conditions under section 169 to any licence issued so as to give effect to an agreement entered into under paragraph (b), and d) may have regard to the effect of an agreement entered into under paragraph (b) in making the determination specified in paragraph (a).
19.6	<p>Torbay Council, as the Licensing Authority, is aware that there may be a number of operators who may wish to apply for the small casino premises licence from Torbay Council.</p> <p>The Council will therefore stage a statutory selection process, (<i>the 'small casino premises licence process'</i>), under Schedule 9 of the Gambling Act 2005 and will run the selection process in line with 'The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008' and the said Code of Practice, issued by the Secretary of State.</p>
19.7	In accordance with the above Regulations, Torbay Council's Licensing Authority will publish an invitation calling for applications for the 'small casino premises licence'.

19.8	<p>Should the Licensing Authority receive more than one application for a small casino premises licence at Stage 1 of the 'small casino premises licence process' and should the Licensing Authority determine that it would grant more than one small casino premises licence, then subject to any and all appeals which may have been lodged at Stage 1 of the process being concluded, the Licensing Authority will:</p> <ul style="list-style-type: none"> a) Make a 'Provisional Decision to Grant' in respect of those applicants deemed appropriate for the grant of a small casino premises licence. b) Implement Stage 2 of the 'small casino premises licence process'. c) Invite those applicants issued with a 'Provisional Decision to Grant' at Stage 1 of the 'small casino licence process', to participate in Stage 2 of the 'small casino premises licence process'.
19.9	<p>Any 'Provisional Decision to Grant' issued to an applicant at Stage 1 of the 'small casino premises licence process', shall have no effect and shall not be used for the provision of casino gaming facilities upon the premises to which it relates. The 'Provisional Decision to Grant' merely confirms the Licensing Authority's determination, that the applicant satisfies the statutory requirements for the grant of a small casino premises licence; and afford the applicant the right to participate in Stage 2 of the 'small casino premises licence process' for Torbay.</p>
19.10	<p>It may be the case that at Stage 1 of the process, only one application may be submitted to the Licensing Authority for a small casino premises licence, or it may be the case that after due consideration of all the applications at Stage 1, the Licensing Authority considers that only one applicant satisfies the statutory requirements, in respect of a premises licence. In that instance, the Licensing Authority will not implement Stage 2 of the 'small casino licensing process' and will, (subject to any and all appeals being concluded), grant a small casino premises licence to the 'only suitable applicant' determined under Stage 1 of the process.</p>
19.11	<p>If the Licensing Authority does not receive any applications for a small casino premises licence at Stage 1 of the 'small casino premises licence process', or should the Licensing Authority resolve to refuse the grant of any applications so made under Stage 1, then subject to any and all appeals being concluded:</p> <ul style="list-style-type: none"> a) Stage 2 of the 'small casino premises licence process' will not be implemented, and, b) The Licensing Authority may re-publish an invitation calling for applications for a 'small casino premises licence'.
19.12	<p>Section 166(1) of the Act states that a Licensing Authority may resolve not to issue a premises licence. A decision to pass such a resolution will be taken by the Authority by a whole and will not be delegated to the Licensing Committee (a resolution not to issue casino premises licences will only affect new casinos). In passing such a resolution the Authority may take into account any principle or matter, not just the licensing objectives. The Authority may revoke the resolution by passing a counter resolution.</p>
20	<p>SMALL CASINO PREMISES LICENCE ~ GENERAL PRINCIPLES</p>
20.1	<p>The Licensing Authority recognises that applicants may either apply for a 'Casino Premises Licence' or alternatively a 'Provisional Statement' in respect of the small casino premises</p>

	licence.
20.2	Unless otherwise specified, any reference to the application and procedures for a 'Small Casino Premises Licence' in the 'Small Casino Premises Licence' sections of this 'Statement of Principles' shall also include the application and procedures for a 'Provisional Statement' for a small casino premises licence.
20.3	In making any decision under Stage 1 or Stage 2 of the 'small casino premises licence process', the Licensing Authority will have due regard to this 'Statement of Principles', the Gambling Act 2005 and to any Codes of Practice, Regulations and Guidance which may be issued by: <ul style="list-style-type: none"> a) The Secretary of State. b) The Department for Culture, Media and Sport, (<i>DCMS</i>). c) The Gambling Commission.
20.4	In making any decision in respect of a small casino premises licence application, made under the 'small casino premises licence process': <ul style="list-style-type: none"> a) the Licensing Authority shall not take into account whether or not an applicant is likely to be granted planning permission or building regulations approval; and b) any decision taken in relation to the small casino premises licence application, shall not constrain any later decision by Torbay Council, under the law relating to planning or building control; and c) any conditions or agreements attached to any planning consents will normally fall outside of the licensing process and will normally be disregarded by the Licensing Authority, in determining which applicant will bring the greatest benefit to the area of Torbay.
20.5	The Licensing Authority cannot consider unmet demand when considering applications for a small casino premises licence.
20.6	Torbay Council does not have a preferred location for the new small casino. Applicants can submit plans for any site or location within Torbay and each which will be judged on its own individual merits. Applicants, however, should have regard to the proposed location of the premises, with regard to meeting that licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling.
20.7	Where more than one 'Provisional Decision to Grant' is issued in accordance with Section 19.8 above, the Licensing Authority will implement Stage 2 of the 'small casino premises licence process'.
20.8	The Licensing Authority will ensure that any pre-existing contract, arrangements or other relationship it may have with a company or individual, does not affect the procedure so as to make it unfair (or appear unfair) to any applicant.
21	SMALL CASINO PREMISES LICENCE APPLICATION ~ STAGE 1
21.1	The 'small casino premises licence process' will be started by the Licensing Authority publishing an invitation calling for applicants to submit an application for a small casino premises licence.

21.2	An application for a small casino premises licence may be made at any time, however the Licensing Authority will not consider any such application, until a formal invitation to apply has been published and the appointed closing date for the submission of applications has passed. The appointed closing date shall be the final day of the three month period, duly advertised for Stage 1 applications.
21.3	The Licensing Authority will provide an Application Pack that will include a statement of the procedure and process it proposes to follow, in assessing applications for a small casino premises licence.
21.4	All applications for a small casino premises licence will be received through Stage 1 of the 'small casino premises licence process'. Should the Licensing Authority receive more than one application, then each application will be considered separately and on its own merits, with no reference being made to the other applications received.
21.5	At Stage 1 of the 'small casino premises licence process' any additional information submitted by an applicant, above that required by the statutory process, will be disregarded and returned to the applicant in accordance with Gambling Act 2005 and its Regulations. Additional information may be submitted by an applicant participating in Stage 2 of the 'small casino premises licence process'.
21.6	The Licensing Authority recognises that, should there be more than one small casino premises licence applicant, then each applicant is an 'Interested Party' in relation to the other, and therefore may make a representation. The term 'Interested Party' is defined in Section 4 at Page 6, of this 'Statement of Principles' and all representations will be considered carefully to ensure they meet the requirements set out therein.
21.7	It is recognised that any decision taken by the Licensing Authority under Stage 1 of the 'small casino licence application process' may be the subject of an appeal. The Licensing Authority will not proceed to Stage 2 of the 'small casino premises licence process' until any and all appeals, which may have been lodged at Stage 1 of the process, have been concluded.
22	SMALL CASINO PREMISES LICENCE APPLICATION ~ STAGE 2
22.1	Stage 2 of the 'small casino premises licence process' cannot be commenced until Stage 1 has been completed and all applications determined, including the conclusion of any and all appeals.
22.2	At Stage 2 of the 'small casino premises licence process', each of the second stage applicants will be required to state and demonstrate the greatest benefit they can bring to the local area of Torbay and how this will contribute to the well being of the area.
22.3	Where more than one application is received for a small casino premises licence and where more than one application is the subject of a 'Provisional Decision to Grant', (in accordance with Section 19.8 at Page 18), the Licensing Authority will give due consideration to all applications and will grant the available licence, to the applicant that it considers will deliver the greatest benefit to the area of Torbay.
22.4	Any determination made under Stage 2 of the 'small casino premises licence process' will be judged on a wide range of criteria, which have been established by the Licensing Authority in consultation with the community of Torbay, under the terms of this 'Statement

	of Principles’.
22.5	The Licensing Authority may during Stage 2 of the ‘small casino premises licence process’ engage in discussions with each Stage 2 applicant, with a view to the application being refined, supplemented or otherwise altered so as to maximise the benefits to the area of Torbay.
22.6	The Licensing Authority will expect a Stage 2 applicant to sign a written agreement with Torbay Council relating to the benefits that the proposed development may bring to the area of Torbay. The Licensing Authority will take any such agreement into account, in determining which application would result in the greatest benefit to the area of Torbay. The Licensing Authority may attach conditions to the small casino premises licence to give effect to this agreement.
22.7	<p>The following are the principles which will be used by the Licensing Authority to judge which proposal is likely to result in the greatest benefit to the area of Torbay and therefore, these are the matters to which applicants will be expected to address their Stage 2 application:</p> <ul style="list-style-type: none"> a) How the proposals will directly assist with local economic benefit and regeneration, sustainable job creation, enhance existing tourism, training and youth unemployment; especially with regard to non-gambling related jobs. b) How the proposal will deal with health and social responsibility, linking with local health care providers, including problem / fair gambling, protection of children and vulnerable persons; whether in the casino or in the wider community. c) How the proposals will link with Torbay Council’s Cumulative Impact Policy. d) The provision that is made within the application for preventing gambling from becoming a source of crime and disorder, being associated with crime and disorder or being associated with crime and disorder. e) The proposed location of the small casino premises development and other facilities, and how the selected site(s) along with the design and architecture, will regenerate the surrounding area as well as meeting the highest energy and environmental standards. f) How the proposal will improve the environment with improved public realm, tackling poor buildings or the provision of new or repairing existing infrastructure, as well as enhancing the local environmental quality in the immediate vicinity of the development and on arterial routes to the venue. g) The provision of a marketing policy which explains how the development will promote Torbay, in line with Torbay Council’s strategy to improve the quality and image of the area to increase visitor numbers and visitor spend. h) Proposed contributions towards community schemes, such as improving the night-time economy, the local community, the voluntary sector and youth facilities. i) Proposed contributions towards all year round arts and culture provision and recreational facilities for visitors and residents. j) How the proposals will assess the social, economic and physical impact of the development and the commitment thereafter to mitigate any potential adverse effects k) Proposals regarding day/night access and travel arrangements to and from the small casino taking into consideration staff and customer travel requirements. l) A financial contribution will accompany the application; what will be the purpose of

	the contribution and the form that this contribution will take.
22.8	At paragraph 22.7 above the Licensing Authority has set out matters which it will take into account in judging the competing applications at Stage 2 of the 'small casino premises licence process' and which are likely to receive the greatest weight in the evaluation process, but an operator is not debarred from putting forward other benefits which the Licensing Authority will take into consideration and weigh to the extent it considers them relevant.
22.9	<p>The Stage 2 applicant will be expected to additionally submit the following:</p> <p>a) A clear and detailed Business Plan.</p> <p><i>The Licensing Authority will evaluate the Business Plan, especially with regard to the viability of any submitted proposals.</i></p> <p>b) A signed 'Development Agreement' in a form that is acceptable to the Licensing Authority, committing the applicant, (in the event that they are granted a licence), to the entirety of the scheme they have put forward.</p> <p>c) A timescale for implementation and completion of the proposed development works, (including any ancillary development), setting out the various stages of construction. This is to enable the Licensing Authority to be kept informed of when the project is likely to be completed and that the applicant is on target for final completion.</p> <p>d) Evidence that there will be consultation with Statutory Bodies and Responsible Authorities, to ensure due compliance with any and all Statutory Regulations and Legislation, during the construction of the development; (e.g. health and safety, highway approvals, etc).</p>
22.10	In assessing applications made under the 'small casino premises licence process' the Licensing Authority will give consideration to the likelihood of a casino actually being developed and additional weight shall be given to its deliverability.
22.11	<p>The 'small casino premises licence process' will follow the DCMS Code of Practice; however, the Code of Practice leaves individual authorities to determine the detail of their own procedure.</p> <p>Therefore, (because it is recognised that the Licensing Authority does not necessarily have all the relevant expertise), the Licensing Authority might need to seek advice on an applicant's proposal from Officers in other relevant Council Departments; for example Planning, Highways, Finance, Regeneration and Legal. The Licensing Authority may also need to solicit independent expertise and advice from sources outside of the Council.</p> <p>For this purpose, the Licensing Authority intends to constitute a non-statutory panel to assist in the evaluation of the Stage 2 application process. This panel shall be called the 'Advisory Panel'.</p>
22.12	It is accepted that only the Licensing Authority will make the final decision on the successful applicant. The function of the Advisory Panel will be to evaluate the applications for the benefit of the Licensing Committee or Sub-Committee. The Advisory Panel will not be a decision-making body and while the Licensing Committee or Sub-Committee will take the Advisory Panel's evaluations into account, with regard to the 'small casino premises licence process', it is not bound to follow them.

22.13	Members of the Advisory Panel will comprise of carefully selected, competent and suitably qualified individuals, who are not biased and whose personal interests would not compromise their independence. It will be for the Local Authority to determine the membership of the Advisory Panel.
22.14	A schedule detailing the Advisory Panel members and the Panel's terms of reference will be included in the Application Pack. The terms of reference will include further details of the functions of the Advisory Panel and the procedures of the evaluation process, in order to ensure fairness and transparency to all applicants.
22.15	<p>To ensure that there is fairness and transparency; applicants will be asked if they wish to object to any Member of the Advisory Panel. Should an applicant wish to raise any objection to a Member of the Advisory Panel; then:</p> <ul style="list-style-type: none"> a) A formal objection must be served upon the Local Authority within 10 working days of the applicant requesting an Application Pack. b) The objection must clearly indicate the grounds upon which the objection is being made. c) It will be for the Local Authority to determine the validity of any objection and to determine if any member of the Advisory Panel should be replaced on the basis of the objection(s) raised. d) The formal procedure to be followed in the event of any objection being raised will be detailed within the 'Application Pack' <p><i>(The strict time constraints detailed at section a) above, are to ensure that in the event of an Advisory Panel Member being replaced as a result of an applicants' objection, all applicants can be given due notice and opportunity to object to any 'Replacement' Advisory Panel Member(s); and to prevent the potential frustration of the procedure in the latter stages of the 'small casino premises licence' determination process. Objections raised 'out of time' will only be considered if the applicant can satisfy the Local Authority, that the objection could not reasonably have been made within the stipulated period for objections).</i></p>
22.16	It is important that the small casino premises licence application includes all documents and paperwork in support of the proposals, (hereinafter referred to as the 'bid documentation'). Once all the bid documentation has been submitted, the Advisory Panel will carry out a preliminary evaluation of each application. Following the preliminary evaluation, Officers of Torbay Council may liaise with applicants with a view to the application being refined, supplemented or altered so as to maximise the greatest benefit to the Torbay area.
22.17	Once the bid documentation is finalised, the Advisory Panel will evaluate each bid and the bids will be scored within definitive bands determined by the Local Authority. Once assessed, the Advisory Panel's draft evaluation report on each application will be sent to the applicant, in order to enable the relevant applicant to identify and address any factual errors that may have occurred. Thereafter no additional information may be submitted by the applicant, but any agreed factual errors will be amended.
22.18	The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable.

23	BINGO PREMISES LICENCE
23.1	<p>The Licensing Authority considers that if persons under 18 years of age are allowed to enter premises licensed for bingo, it is important that they do not participate in gambling, other than on category D machines. Where category C or above machines are available on premises to which persons under 18 years of age have access, the Licensing Authority will require that:</p> <ul style="list-style-type: none"> a) All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance. b) Only adults are admitted to the area where the machines are located. c) Access to the area where the machines are located is adequately supervised. d) The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder. e) At the entrance to and inside any such area there are notices prominently displayed, indicating that access to the area is prohibited to persons under 18.
23.2	In determining any application for a Bingo Premises Licence, the Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the suitability and general layout of Bingo premises and with regard to matters of primary gambling activity.
24	BETTING PREMISES LICENCE
24.1	The Licensing Authority is responsible for the issue of premises licences for all betting establishments, including casinos, bookmaker's offices and tracks. It is illegal for persons under 18 years of age to enter upon licensed betting premises and bet, but they may gain entry to tracks.
24.2	<p>The Licensing Authority has an express authority to limit the number of betting machines made available upon licensed betting premises and in determining whether or not to limit the number of machines, the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> a) The size of the premises. b) The number of counter positions available for person-to-person transactions. c) The ability of staff to monitor the use of the machines by persons under 18 years of age or vulnerable persons.
24.3	In determining any application for a Betting Premises Licence, the Licensing Authority will have regard to any guidance or codes of practice issued by the Gambling Commission concerning primary gambling activity.
25	TRACK PREMISES LICENCE
25.1	<p>General:</p> <p>Tracks are sites, (including horse racecourses and dog tracks), where races or other sporting events take place. Betting is a primary gambling activity on tracks, both in the form</p>

	of pool betting, (often known as the 'Totalisator' or 'Tote'), and also general betting, often known as 'Fixed-Odds' betting. In discharging its functions with regard to Track Betting Licences the Licensing Authority will have regard to any guidance issued by the Gambling Commission in that respect.
25.2	There is no special class of betting premises licence for a Track, but the Act does contain rules which apply specifically to a 'Premises Licence' granted in respect of a Track.
25.3	<p>Applicants for a Premises Licence made in relation to a Track, will not be required to hold an Operating Licence issued by the Gambling Commission, unless the applicant intends to offer pool betting or general betting facilities himself; in which case an Operating Licence will be required.</p> <p>The betting that is provided upon the track will not generally be provided by the applicant, but will be provided by other operators who attend the track to provide betting facilities. These 'On-Course Operators' will require the necessary operating licences, therefore the Act allows the track operator to obtain a Premises Licence without the requirement to hold an Operating Licence. This 'Track Premises Licence' then authorises anyone upon the premises to offer betting facilities, provided they already hold a valid Operators Licence.</p>
25.4	<p>The Licensing Authority is aware that tracks are different from other premises in that there may be more than one premises licence in effect, each covering a specified area of the track. The Licensing Authority will especially consider the impact of the licensing objective of the protection of children and vulnerable persons with regard to this category of licence. Specific considerations in this respect may include:</p> <ul style="list-style-type: none"> a) The need to ensure entrances to each type of premises are distinct. b) That children are excluded from gambling or betting areas that they are not permitted to enter.
25.5	The Licensing Authority will expect the premises licence applicant(s) to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.
25.6	Children are legally permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines, (other than category D machines), are provided.

25.7	<p>Appropriate measures and / or licence conditions which may be applied to a track premises licence by the Licensing Authority, in order to promote the licensing objectives, (particularly the objective with regard to children and vulnerable persons), may include:</p> <p><i>(This list is indicative; it is not mandatory or exhaustive)</i></p> <ul style="list-style-type: none"> a) Proof of age schemes b) CCTV c) Door supervisors d) Supervision of entrances/machine areas e) Physical separation of areas f) Location of entry g) Notices / signage h) Specific opening hours i) Self-barring schemes j) Provision of information leaflets / helpline numbers for organisations such as GamCare, <i>(please see Appendix 2 of this document for 'Gamcare' contact details).</i>
25.8	<p>Gaming Machines at Tracks</p> <p>Applicants for Track Premises Licences will need to demonstrate within their applications, that where the applicant holds a 'Pool Betting Operating Licence' and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded and that such areas are suitably operated.</p>
25.9	<p>Betting Machines at Tracks</p> <p>The Licensing Authority has an express power under the Act, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching licence conditions to a betting premises licence.</p>
25.10	<p>The potential space available for betting machines at a track may be considerable, bringing with it significant problems in relation to:</p> <ul style="list-style-type: none"> a) The proliferation of such machines. b) The ability of track staff to supervise the machines if they are dispersed around the track. c) The ability of the track operator to comply with the law and prevent children betting on the machines.
25.11	<p>In considering whether or not it is appropriate to restrict the number of betting machines made available at a track, by way of licence condition, the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> a) The size of the premises. b) The ability of staff to monitor the use of the machines by children or by vulnerable people. c) The number, nature, location and circumstances of the betting machines that an operator intends to make available for use.
25.12	<p>Conditions on Rules being Displayed at Tracks</p>

	The Licensing Authority will attach a condition to Track Premises Licence requiring the track operator to ensure that the rules are prominently displayed in, (or near), the betting areas, or made available to the public by some other means, such as being included in the race-card or issued as leaflet.
25.13	<p>Applications and Plans for Tracks</p> <p>The following information should be submitted with the application:</p> <ul style="list-style-type: none"> a) Detailed plans for the track and the area that will be used for temporary “on-course” betting facilities (often known as the “Betting Ring”). b) In the case of dog tracks, horse racecourses, fixed and mobile pool betting facilities, (whether operated by the Tote or the track operator), and any other proposed gambling facilities; the plans should make clear what is being sought for authorisation under the Track Betting Premises Licence. c) Details of any other areas of the track, which may be the subject of a separate application, for a different type of premises licence.
25.14	<p>Self Contained Premises on Tracks</p> <p>The Licensing Authority will generally require that all ‘self-contained premises’ operated by off-course betting operators on track, be the subject of a separate Premises Licence. This will ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the track premises.</p>
26	TRAVELLING FAIRS
26.1	Travelling fairs do not require any permit to provide gaming machines, but must comply with the legal requirements as to the way the machines operate. They may provide an unlimited number of Category D gaming machines and/or equal chance prize gaming machines, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.
26.2	A given area of land may, by statute, only be used on 27 days per calendar year for the purposes of accommodating a fair. The statutory maximum of 27 days calendar use, applies to the land on which the fairs are held and that use is cumulative, regardless of whether it is the same fair or a procession of different travelling fairs.
26.3	The Licensing Authority will monitor fairs, (whether travelling or otherwise), which provide category D gaming machines or equal chance prize gaming machines within Torbay, to ensure that the provision of gambling is ancillary to the amusement provided at the fair and to ensure that the statutory limits upon the annual use of the land, are not exceeded.
26.4	The Licensing Authority will work with its neighbouring licensing authorities to ensure that any inter-authority sites which may be used for the provision of fairs, are appropriately monitored to ensure due compliance with statutory requirements.
27	REVIEWS
27.1	An ‘Interested Party’ or a ‘Responsible Authority’ can make an application to the Licensing Authority at any time, requesting that the Licensing Authority review a licence that it has

	<p>granted; the Licensing Authority may also initiate a review of a licence itself.</p> <ul style="list-style-type: none"> a) Responsible Authorities are scheduled to Appendix 2 of this 'Statement of Principles' b) Interested Parties are defined at Section 4 of this 'Statement of Principles'.
27.2	<p>Should the Licensing Authority receive an application requesting the review of a licence, the Licensing Authority will make a determination as to whether or not the review is to be carried out. In making this determination the Licensing Authority will consider whether the request for the review is relevant to the matters listed below:</p> <ul style="list-style-type: none"> a) In accordance with any relevant Code of Practice issued by the Gambling Commission. b) In accordance with any relevant guidance issued by the Gambling Commission. c) Reasonably consistent with the licensing objectives. d) In accordance with Torbay Council's 'Statement of Principles'.
27.3	<p>The Licensing Authority will also make a determination as to whether or not the application for the licence review is made on relevant grounds; the following are examples of grounds which may be considered by the Licensing Authority, to be irrelevant, (<i>this list is indicative and is not exhaustive</i>):</p> <ul style="list-style-type: none"> a) Representations which are inconsistent with Section 153 of the Act. b) Representations that are inconsistent with any guidance or codes of practice issued by the Gambling Commission, or with this 'Statement of Principles'. c) Representations which relate to an objection to gambling activity generally; for instance on moral grounds. d) Representations in relation to the demand or unmet demand for gambling premises. e) Representations in relation to planning matters. f) Public Safety Issues. g) Traffic Congestion issues.
27.4	<p>The Licensing Authority will not initiate a licence review if it considers that the grounds upon which the review is being sought are:</p> <ul style="list-style-type: none"> a) Frivolous b) Vexatious c) Substantially the same as representations made at the time that the application for a premises licence was considered; the Licensing Authority will not normally review a licence to re-visit issues which were considered at the time of the grant. d) Substantially the same as the grounds cited in a previous application for review, relating to the same premises, and a sufficient or reasonable period of time has not elapsed since that previous application was made. e) Insignificant; to such an extent, that it would be wholly unreasonable for the Licensing Authority to revoke or suspend the licence; or to remove, amend or attach conditions to the licence, on the basis of such representation.
27.5	<p>Should the Licensing Authority determine that an application for a licence review, (which has been duly submitted by an 'Interested Party' or a 'Responsible Authority'), is valid or should the Licensing Authority decide to initiate a licence review of its own volition; then</p>

	that licence review will be undertaken and progressed to conclusion, in accordance with the requirements of the Act, any guidance or codes of practice issued by the Gambling Commission and this 'Statement of Principles'.
	PART C - PERMITS / TEMPORARY AND OCCASIONAL USE NOTICES
28	UNLICENSED FAMILY ENTERTAINMENT CENTRE, (UFEC) GAMING MACHINE PERMITS ~ STATEMENT OF PRINCIPLES ON PERMITS
28.1	Unlicensed Family Entertainment Centres, (UFEC's), are premises commonly located at seaside resorts, on piers, at airports or at motorway service stations. These establishments cater for families, including unaccompanied children and young persons and, subject to the grant of a permit from the Council, operators can provide an unlimited number of Category D gaming machines, upon the premises.
28.2	Where a premises does not have the benefit of a premises licence issued under the Act, but the applicant wishes to provide Category D gaming machines; an application may be made to the Licensing Authority for an unlicensed family entertainment centre permit. The applicant must satisfy the Licensing Authority that the premises will be 'wholly or mainly' used for making gaming machines available for use.
28.3	The Licensing Authority will require as part of the application form, a plan to scale clearly defining the area covered by the UFEC.
28.4	The Licensing Authority will issue permits for unlicensed family entertainment centres in accordance with the following principles: <ul style="list-style-type: none"> a) The licensing objectives. b) Any relevant regulations or codes of practice. c) Any guidance issued by the Gambling Commission. d) The principles set out in this 'Statement of Principles'.
28.5	The Licensing Authority will only grant a permit if satisfied that the premises will be used as an unlicensed family entertainment centre and that the Devon and Cornwall Police have been consulted in relation to the application; applicants will also be required to demonstrate to the Licensing Authority: <ul style="list-style-type: none"> a) That the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed family entertainment centre. b) That staff are suitably trained and have a full understanding of the maximum stakes and prizes permissible in an unlicensed family entertainment centre. c) That the applicant has no convictions, which may have been identified as 'relevant convictions', for the purposes of the Act.
28.6	The Licensing Authority will expect the applicant to show that they have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. Such measures may include:

	<ul style="list-style-type: none"> a) Enhanced Criminal record checks for staff. b) Appropriate measures / training for staff as regards suspected truant school children on the premises. c) Appropriate measures / training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on / around the premises.
28.7	The Licensing Authority can grant or refuse an application for an unlicensed family entertainment centre permit; however it cannot attach conditions to a permit.
29	(ALCOHOL) LICENSED PREMISES ~ GAMING MACHINE PERMITS
29.1	There is an automatic entitlement to provide a maximum of 2 category C and/or D gaming machines, on premises that are licensed under the Licensing Act 2003, for the sale and consumption of alcohol on the premises. Subject only to the proviso, that the premises licence holder must serve notice of intention upon the Licensing Authority in respect of those machines.
29.2	<p>The Licensing Authority can remove the '<i>Licensing Act 2003 Automatic Entitlement</i>' in respect of any particular premises if:</p> <ul style="list-style-type: none"> a) The provision of the machines is not reasonably consistent with the pursuit of the licensing objectives b) The licensee has breached the requirements of the Gambling Act 2005. c) An offence under the Gambling Act 2005 has been committed on the premises. d) The premises are mainly used for gaming.
29.3	The provision of gaming machines, on premises licensed for the sale and consumption of alcohol, in excess of the automatic two machine entitlement, can only be authorised by way of a permit issued by the Licensing Authority.
29.4	<p>In considering any application for a permit to authorise the provision of more than two machines, on premises licensed under the Licensing Act 2003, for the sale and consumption of alcohol; the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> a) The requirements of the Gambling Act 2005. b) The Licensing Objectives. c) Any guidance issued by the Gambling Commission. d) Any Code of Practice issued by the Gambling Commission. e) The principles within this 'Statement of Principles'. f) Any other matters that the Council considers relevant.
29.5	<p>The matters that the Licensing Authority considers relevant in point (f) above, will include but are not exclusive to</p> <ul style="list-style-type: none"> i) any consultation it considers relevant by The Police and the Children's Safeguarding Board; ii) any relevant policies e.g. child protection from the applicant;

	<p>iii) the percentage of gross turnover the gaming machines contribute to total gross turnover of the premises and this should not be significant;</p> <p>iv) the confidence Torbay Council has in the management of the premises.</p>
29.6	In granting a permit the Licensing Authority can prescribe a different number of machines to that which was applied for, and can prescribe the particular category of machine(s) that may be permitted; however the Licensing Authority cannot attach conditions to a permit.
29.7	Applications for permits under this section cannot be made in respect of unlicensed non-alcoholic areas of, (<i>Licensing Act 2003</i>), licensed premises. Such areas would need to be considered under the provisions relating to 'Family Entertainment Centres' or 'Adult Gaming Centres'.
30	PRIZE GAMING PERMITS ~ STATEMENT OF PRINCIPLES ON PERMITS
30.1	<p>In considering any application for a prize gaming permit the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> a) The type of gaming that the applicant is intending to provide. b) The requirements of the Gambling Act 2005. c) The Licensing Objectives. d) Any guidance issued by the Gambling Commission. e) Any statutory and mandatory conditions. f) The principles within this 'Statement of Principles'.
30.2	The Licensing Authority will expect the applicant to demonstrate that they understand the limits applicable to 'stakes and prizes' that are set out in Regulations; and that they are able to understand and ensure that the gaming to be provided is within the law.
30.3	<p>There are statutory and mandatory conditions in the Act which the permit holder must comply with and the Licensing Authority cannot impose any additional conditions to the grant of a permit. The conditions in the Act are:</p> <ul style="list-style-type: none"> a) The limits on participation fees, as set out in regulations, must be complied with. b) All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played. c) The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value, (if non-monetary prize). d) Participation in the gaming must not entitle the player to take part in any other gambling.
31	CLUB GAMING PERMITS AND CLUB MACHINE PERMITS
31.1	Members Clubs may apply for a 'Club Gaming Permit' or a 'Club Machine Permit'. Commercial Clubs may apply for a 'Club Machine Permit'.

31.2	The grant of a 'Club Gaming Permit' by the Licensing Authority will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in regulations.
31.3	The grant of a 'Club Machine Permit' by the Licensing Authority will enable the premises to provide up to a maximum of three gaming machines of categories B, C or D. <i>NOTE: This maximum entitlement of three machines will include any machines provided by virtue of the Licensing Act 2003 entitlement; it is not in addition to that entitlement.</i>
31.4	Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming; unless the gaming is permitted by separate regulations. This may cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A 'Members' Club' must be permanent in nature, not established to make commercial profit, and controlled by its members in equal part. Examples would include 'Working Men's Clubs', branches of the 'Royal British Legion' and clubs with political affiliations.
31.5	The Licensing Authority may only refuse an application for a 'Club Gaming Permit' or a 'Club Machine Permit' on the grounds that: <ul style="list-style-type: none"> a) The applicant does not fulfil the statutory requirements for a members' club, a commercial club or a miners' welfare institute; and therefore is not entitled to receive the type of permit for which it has applied. b) The applicant's premises are used wholly or mainly by children and/or young persons. c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities. d) A permit held by the applicant has been cancelled in the previous ten years. e) An objection to the grant of a permit has been lodged by the Gambling Commission or the Police.
31.6	The Licensing Authority is aware that there is a fast track procedure for the issue of a permit to premises which hold a club premises certificate granted under the Licensing Act 2003. Under this fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police.
31.7	The 'fast track' process afforded to an applicant under the Licensing Act 2003 does not provide any statutory right to the issue of a permit and the Licensing Authority may resolve to refuse the grant of a 'fast track' application on the following grounds: <ul style="list-style-type: none"> a) That the club is established primarily for gaming, other than gaming prescribed under Schedule 12 of the Act, <i>that section relating to' Club Gaming Permits' and 'Club Machine Permits'.</i> b) That in addition to the prescribed gaming to be provided under the permit, the applicant provides facilities for other gaming on the same premises. c) That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

32	TEMPORARY USE NOTICES
32.1	<p>There are a number of statutory limits as regards temporary use notices. The limits are set out in the Act as:</p> <ul style="list-style-type: none"> a) A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months. b) A set of premises may be the subject of more than one temporary use notice in a period of 12 months; provided that the aggregate of the periods for which the notices have effect does not exceed 21 days.
32.2	<p>The purposes for which a temporary use notice may be used are restricted by regulations, to the provision of facilities for equal chance gaming only, which must be provided by means other than 'machine gaming'.</p> <p><i>'Equal Chance Gaming' is gaming where the participants are taking part in a gambling competition which is intended to produce a single, overall winner. An example of this would be a poker competition.</i></p>
32.3	<p>In considering whether to object to a temporary use notice the Licensing Authority will have particular regard to this 'Statement of Principles', and any guidance issued by the Gambling Commission, with regard to the nature and definition of a 'premises' or a 'place'. Should the Licensing Authority consider that 'Temporary Use Notices' are being employed at premises, (or for discreet parts of premises), to the extent where 'regular gambling' is thereby being provided within a given building or at a given place; then the Licensing Authority may object to the notice(s).</p>
33	OCCASIONAL USE NOTICES
33.1	<p>With regard to 'Occasional Use Notices' the Licensing Authority will ensure the following:</p> <ul style="list-style-type: none"> a) That the statutory limit of 8 days in a calendar year is not exceeded. b) That the subject premises can reasonable and effectively be defined as a 'track' c) That the applicant is permitted to avail himself / herself of the notice.

34	APPENDICIES
	Appendix 1 ~ Consultation
1	<p>The Gambling Act 2005 requires that the following parties are consulted by Torbay Council prior to publication of the finalised 'Statement of Principles':</p> <ol style="list-style-type: none"> a) The Chief Officer of Police. b) One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the authority's area. c) One or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Gambling Act 2005.
2	<p>The finalised 'Statement of Principles' will be made following consultations with the following:</p> <ol style="list-style-type: none"> a) Residents and businesses of Torbay b) Bodies representing existing gambling businesses in Torbay c) The Chief Officer of Devon and Cornwall Constabulary d) The Chief Officer of Devon and Somerset Fire and Rescue Service e) Torbay & Southern Devon Health & Care NHS Trust and Local Health Providers f) Torbay Safeguarding Children Board g) Torbay Council : Planning, Community Safety and Highways Authorities h) Safer Communities Torbay i) Facilities in Torbay assisting vulnerable persons j) Faith groups; via Torbay Interfaith Forum and the Street Pastors k) Torbay Town Centres Company l) Brixham Town Council m) English Riviera Tourism Company n) Economic Development Company
3	<p>In determining the finalised 'Statement of Principles', Torbay Council will undertake to give appropriate weight to the views of those it has consulted. In determining what weight to give to a particular representation, the factors taken into account will include:</p> <ol style="list-style-type: none"> a) Who is making the representation; (what is their expertise or interest?) b) What was the motive for their representation? c) How many other people have expressed the same or similar views? d) How far the representations relate to matters that Torbay Council should be including in its 'Statement of Principles'
4	<p>Torbay Council has designated the Torbay Safeguarding Children Board, (<i>TSCB</i>), as the 'Competent Body' to advise the Council, with regard to the licensing objective that protects children from being harmed or exploited by gambling.</p>

Appendix 2 ~ Schedule of Licensing Authority and Responsible Authority Contacts	
Licensing Authority	
1	<p>Licensing and Public Protection Team Community Safety 1st Floor Commerce House Abbey Road Torquay TQ2 5PJ</p> <p>Tel: 01803 208025 E-mail: licensing@torbay.gov.uk</p>
Responsible Authorities	
2	<p>Licensing Department Devon and Cornwall Police HQ Middlemoor Exeter EX2 7HQ</p> <p>Tel: 01392 452225 E-mail: licensingeast@devonandcornwall.pnn.police.uk</p>
3	<p>Devon and Somerset Fire and Rescue Service Western Command Devon South Group Torquay Headquarters Newton Road Torquay TQ2 7AD</p> <p>Tel: 01803 653700 E-mail: southfiresafety@dsfire.gov.uk</p>
4	<p>Torbay Safeguarding Children Board Torbay Council Town Hall Castle Circus Torquay TQ1 3DR</p> <p>Tel: 01803 207176 E-mail: tscb@torbay.gov.uk</p>

5	<p>Licensing and Public Protection Team (Public Nuisance) Community Safety 1st Floor Commerce House Abbey Road Torquay TQ2 5PJ</p> <p>Tel: 01803 208025 E-mail: licensing@torbay.gov.uk</p>
6	<p>Planning and Development Services Town Hall Castle Circus Torquay TQ1 3DR</p> <p>Tel: 01803 207801 E-mail: planning@torbay.gov.uk</p>
7	<p>Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>Tel: 0121 230 6666 E-mail: info@gamblingcommission.gov.uk</p>
8	<p>HM Revenue & Customs Betting and Gaming National Registration Unit Portcullis House 21 India Street G2 4PZ</p> <p>Tel: 0141 5553633 E-mail: nrubetting&gaming@hmrc.gsi.gov.uk</p>
<p style="text-align: center;">Gamcare</p> <p style="text-align: center;"><i>'Gamcare' is not a designated 'Responsible Authority' under the Gambling Act 2005 and has not been consulted by Torbay Council in relation to this 'Statement of Principles 2013'. However, Torbay Council has resolved to include the contact details of Gamcare within this appendix.</i></p> <p style="text-align: center;">GamCare 2nd Floor, 7-11 St John's Hill, London SW11 1TR</p> <p style="text-align: center;">Tel: 020 7801 7000 : Fax: 020 7801 7033 E-mail: info@gamcare.org.uk</p>	

Appendix 3 ~ Torbay Council Delegation Protocols

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Licensing Committee or Licensing Sub-Committee</u>	<u>Officers</u>
Three year licensing policy	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn.
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn.
Application for the transfer of a licence		Where representations have been received from the Gambling Commission.	Where no representations received from the Gambling Commission.
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn.
Review of a premises licence		X	
Application for club gaming / club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / objections have been withdrawn.
Cancellation of club gaming / club machine permits		X	
Applications for other permits except below			X
Applications for gaming machine permits		For more than 4 machines or where representations have been received.	For up to 4 machines where no representations received / representations have been withdrawn.
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Appendix 4 ~ Schedule of Gaming Machine Provision by Premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino (no machine/table ratio)	Maximum of 20 machines B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo premises	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**				No limit on category C or D machines		
Adult gaming centre	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**				No limit on category C or D machines		
Family entertainment centre (with premises licence)					No limit on category C or D machines		
Family entertainment centre (with permit)					No limit on category D machines		
Clubs or miners' welfare institute (with permits)					Maximum of 3 machines in Categories B3A or B4 to D*		
Qualifying alcohol-licensed premises					1 or 2 machines of category C or D automatic upon notification		
Qualifying alcohol-licensed premises					Number of category C-D machines as specified on		

(with gaming machine permit)							permit
Travelling fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

*It should be noted that members' clubs are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

Appendix 5 ~ Schedule of Gaming Machine Categories and Entitlements

Category of machine	Maximum stake (July 2011)	Maximum prize (July 2011)
A	No category A gaming machines are currently permitted	
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£2	£500
B4	£1	£250
C	£1	£70
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

*Subject to EC Notification process

NB These stakes and prizes are due for review during 2013.

Appendix 6 ~ Schedule of Gaming Entitlements for Clubs and Pubs

	Members' club with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Member's club, or commercial club without a club gaming permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whilst only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £100 per premises per day Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participation fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	No bingo permitted	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence

*On a day when no other facilities for gaming are provided.

From: Anthony, Jon
Sent: 24 August 2012 12:42
To: Guy, Mandy
Subject: RE: Consultation - Draft Gambling Statement of Principles 2013

Hello Mandy,

Thank you for giving me the opportunity to look at this document. The relevant bits for me appear to be within 22.7 and 24.2. I would only query on how the definition of 'vulnerable adults' is perceived...does the Gambling Act provide any guidance or definition? In relation to Safeguarding the definition is potentially too limited and needs to be broader in the context of your document. If the Gambling Act does not provide a definition then the Licensing Authority may wish to consider this further. I don't know if this helps but the Trust is looking to utilise the following definition in a number of areas at present –

An individual or family will be seen as vulnerable were there are concerns about their health or social welfare and were these concerns have been identified as placing them at risk of harm or exploitation

Regards,

Jon

Jon Anthony
Safeguarding Adults Operational Lead (Torbay)
Torbay and Southern Devon Health and Care NHS Trust
Safeguarding Adults Team
3rd Floor, Union House
Union Street
Torquay
TQ1 3YA

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From: Mandy.Guy@torbay.gov.uk [<mailto:Mandy.Guy@torbay.gov.uk>]
Sent: 23 August 2012 14:48
To: Anthony Jon (TORBAY CARE TRUST)
Subject: FW: Consultation - Draft Gambling Statement of Principles 2013

Please read the Council's email disclaimer notification which is located at the end of the email message.

Dear Jon,

After our conversation yesterday I attach a letter and a draft Gambling Policy Statement of Principles 2013. I believe the letter is self explanatory, but if you have any questions then please do not hesitate to contact me.

Thank you in advance.

Mandy

Mandy Guy
Senior Licensing Officer
Licensing and Public Protection Team
Community Safety
1st Floor Roebuck House
Abbey Road
Torquay
TQ2 5EJ

Tel: 01803 208124
Fax: 01803 208854

Email: mandy.guy@torbay.gov.uk

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Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Gambling Act Statement of Principles 2013	Business Unit:	Community Safety
Name (Key Officer/Author):	Mandy Guy	Tel:	01803 208025
Position:	Senior Licensing Officer	Email:	Mandy.guy@torbay.gov.uk
Date:	6 th November 2012		

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	Y
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	 Y Y Y

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>The Gambling Act Statement of Principles 2013 replaces the current 2010 document, as required by statute. There are very few alterations. The main purpose is to set out a framework which includes the principles by which Torbay Council will exercise its functions under the Gambling Act 2005.</p> <p>The nationally set objectives are</p> <ul style="list-style-type: none"> a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. b) Ensuring that gambling is conducted in a fair and open way. c) Protecting children and other vulnerable persons from being harmed or exploited by gambling. <p>All decisions are based upon these three Licensing Objectives.</p>
2. Page 204	Who is intended to benefit / who will be affected?	<p>The general public. The business community. Other customers, internal and external including Councillors, Police, Fire, Gambling Commission, and other Council Departments.</p>
3.	What is the intended outcome?	<p>To comply with the legislation and to provide a framework within which applicants, responsible authorities (as designated in the Act) and members of the public can operate or object to applications or current operations as determined by the Gambling Act 2005.</p>

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>The Gambling Act prescribes the processes to be followed and the framework within which objections can be made and the operations can be undertaken. The purpose of the policy is not to set out other matters.</p> <p>There are 53 Premises Licences granted which make up the 41 premises licensed for gambling, which 20 Betting Shops, 13 Arcades, 7 Bingo establishments and one Casino. In addition there are 210 pubs and 26 social clubs which are permitted for adult gaming machines and another 22 premises that have permits to provide the lowest category of gaming machine, which can be played by any age group.</p>

No	Question	Details
5.	How have you consulted on the proposal?	<p>The draft Statement of Principles' was consulted with the following:</p> <ul style="list-style-type: none"> a) Residents and businesses of Torbay b) Bodies representing existing gambling businesses in Torbay c) The Chief Officer of Devon and Cornwall Constabulary d) The Chief Officer of Devon and Somerset Fire and Rescue Service e) Torbay & Southern Devon Health & Care NHS Trust and Local Health Providers f) Torbay Safeguarding Children Board g) Torbay Council : Planning, Community Safety and Highways Authorities h) Safer Communities Torbay i) Facilities in Torbay assisting vulnerable persons j) Faith groups; via Torbay Interfaith Forum and the Street Pastors k) Torbay Town Centres Company l) Brixham Town Council m) English Riviera Tourism Company n) Economic Development Company
6.	Outline the key findings	<p>There were three responses to the consultation though only one that commented that being from Adult Safeguarding and their recommendations were included within the finalised document. The other two which provided no comments were Economic Development Company and the Police.</p>
7.	What amendments may be required as a result of the consultation?	<p>The recommended wording from Adult Safeguarding was included in the final document. This was to include a definition of what a vulnerable person is considered to be in Torbay.</p> <p>'An individual or family will be seen as vulnerable where there are concerns about their health or social welfare and where these concerns have been identified as placing them at risk of harm or exploitation.'</p>

Positive and Negative Equality Impacts

		Details	
No	Question	Positive Impact	Negative Impact
8.	Identify the potential positive and negative impacts on specific groups	<p>The policy is applied equally to all groups and no group should be adversely affected either positively or negatively unless expanded upon below. The policy addresses the processes for applications and representations against those applications which are equally applied to all.</p>	
	All groups in society generally	<p>Premises must legally have schemes of self exclusion and monitor those who gamble regularly, but the effectiveness of these is probably variable and to some extent limited. Details of support services for gambling addiction are included on machines and paperwork at premises.</p>	<p>The only group that might be affected negatively is those who develop addictions to gambling and do not have the ability to control or manage those addictions (mental health). A definition of what a vulnerable person is, was never agreed nationally (see the licensing objectives above) after a national consultation and therefore no group could be established to represent them. This is no doubt a weakness within the Act, but the legislative controls do not appear to address this weakness and no case law has been established either.</p> <p>Adult Safeguarding is not a statutory consultee in the process. The expertise to address mental health issues associated with gambling addiction arguably falls to the professionals within Adult Safeguarding industry probably at a national level.</p>
	Older or younger people	<p>The law excludes under 18's from most activities so the impact should be</p>	<p>In the latest survey in 2010, there is a marked association between problem</p>

Details	
No	Question
	positive.
	gambling prevalence and age. The highest rates were observed among younger adults aged 16-24 (2.1%) and those aged 25-34 (1.5%) and the lowest rates were observed among older adults (0.3% among those aged 55-64 and 0.2% of those aged 65 and over).
People with caring responsibilities	X There is no impact on People with caring responsibilities with regard to this decision.
People with a disability	X Although there is no impact on People with a disability; please note the contents about all groups in society above which may apply in some cases... X There is no impact on women or men with regard to this decision
Women or men	In the latest survey in 2010, the figures show problem gambling prevalence in men of 1.5% and in females of 0.3%. There are other socio-demographic characteristics which are available on the link below. http://www.gamblingcommission.gov.uk/PDF/British%20Gambling%20Prevalence%20Survey%202010.pdf
People who are black or from a minority ethnic background (BME)	X There is no impact on People from a BME background with regard to this decision
Religion or belief (including lack of belief)	X There is no impact on People who have religion or belief with regard to this decision
People who are lesbian, gay or bisexual	X There is no impact on People who are lesbian, gay or bisexual with regard to this decision

Details	
No	Question
	People who are transgendered
	People who are in a marriage or civil partnership
	Women who are pregnant / on maternity leave
9.	<p>Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?</p>
	<p>Premises must legally have schemes of self exclusion and monitor those who gamble regularly. Details of support services for gambling addiction are included on machines and paperwork at premises.</p> <p>The only potential proposal would be to include all applications to Adult Safeguarding, but it would be for them to decide if that was useful and appropriate. The Licensing Officers view is this is a national issue due to the prescriptive nature of the legislation.</p>
	<p>X There is no impact on People who are transgendered with regard to this decision</p> <p>X There is no impact on People who are in a marriage or civil partnership with regard to this decision</p> <p>X There is no impact on women who are pregnant or on maternity leave with regard to this decision</p>

Section 3: Steps required to manage the potential impacts identified

Details	
No	Action
10.	<p>Summarise any positive impacts and how they will be realised most effectively?</p> <p>Exclusion of under 18 from most premises and the opportunity for every person in Torbay to express their concerns about any application providing it's within the legal framework.</p>
11.	<p>Summarise any negative impacts and how these will be managed?</p> <p>See Point 8 above. Discussions will be held with Adult Safeguarding as to the value of them receiving applications.</p> <p>The only group that might be affected negatively is those who develop addictions to gambling and do not have the ability to</p>

		<p>control or manage those addictions (mental health). A definition of what a vulnerable person is, was never agreed nationally (see the licensing objectives above) after a national consultation and therefore no group could be established to represent them. This is no doubt a weakness within the Act, but the legislative controls do not appear to address this weakness and no case law has been established either.</p> <p>Adult Safeguarding is not a statutory consultee in the process. The expertise to address mental health issues associated with gambling addiction arguably falls to the professionals within Adult Safeguarding industry probably at a national level.</p>
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Section 4: Course of Action

No	Action	Details
12.	State a course of action [please refer to action after section 5]	<p><i>Where: -</i></p> <p>Outcome 2: Adjustments to remove barriers – There is a risk to vulnerable individuals. Although the legislation is very prescriptive liaison will take place with adult Safeguarding to see if any more can be done</p>

Section 5: Monitoring and Action Plan

No	Action	Details
13.	Outline plans to monitor the actual impact of your proposals	There are national statistics on the prevalence of gambling however these do not include a mechanism to monitor the impact on the vulnerable.

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Speak with Adult Safeguarding about the Licensing Objective	To see if opportunity to help the vulnerable	None	Mandy Guy	30 th January 2013
2					

Agenda Item 19



Meeting: Council

Date: 6 December 2012

Wards Affected: All

Report Title: Review of Allocations Policy and Local Tenancy Strategy

Executive Lead Contact Details: Councillor David Thomas, Executive Lead for Strategic Planning, Housing and Energy, 07917072227, david.thomas@torbay.gov.uk

Supporting Officer Contact Details: Julie Sharland, Strategic Housing Manager, (01803) 208065, Julie.sharland@torbay.gov.uk

Purpose

- 1.1 Social housing in Torbay currently offers a strong and valuable safety net for vulnerable groups and should continue to do so. Social housing should support those who need it most for as long as they need it. In addition, social housing also has broader social and economic roles in terms of area renewal and economic renewal, supporting strong communities, and tackling child poverty, worklessness and unemployment.
- 1.2 A fresh and more flexible approach to social housing could help the system to work better and allow wider groups of people to access the sector.
- 1.3 The review of our existing scheme has enabled and proposes local flexibilities for eligibility and priority to be applied. However due to the very small number of properties available outside of meeting the priority needs requirement it is unlikely to be viable to create an additional process at this time.
- 1.4 Housing policy should focus on the broader social and economic goals of housing across different tenures rather than concentrating exclusively on social housing.
- 1.5 Identifying housing for key priority needs groups in Torbay specifically families and those requiring adapted properties is reflected in the Local Tenancy Strategy.
- 1.6 The cost of returning to a bespoke Torbay allocations scheme would need to be funded – all initial set up costs for the existing scheme have been paid and the

ongoing costs are covered by Landlord fees per every advert/ house let. The costs of administering the application and the register within the housing options team are part of the overall staffing budget. Occasional one off costs can occur e.g. when legal advice is required.

Proposed Decision

2.1 That the Council continue with the Devon Home Choice partnership agreement and allocations policy and review the future policy approach when the next review of Devon Home Choice is completed.

2.2 That the Local Tenancy Strategy be published in January 2013 and local registered housing providers be encouraged to have due regard to Torbay's Local Tenancy Strategy.

Action Needed

3.1 Statutory Guidance on the Allocation of Accommodation

This new guidance issued (on 18th June 2012) to local housing authorities ('housing authorities') in England under s.169 of the Housing Act 1996 ('the 1996 Act'). Housing authorities are required to have regard to it in exercising their functions under Part 6 of the 1996 Act ('Part 6'). In so far as this guidance comments on the law, it can only reflect the Department's understanding at the time of issue.

3.2 This guidance replaces all previous guidance on social housing allocations.

3.3 The 2012 review of Devon Home Choice has taken account of this guidance.

3.4 Further detailed information is available at

<http://www.communities.gov.uk/publications/housing/allocationaccommodationguide>

4. Summary

4.1 The Localism Act 2011 has given local authorities new powers to shape the way in which they approach allocations, manage their waiting lists and make use of tenancies for social housing. Although, local authorities will still be required to operate and publish an allocations scheme, this no longer has to be open to all applicants. The Act still requires local authorities to grant priority to households meeting the existing reasonable preference criteria; but in addition to this, local authorities will be given greater flexibilities and discretion to shape their approach to allocations.

4.2 The Act is a key tool in implementing the government's proposals for social housing reform. Government states that the aim of the Act is to support communities to identify

and drive local priorities and shape what local services look like and how they are delivered. The Act aspires to devolve power and funding to the lowest possible level.

4.3 The Localism Act will:

- give landlords new powers to grant tenancies for a fixed term to new tenants, where they choose to do so;
- allow local authorities greater control over who they admit to waiting lists for social housing in their area (see appendix 1);
- enable local authorities to more easily discharge their duties to homeless people into the private rented sector;
- reform social housing regulation with greater emphasis on local accountability and tenant scrutiny;
- support greater tenant mobility across the social housing sector;
- Require local authorities to develop a tenancy strategy in partnership with local registered providers. (see appendix 2).

Relationship between the tenancy strategy, allocations policies and individual tenancy policies

4.4 The Localism Act creates a statutory requirement for all local authorities to develop a tenancy strategy which must include the high level objectives that registered providers in that area are to 'have regard to' when considering their own tenancy policies. Local authorities should develop their tenancy strategy in tandem with their allocation scheme.

4.5 This joined up approach is necessary to ensure an integrated and effective approach to housing options within a locality.

Evidence based approaches

4.6 In order to be effective and transparent, the tenancy strategy must be based on clear evidence drawn from local intelligence to inform long-term decision that will have local impacts. The tenancy strategy should be developed in conversation with local registered providers, partners working in health and the local economy and communities themselves. It should reflect the housing, and wider social and economic needs of an area. Local authorities should consider how their tenancy strategy:

- Meets housing need and demand locally
- Contributes to wider community objectives, such as health, education, employment and enterprise
- Reflects social, economic and household requirements which may arise out of the welfare reform.

In addition, the housing regulator, the HCA, requires registered individual providers to publish a tenancy policy. This document is intended to set out how that provider will use the new range of options that are available to them, with regard to tenancies of different types and length, when letting properties to new tenants. An individual registered provider's tenancy policy should also be developed in consideration of the local authority's allocation scheme and its tenancy strategy to ensure a joined up approach locally.

Equality and diversity

4.7 Local authorities play a key role in supporting diversity locally. They promote understanding and good relations between people who have different backgrounds and experiences, and this enhances the quality of life in local areas. The pursuit of equality depends on more than the criteria within the locally agreed scheme: it also requires the active involvement of groups that might be affected by the scheme or its formulation, including groups that might be under-represented or not fully visible to authorities. In assessing eligibility and making allocations, local authorities and their staff should have procedures which ensure compliance with the Equality Act 2010 and which avoid unfair discrimination, while complying with new allocations guidance and with relevant Housing Acts.

Providing advice and information

4.8 The publication of accessible and free information is vital in enabling people to take responsibility for their own housing solutions. This should additionally include information about housing options that exist within a local area. Where local authorities have stock or have nomination rights to partners' stock, it is important how that stock will be used and who is eligible for help is clear to everyone. This will be particularly important in the light of the local variations and additions that government is proposing to allow local authorities to introduce. The variety of local differences will mean that clarity of the local conditions and eligibility will be even more important to help people navigate local circumstances and make effective and empowered choices for themselves.

Managing transfers

4.9 The allocation guidance gives local authorities freedom to set their own transfer policies (Torbay council does not hold any stock of its own) including giving existing social tenants who are under-occupying their accommodation appropriate priority for a transfer. However, housing benefit reforms and proposed welfare reforms could mean that households deemed to be under-occupying their homes or experiencing a reduction in income may generate requests for internal transfers. Not all areas will have an appropriate supply of smaller properties from their stock profile to meet these requests. Partnership working with other registered providers and across local authority boundaries may be necessary to address this issue.

Using flexible tenancies

4.10 The Localism Act 2011 gives local authorities the option to make greater use of flexible tenancies to support households in low paid work and to incentivise others to take up employment and training. Flexible tenancies provide new opportunities to link housing with wider social and economic goals locally. However, local authorities will need to be vigilant to ensure greater use of flexible tenancies does not create instability in communities or other negative social effects; for example: unstable housing for children or the possibility that children might have to change schools more often.

Choice-based lettings (Devon Home Choice)

4.11 The allocation guidance replaces earlier guidance on choice-based letting (CBL) schemes, but does not provide detailed guidance on how local authorities should integrate CBL schemes with new approaches to allocations. Local authorities will need to consider how to do this to ensure effective choice and access to a range of housing options locally.

Recent customer feedback tells us:

65% of applications are made via the website

66% felt that Devon Home Choice was a fair way of letting homes

84% felt that the way applications are assessed and placed in different bands is fair

New approaches to allocations

4.12 The Localism Act and allocation guidance gives local authorities much greater freedom to determine 'qualifying persons' for their allocation scheme. A range of different considerations could be taken into account when establishing a rationale for considering new approaches to allocations. For example:

Rationale for a new approach to	Priority factors
---------------------------------	------------------

<ul style="list-style-type: none"> •Addressing an evidenced need to provide affordable housing for employees •Creating mixed income communities 	<ul style="list-style-type: none"> • In work or seeking work • Tackling child poverty
<ul style="list-style-type: none"> •Encouraging tenants' aspirations 	<ul style="list-style-type: none"> • In education or training
<ul style="list-style-type: none"> •Encouraging involvement in the community •Supporting the Big Society agenda •Supporting community led enterprise 	<ul style="list-style-type: none"> • Making a positive contribution to the community in terms of social, voluntary or other entrepreneurial action
<ul style="list-style-type: none"> •Tackling anti-social behavior and crime •Supporting safe and sustainable neighborhoods 	<ul style="list-style-type: none"> • Rewarding good behaviour • Troubled Families
<ul style="list-style-type: none"> •Making best use of stock •Supporting aspirations of tenants •Helping tenants to balance income and affordability 	<ul style="list-style-type: none"> • Encouraging downsizing
<ul style="list-style-type: none"> •Promoting choice •Making best use of stock •Savings for health and occupational health budgets 	<ul style="list-style-type: none"> • Moving on from supported housing or adapted properties which are no longer needed • Reducing the use of residential care, avoiding hospital discharge delays

Discharge of homeless duties into the private rented sector

4.13 This is a new power with effect from 9 November 2012. Under the new rules households accepted as homeless will be able to be housed into good quality private rented accommodation of a 12 month minimum let. With the homeless cases able to be housed in the private rented sector this will 'free up' more capacity for social tenants and other high housing need groups. This will mean that potentially other councils can discharge their duty in Torbay if deemed suitable. This may increase demand for housing support services where people meet relevant eligibility criteria including having a local connection with Torbay. The homeless cases will not be penalised but will no longer gain a 'head start' over others in housing need merely by being accepted as being owed a homeless duty by the Council. They will be able to apply for social housing equally with all other applicants but their homeless status will no longer give them an advantage over tenants and other households in urgent housing need.

- 4.14 Homelessness legislation is not changing and will still be a safety net for those vulnerable groups in priority need. The Government's regulations on the suitability of private rented accommodation offered to homeless people has yet to be confirmed.
- 4.15 Where people are housed is important – sending people to other areas can put huge pressure on receiving local authorities as well as being detrimental for families. There is evidence that some council is increasingly placing people in distant local authorities. The Government's position is that local authorities, when considering the suitability of accommodation for homeless people, should take into account location, particularly distance from the previous home and disruption to schooling, employment, medical care, amenities and support. This would also help to avoid putting pressure on the authorities that would receive households placed out of area.
- 4.16 This may increase demand for housing support services where people meet relevant eligibility criteria including having a local connection. Why have these changes taken place?
- 4.17 The way in which we allocate social housing in England presents key challenges for government, local authorities and housing providers. Social housing is a scarce resource with constricted supply and it is not being used as effectively as it could be to meet housing needs: the table below shows the situation in Torbay over the past 6 years

Year	06/07	07/08	08/09	09/10	10/11	11/12
New Affordable housing completions	144	149	119	117	127	35
Number of lets	317	285	303	371	344	371
Social Housing Register numbers	3995	5221	6493 Review Undertaken prior to DH	2482	3966	3425

Register banding/ need spilt 4/4/2012

Bedroom Need	1	2	3	4	5	6	7	
Band A (Emergency)	1	0	0	2	0	0	0	3
Band B (High)	155	98	37	27	16	4	1	338
Band C (Medium)	223	309	170	70	7	0	0	779
Band D (Low)	626	247	90	36	7	2	0	1008

Band E (No Housing Need)	585	465	236	19	1	0	0	1306
Total of Band	1590	1119	533	154	31	6	1	3434

4.18 A needs based approach to allocations has concentrated deprivation in some areas. There is insufficient housing support for low income households (incomes between £12,000 and £25,000, known as in-betweens) who are unable to access social housing and whose housing options are often limited to the private rented sector. Within our register the average income is below £12,000. There is a need for greater mobility in the social housing sector to support aspirations and local economies.

4.19 As a result of radical reforms to local housing allowance (LHA), the Localism Act and the Welfare Reform Act, the housing benefit system is entering a period of dramatic change which will include a new 'size criteria' for social housing occupancy and benefit payments delivered under 'Universal Credit'.

4.20 Universal Credit will be capped at £26,000 and maximum LHA in all areas has been reduced which could lead to many unaffordable homes and the potential relocation of those in areas where property costs are high to lower cost areas.

What is the Housing Allocation Policy?

4.21 It is the rules the Council sets to decide who gets priority for social housing in Torbay. Social Housing includes properties and any Registered Provider (Housing Association) properties that the Council has nomination rights for. By law, the council has to have an Allocations Policy which must be a public document and kept under review.

4.22 Devon Home Choice is a choice based letting scheme and a partnership between the 10 Devon Local Authorities and Registered Providers working in Devon. The scheme has been in existence since 2010 and the local administration of the scheme transferred from Sanctuary Housing to the local authority Housing Options team in June 2012. This was to ensure that requirements within the localism act could be delivered together with a more effective and comprehensive housing advice service to all those wishing to join the register as a housing option.

4.23 The policy sets out

- How to apply for housing
- Who is eligible for housing?
- How applicants will be assessed and prioritised

And has recently undergone a review to take account of the new guidance/changes. All applicants are assessed in the same way, using the rules set out in this policy to ensure fairness and consistency. Whilst all applicants are assessed in the same way, some partner housing associations may have different criteria to let their homes (for example the number of people that can live in a home of particular size etc). Where this is the case any differences will be made available on the Devon Home Choice website.

Aims of Devon Home Choice

4.24 The aims of Devon Home Choice are to provide:

- Choice for people seeking housing and the ability to move within Devon
- A common scheme across Devon that is transparent, easy to understand and accessible to all

4.25 Under Devon Home Choice there is a common:

- Application form
- Housing register
- Approach to assessing housing need and awarding priority
- Approach to advertising available properties

4.26 Local authority and housing association homes available to let will be advertised every week. Households with active applications on the Devon Home Choice housing register can look at details of the homes. They can then 'bid' for homes that they are eligible for.

4.27 The successful household will be selected from those that applied for a home based on:

- Whether they meet any preferences for particular types of applicant that may have been specified in the advert
- The band in which their application has been placed, which reflects their housing need
- Their band start date within that band

4.28 Devon Home Choice enables people to move within the county. This will greatly help people who need to move to get work or to benefit from support.

4.29 Homes were let in Torbay between 1 April 2011 and 31 March 2012. Of these:

- 327 (77%) were let to households previously living in Torbay
- 71 were let to households moving in from one of the other 9 Devon local authorities. Of these households, only 1 was reported to not have a local connection to Torbay. The vast majority of these moves into Torbay were from households who had previously lived in local authorities that border Torbay. Moves from Teignbridge, Exeter and South Hams accounted for (89%) of all moves into Torbay from other Devon local authorities.
- 14 (3%) were let to households moving in from outside Devon. None of these households was reported to not have a local connection to Torbay.

88 households moved from Torbay to one of the other nine Devon local authorities between 1 April 2011 and 31 March 2012. Of these, 16 households were reported to have no local connection to the local authority area they moved to. 60% of these moves were either to the South Hams (23 households, 32%) or Teignbridge (20 households, 28%).

Changes to our housing options approach and how we reduce the register numbers

4.30 Most of the people on our Housing Register will never have any chance of being offered a social housing home but this is not made clear by the system. The new enhanced options approach and allocation policy makes it clearer realistically who the council can and cannot house.

4.31 Of around an average of 3,500 households on the Register at any one time (which includes 1,300 assessed as no need), the reality is only 370 (on average) households per year are successful and find suitable accommodation. The introduction of the no need band will better inform expectations, but there will still be significant waiting times (for example, 3 – 5 years for a three-plus bedroom house).

4.32 While social housing build has slowed, additional units of extra care housing for older people and, in some instances, other vulnerable groups will be developed over the next three years going some way towards meeting the care and support needs of frail older people. We are also intending to offer specific housing options service for the elderly and those requiring Specialist/accessible (adapted) homes. This will also need to link with the availability and accessibility of Disabled Facilities Grants and any other planned remodeling of Older Persons Services e.g. Homecare assessments etc. The majority of older people live in the private sector so that will

not only reduce the need for residential care, facilitate hospital discharge and promote independence but should also reduce reliance on social housing.

- 4.33 The council could if it wishes make a local priority applicants who have a housing need and who are working and on a very low income and/or households who can, or do, contribute to making Torbay a stronger and more successful place.
- 4.34 Our Allocation Policy is the fundamental 'building block' of sustainable social housing communities. The previous policy/ approach resulted largely in housing people, who although in high housing need, may not work could undermine the Council's objective to create sustainable balanced housing communities. If the Council only house applicants who are not working the balance on the social housing estates between those who work and those on benefits is potentially tilted too far towards benefit dependent households.
- 4.35 However Torbay has recognized high levels of deprivation and child poverty and we need to provide housing that is affordable to encourage social mobility and break the poverty cycles.
- 4.36 The proposed revised Devon Home Choice Policy states Local authorities and landlords will agree locally whether to advertise some homes with a preference to working households or those making a positive community contribution, rather than by providing additional priority in the policy to such households. This could be applied to new local lettings plans for new affordable housing provision.
- 4.37 This could encourage people who can, to work which will contribute to raising levels of aspiration and ambition. This can be achieved through offering increased priority to families and individuals who are working, on apprenticeships but are on a very low income who may never be able to afford to buy a home and for whom renting in the private sector will mean they are hardly better off financially from continuing to work.
- 4.38 The policy can also be used to encourage those who do, or could, make a positive contribution to the local community. Customers who have a need for social housing and are volunteering, working, training, fostering could be helped although the Policy overall would still need to make sure that the majority of homes are let to those in the greatest housing need. Sometimes customers may be less able to do community work because of their age or disability so we would need to take this into account when making decisions.

4.39 Positive Community Contribution cases could include the following. These are examples only:

- Those employed on a low income or undertaking training.
- Applicants that can demonstrate a contribution to the local community such as certain types of voluntary work, or who contribute through relevant community groups. This could be specific to the area where a local letting policy is deployed, or could be voluntary work regardless of which part of the community benefits.

Applicant/s that are defined as a Key Worker by the Council - this could be in the health services, social care/ social workers, transport, Community Support Officer, members of the Territorial Army or volunteer Fire Officers, people who formerly served in the regular UK armed forces who need accommodation. Specific roles and income limits may need to be defined and reviewed on a regular basis.

4.40 Whilst offering choice to applicants wherever possible, allocation schemes must still ensure that reasonable preference is given to applicants who fall into one of the following groups over those who do not:

- People who are homeless (within the meaning of Part 7 of the 1996 Housing Act as amended by the Homelessness Act 2002). This includes people who are intentionally homeless and those who are not in priority need
- People who are owed a (homeless) duty by ANY local authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are living in accommodation secured by ANY housing authority under section 192(3). The letter detailing the outcome of a homeless application will specify whether 1 of these sections applies
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds including a disability
- People who need to move to a particular locality in Devon, were failure to move would cause hardship to themselves or others

4.41 The Localism Act will allow councils to set their own local reasonable eligibility rules. The following outlines the current rules within Devon Home Choice. The Localism Act 2011 provides local authorities with the power to determine for themselves what

classes of persons are, or are not, persons qualifying to be allocated social housing in their areas.

- 4.42 The Localism Act does not change the fact however that certain people from abroad with limited rights to remain in the United Kingdom are not eligible to be allocated social housing. These groups of people are set out in 'The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006' (as amended).
- 4.43 In addition to such people from abroad people assessed by Devon local authorities as being guilty of unacceptable behaviour will continue to be denied the right to register with Devon Home Choice. This will apply where a Devon local authority is satisfied that the applicant, or a member of their household, have been guilty of unacceptable behaviour serious enough to make the applicants unsuitable to be a tenant and who, in the circumstances at the time their application is considered, are unsuitable to be a tenant because of the unacceptable behaviour. This behaviour must normally have occurred in the previous two years
- 4.44 Behaviour is unacceptable if it is behaviour that would, if the applicant had been a secure tenant, allow the housing authority to obtain an outright possession order under section 84 of the Housing Act 1985 in relation to Grounds in Part 1 of Schedule 2 other than Ground 8.
- 4.45 Cases will be considered on an individual basis. The following criteria will be applied in determining whether an individual or household should be denied the right to register with Devon Home Choice, because of their behaviour:
- There must be reliable evidence of violent or anti-social behaviour, domestic, racist or homophobic abuse
 - The behaviour need not have led to possession, prosecution or other enforcement action by a statutory agency, provided there is reasonable probability that, had the applicant been a tenant, an outright possession order would have been granted because of that unacceptable behaviour.
 - In normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer time-scale may be appropriate.

- There must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats or there might be a history of repeat offending.

4.46 Households with significant rent arrears that led to a local authority or housing association in the previous 2 years obtaining an outright possession order under section 84 of the Housing Act 1985 in relation to Grounds in Part 1 of Schedule 2 other than Ground 8 will normally be excluded from the Devon Home Choice register.

4.47 Applicants with rent arrears below this level to any social landlord, that were accrued in the previous two years on their current or a previous tenancy, will not normally be offered a property.

4.48 Applicants with rent arrears to any social landlord above £500 will be placed in the No housing need band (E). Both will apply unless there are exceptional circumstances or until:

- They clear their debt, or
- The landlord is satisfied that the applicant is entitled to an amount of benefit sufficient to clear the arrears, or
- The applicant has shown a clear intention to pay. Those payments are made in accordance with an agreed repayment schedule during a period of at least 3 months. In exceptional circumstances that period may be reduced with the agreement of the local authority, or
- If there are exceptional circumstances relating to need

4.49 Applicants with rent arrears to a private landlord will be considered on a case-by-case basis by Devon local authorities. Applicants who have rent arrears to a private landlord over £500 who have been (or would be) assessed as having accrued these rent arrears intentionally will be placed in the No housing need band (E).

'Intentionally' means that the applicant deliberately did something (or failed to do something) that resulted in the rent arrears.

4.50 Household Income: Applicants with a household income more than five times higher than the relevant Local Housing Allowance level prevailing in Devon at the time will normally be considered to be able to meet their housing need, through either renting privately or owner occupation. Such applicants will have their applications placed in the No housing need band (E).

4.51 Capital, Savings and Equity: The capital, savings and equity available to an applicant's household will be assessed. If it is determined that, given:

- The applicant's capital, savings and equity
- The size and composition of the applicant's household
- The local housing market (for example prices to buy or rent privately) an applicant can resolve their own housing need within their local housing market they will be placed in the No housing need band (E).

4.52 Local authorities will not take any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service into account when assessing whether they have sufficient resources to meet their own housing need.

4.53 If we elect to end our partnership agreement in Devon Home Choice and create a Torbay bespoke allocations process and policy the indicative cost would be £20,500 approx running costs based on a 10th of current, plus we would need to purchase software approx costs of £25,000 – £30,000. In addition this would make it more difficult, and complicated, with limited choice for Torbay residents to bid for homes outside of Torbay within Devon.

Supporting Information

5 Position

5.1 See point 3 statutory requirements

6 Possibilities and Options

6.1 See 4.53

7 Preferred Solution/Option

7.1 As per recommendations

8 Consultation

8.1 Internal and external stakeholder consultation has been undertaken both locally and as part of the Devon Home Choice Review.

9 Risks

9.1 See Assessment.

10 Appendices

Appendix 1 – Devon Home Choice Policy Review July 2012

Appendix 2 – Torbay Council Draft Local Tenancy Strategy

Agenda Item 19

Appendix 1

Appendix 1 Devon Home Choice Policy Review July 2012

Introduction

The Devon Home Choice Management Board undertook the second annual review of the policy and operation of the scheme. The review was undertaken in light of the Localism Act.

This briefing summarises the decisions that were agreed.

It is anticipated that the changes will be implemented and that the revised policy will come into effect in August. This will be confirmed as soon as possible.

Local authorities will contact those applicants affected by the agreed changes in advance of the revised policy taking effect.

Banding

- All under occupiers will have their applications placed in Band B regardless of how many bedrooms they are freeing up. Please note that the Operational Group (4 July) will agree how this will be applied.
- A new Band B category will be introduced for 'Severe overcrowding'. This will include the current Band B categories (lacking 2 bedrooms and 2 children lacking a bedroom), as well as those households assessed as a Category 1 hazard due to overcrowding.
- The Band D reasons of 'Non Stat Homeless' and 'Rough Sleeper/NFA' will be combined and re-named 'No Permanent Home'.
- The banding reasons of Agricultural workers in tied accommodation, Moves for work and staying access to children will be removed. Existing cases will retain their banding
- The additional banding and waiting times awarded for cumulative need will no longer be given (e.g. applications will not be given 6 months extra time or moved up a band if they have 2 or 3 needs in the same band).
- Devon Home Choice will continue to register Band E households subject to the following:
 - o The application form will be redesigned so that Band E households only need to complete a limited number of questions
 - o Online applications from Band E households will be automatically made active, without any need for housing officers to review/ activate them
 - o The renewal date for Band E households will be automatically set for 3 years in advance. A new folder will be created for Band E applications

that have reached their renewal date and have not bid in the previous 6 months. It will then be possible for local authorities to batch close the applications

- Band E households will not be included in housing need figures
- Households who need to move to larger accommodation to become foster carers or adopt will have their applications placed in Band B under 'Supporting another priority service' subject to procedures being agreed with Social Services
- People who formerly served in the regular UK armed forces and are in the new Band D category of 'No permanent home' will have their application moved to Band C to reflect the government's forthcoming legislation.
- Priority for housing defects/ hazards will continue to be awarded to households in Band A (e.g. where there is a Prohibition order) and Band B (e.g. where there is a Cat 1 hazard). Procedures will be agreed with the Private Sector Housing Group. Existing social tenants will continue to be excluded from any priority for housing defects/ hazards
- Local authorities and landlords will agree locally whether to advertise some homes with a preference to working households or those making a positive community contribution, rather than by providing additional priority in the policy to such households.
- Local authorities will contact (or at least review) all applicants in Bands A & B every 6 months

Bed Need

- Devon Home Choice will adopt the Government bedroom standard for assessing bedroom need. This will mean that:
 - Children can share a bedroom up until 10 regardless of sex
 - Same sex children can share a bedroom up to 20
 - People require their own room when they are 21

Application form

- The application form will be redesigned so that:
 - There are an initial set of questions to establish whether the application will fall into one of the reasonable preference groups (Bands A - D), and to make it clear that if not, the application will be placed in Band E
 - Band E applicants will not need to complete all of the form
 - The paper application is as easy as possible to understand and complete

Accessible homes

- Accessible homes will continue to be advertised through Devon Home Choice and will only be let using direct match in exceptional circumstances
- Local authorities will complete the missing accessibility need information for applicants in Bands B & C by 1 September, and applicants in Band D by 1 December
- An applicant's accessibility need will be included in both the initial registration and the renewal letter, with a request that applicants make contact if they feel this is wrong
- A business case for a pilot central Occupational Therapy resource will be developed for consideration by the Devon Home Choice Management Board
- Each partner local authority and landlord will identify a named person to lead on accessible homes
- The 6 accessibility categories will be left as they are
- Supporting information will be required before any applicant is assessed as being in need of wheelchair accessible or part wheelchair accessible accommodation
- All landlords will develop and maintain an up-to-date record of accessible/ adapted properties (and those that are adaptable), and report back to the Management Board on progress with this. Where an up-to-date database isn't available landlords will undertake a pre-void inspection before properties are advertised
- Additional fields will be added to the property advert (e.g. to clarify the bathing facilities, whether there is a stair lift etc)
- At least 1 photo must be added to each advert (this relates to all homes and not just accessible homes)
- At the point where a local authority sets an advert as 'Ready to advertise' they can indicate whether they would like to be consulted before an accessible/ adapted property is let. Please note that it was agreed that this is only a request to be consulted and that short listing remains the responsibility of the landlord

- If an advert for a wheelchair/part wheelchair accessible property (or one with major adaptations) includes a preference to applicants with a local connection (because the LA is above the 2% limit on cross border moves), but nobody with a local connection has a need for that type of property, preference will then be given to those with a need for that type of property, rather than those with a local connection but no need for that type of property

1.1 No local connection to Devon

1.1.1 Applicants who have no local connection to Devon will have their application placed in either:

- The Low housing need band (D) if they are assessed as having a housing need (whether this be high, medium or low need), or
- The No housing need band (E) if they are assessed as having no housing need

1.1.2 However exceptions to this will include where:

- They have been accepted by 1 of the Devon local authorities as statutorily homeless, and local connection has been waived for specific reasons such as the applicant is fleeing domestic violence
- They need to move to Devon to give or receive support where failure to do so would cause hardship
- There are special circumstances such as health or support needs that are only available within Devon
- An applicant has no local connection in any district within the United Kingdom, then they will be deemed to have a local connection to Devon

1.1.3 In such circumstances applicants will be banded in line with the above policy, regardless of the fact that they have no local connection to Devon.

1.1.4 To demonstrate a local connection (defined in Part VII of the Housing Act 1996) with Devon applicants will:

- Normally be resident in Devon. Local Government Association guidelines define this as having resided in the area for six of the last twelve months, or three out of the last five years, where residence has been out of choice. In line with the Housing and Regeneration Act (2008) service personnel who have been based and living in Devon will be considered to have local connection with Devon. Their local connection will be to the local authority area where they are based or where they have been assessed.

- Work in Devon. The Local Government Association guidelines define this as employment other than of a casual nature. For the purposes of this policy this will be defined as having had permanent work with a minimum of a 16 hour contract per week for the previous 6 months, and without a break in the period of employment for more than three months.
- Have family connections in Devon. The Local Government Association guidelines define this as immediate family members (parents, siblings and non-dependent children) who have themselves lived in the area for five years.

1.1.5 Applicants will be required to provide proof of their local connection to Devon before their banding is assessed.

1.1.6 A number of housing associations with homes in Devon operate across a wider regional or national area. Tenants of such associations may on occasion wish to transfer to Devon from outside the county, but will not meet the local connection criteria (e.g. they do not have a local connection to Devon). In such cases the local connection to Devon criteria shall not be applicable. In such circumstances the tenant will be placed in the band determined by their housing needs, in the same way as applicants with a local connection to Devon. They will then be able to bid for homes in the same way as other applicants.

1.1.7 Similarly the local connection to Devon criteria will not be applied to:

- (a) Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
- (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- (c) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

1.1.8 If a home is subject to more specific local connection to Devon criteria however these will still apply to both tenants of partner landlords with no local connection to Devon and members of the armed forces and reserve forces. For example Section 106 planning conditions that mean the home can only be let to someone with a local connection to a specific local area.

1.2 Members of the Armed and Reserve Forces

1.2.1 In addition to the local connection provision for members of the armed forces and former service personnel etc (see 3.9.7. above); Devon Home Choice

will take on legislation that is proposed to be introduced in autumn 2012 relating to members of the armed and reserve forces.

- 1.2.2 The government propose that all local authorities provide additional preference to the following categories of people who fall within one or more of the reasonable preference categories and who have urgent housing needs:
- (a) Former members of the Armed Forces
 - (b) Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
 - (c) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
 - (d) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- 1.2.3 Specifically, any household within these categories who is assessed as having 'No permanent home' (within Band D – see 3.7.1 above), will have their application placed in Band C. This will ensure that such households who fall within the reasonable preference groups and have urgent housing needs are provided with additional priority.
- 1.2.4 It is felt that Devon Home Choice already provides a sufficient level of priority to other households within these categories who have urgent housing needs. For example former members of the armed or reserve forces who are accepted as homeless by one of the Devon local authorities.
- 1.2.5 Devon Home Choice will also seek to meet the housing needs of serving or former Service personnel as follows:
- Local authorities and landlords will agree locally whether to advertise some homes with a preference to certain groups (see 4.7 below). This could include former members of the armed forces.
 - Local authorities will not any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service into account when assessing whether they have sufficient resources to meet their own housing need (see 2.6 above).

Changes to Devon Home Choice

- Changes to the policy will only be implemented once a year, except in exceptional circumstances
- Any agreed changes will have a set date to be implemented
- An agreed approach to applying policy changes will be developed and agreed (for example where the changes will lead to some applications receiving reduced/ increased priority etc)

- Any changes to the policy agreed by the Management Board will only require sign off (by email) by local authorities who did not attend.
- The policy will display a 'from' date so that applicants and partners are sure that they have the most up-to-date version.

Participation in Devon Home Choice

- Local authorities will undertake regular analysis of those applicants in Bands A – C who are not bidding/ logging onto the website, to identify the reasons for this and put in place any appropriate support
- A common short survey form will be developed for applicants in Bands A – C who are not bidding, to enable the results to be collated and analysed

Consultation with customers

- Consultation be carried out on how the quality of adverts affects the bidding for accessible homes (with both applicants and housing staff)

Quality Assurance

- The creation of a central administration team to process and assess all applications will be considered
- A Quality Assurance (QA) process will be developed, focusing on assessment of applications, differences in the proportion of applications in different bands/ categories, short listing etc. The Operational Group will take the lead for the QA process
- The implementation of the Health & Wellbeing element of the policy will be reviewed

Appendix 2

TORBAY COUNCIL DRAFT LOCAL TENANCY STRATEGY

1. Background

This tenancy strategy fulfils the requirements of the Localism Act (2011) for local authorities to have a tenancy strategy, setting out the matters to which social landlords in the area must have regard when setting their own policies. The Localism Act gives local authorities new powers to ensure that social housing in their areas is meeting need and priorities as identified by the Council. In particular it is important to us that local housing is available for local people. A key aim for the Council is to ensure that more of the social housing in the district is let to those with a strong local connection.

Torbay Council is part of the Devon sub-region and supports the Devon-wide framework for tenancy strategies. The Framework enables local authorities to adopt different approaches where these support local priorities.

The Devon-wide framework was the subject of wide consultation between local authorities, Registered Providers and other interested parties. This draft strategy will also be subject to consultation with Registered Providers working in Torbay and with other interested parties during the autumn 2012. Initial consultation with partners commenced at our Homelessness forum event held end of March 2012

2. Context

2.1 Corporate Priorities

The Localism Act (2011) requires local authorities when preparing their strategies to take into account the council's key corporate priorities including homelessness strategies. This strategy also takes into account the Council's key corporate priorities. These include:

The **Torbay Community Plan 2011+**. A Healthy, Prosperous and Happy Bay identified in the Torbay Community Plan 2011+. The Community Plan has identified improving the economy, responding to the downturn and improving quality of life for the least well off as key challenges.

2.2. Torbay Local Development plan – A Landscape for Success:

The Plan for Torbay to 2031

This Plan has five headline aspirations:

- *A better connected, accessible Torbay*
- *Economic recovery and success;*

- *Protect and enhance a superb environment;*
- *Make the most of opportunities as a result of climate change;*
- *More sustainable communities and better places.*

2.3. Homelessness Priorities

Preventing homelessness and promoting the independence of vulnerable people.

This will be achieved through the following actions:

1. Provide and commission services to prevent homelessness.
2. Help people obtain information and access support services early to prevent homelessness.
4. Ensure that safeguarding of adults and children is an integral part of service delivery, including where they are housed in the private rented sector.
5. Expand on the joint commissioning of services and improve their cost effectiveness by involving people in shaping their services in partnership with user led organisations.
6. Assist those affected by the recession, welfare reforms and unemployment (the wider needs of homelessness).
7. Drive forward improvement to local service delivery that meets changing local need.
8. Ensure housing supply and type plays a key role in recovery and re-ablement supporting people to become, or remain, independent in their own homes.
9. Work in partnership with health and social care commissioners and providers to plan for increased provision of support, care and treatment in community settings and a managed reduction in residential care.
10. Consider the impact of changes in health and social care leading to an increase in care, support and treatment in the community and a planned reduction in the use of residential care.
11. Ensure that 5% of all new affordable homes are fully adapted for wheelchair use.

2.4. Aims of the strategy

Together, these aspirations and priorities set the key overall aims for our tenancy strategy, as set out below.

- Encouraging sufficient range of housing options to support households at different stages in their lives, and with different levels of income, whilst supporting local people to access social and affordable housing where they live;
- Making best use of the available social housing stock, including reducing overcrowding, tackling under-occupation, and making best use of adapted housing for those with a disability;
- Ensuring that vulnerable households are able to access appropriate accommodation and where needed, ensure that accommodation is available for life;
- Maximising choice for applicants, within the available resources, and promoting mobility within social housing and between social housing and other housing tenures.

3. Affordability

The Council has adopted the definition of affordable housing as set out in draft National Planning Policy Framework

‘Social Rent, Affordable Rent and Intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices.’

The Council recognises that developing associations will be charging affordable rents on new developments and on a proportion of relets. The Council supports the Devon-wide Framework which suggests that the “baseline” maximum rent charged for affordable housing should be no greater than the relevant Local Housing Allowance. The Council would also like to see Registered Providers carrying out an affordability assessment when letting properties at rents which are close to the current Local Housing Allowance, to ensure that the tenancy will be sustainable over time.

4. Disposals

The Council recognises that as part of good asset management, Registered Providers will want, from time to time, to dispose of stock. The Council supports the Devon-wide Framework which encourages Registered Providers who are disposing of stock to consider disposing to other Registered Providers, rather than out of sector. The Council expects Registered Providers to consult with the local authority when considering disposing of stock, so that the Council can assess the impact of the disposal on its ability to meet housing need in the district.

The Council will not support the disposal of the following types of housing without a very strong case being made:

- Larger homes, which are defined as:
 - Three bedroom houses with potential for use as 4 bedroom homes. For example they may have a dining room and living room or they may have three double bedrooms,
 - Larger homes capable of accommodating 6 people or more.
- Properties that may be suitable for 'downsizing' initiatives. See paragraph below on Downsizing and under occupation.
- Properties which have had extensive adaptations (see below for definition)
- Supported or specialist housing.

5. Conversions to Affordable Rent

Torbay Council recognises that the number of conversions has already been determined in agreements between Registered Providers and the Homes and Communities Agency. However, Registered Providers do have some flexibility when considering which specific properties to convert.

Registered Providers should have regard to the following when considering which properties will be re-let at an 'Affordable Rent':

- The pattern of re-lets by location, property size and type.
- The need to ensure that under-occupiers wishing to downsize are not put off by having to pay a higher rent or being given reduced tenancy rights.
- The need to ensure a reasonable supply of family-sized accommodation at social rents.
- The need to ensure that a reasonable supply of properties can be let to those working in the area with low incomes.
- The shortage of wheelchair accessible accommodation.

The Council expects to be consulted over criteria for conversion or the overall approach being taken by the Registered Provider, rather than being consulted over each individual conversion.

The Council understands that the Homes and Communities Agency has indicated that it may be willing to allow Registered Providers to let properties suitable for down-sizers at social rents, even where they are new properties built under the National Affordable Housing Programme. The Council strongly encourages Registered Providers to consider this option where a property has been built to be attractive to those down-sizing and where the rent differential would be off-putting. The Council understands that one or more additional relets would then need to be let at affordable rents in order to deliver the overall rental income required.

Registered providers are reminded that they can offer properties let at social rent on flexible tenancies where this supports the aims of this tenancy strategy e.g. offering a larger property on a "fixed term tenancy" in order to minimise future under-occupation. Similarly they may offer an assured tenancy on a property let at affordable rents.

6. Type of tenancy to be granted

The Council expects landlords to offer tenancies in line with the new tenancy standards i.e.

“tenancies which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock”

The Council acknowledges that landlords will continue to offer a range of tenancy types for different circumstances. However, the Council encourages landlords to offer flexible tenancies where this will help to make best use of the stock. In particular, the Council expects landlords to offer flexible tenancies on larger properties (3 bedroom and above) to ensure that in future, if a household is under-occupying the property, they can be supported to move on and the property offered to a family needing that larger accommodation. Similarly, the Council expects landlords to offer flexible tenancies on properties which have been significantly adapted for use by someone with a disability, so that if in future the person who needs those adaptations is no longer living there, the remaining family can be moved to alternative accommodation and the property offered to someone who needs those adaptations.

In addition, when deciding on which tenancy type to offer, landlords should consider:

- The age and frailty of the prospective tenant.
- The vulnerability of the prospective tenant and their household.

The Localism Act offers limited protection for existing tenants who are transferring to new properties let at affordable rents. The Council would like to see Registered Providers offering a tenancy which is as close as possible to the existing tenancy of a transferring tenant, where this does not conflict with the statements above. In particular, tenants who are down-sizing should be offered a tenancy (and ideally a rent level) which incentivizes the move.

The Localism Act also changes the right of succession for new tenancies, with opportunities for landlords to offer additional rights through the tenancy agreement. The Council asks landlords who are considering offering additional succession rights to be mindful of the arguments for flexible tenancies and to avoid creating rights which might hinder making best use of stock.

The Council expects landlords who offer introductory tenancies to continue to do so.

7. Minimum length of tenancy

The legislation states that 5 years should normally be the minimum term for a flexible tenancy. A shorter tenancy period can be given in exceptional circumstances; the Council would expect any landlord considering offering a tenancy period of less than 5 years to discuss this with the Council before making a final decision.

Where a landlord offers an introductory tenancy, it is anticipated that the flexible tenancy would be offered upon successful completion of the introductory tenancy, normally one year.

8. Mobility

The Council is keen to promote mobility within social housing, and expects landlords to actively promote schemes to facilitate mutual exchange. Landlords will need to be aware of the provisions within the legislation for affecting mutual exchange between tenants with different tenancy types and to ensure that their policies reflect these requirements.

9. Circumstances in which a tenancy might not be renewed

The Council expects that the vast majority of flexible tenancies will be renewed upon review following an appropriate sensitive assessment.

There are two different circumstances in which a flexible tenancy would not be renewed. The first is where the property is no longer suitable, in which case the landlord would be expected to facilitate an offer of alternative accommodation. The second is where the household circumstances have changed and no offer of alternative accommodation is being made.

Circumstances in which the Council expects that the tenancy is not renewed but where an alternative offer will be made are:

- Size: Tenancies should not normally be granted for properties that are significantly larger than the household requires unless set out in Local Lettings Policies. Exceptions might include examples such as where it is necessary to accommodate a full or part-time live-in carer, to enable access to dependent children where care is shared or to limit occupation because of local housing management issues. Any under-occupation should have regard to local housing market conditions; examples might include remoter rural settlements.
- Extensive Adaptations: Tenancies should not be renewed if the properties include the provision of extensive adaptations that are no longer required by anyone living in the household

Circumstances in which the Council expects the tenancy not to be renewed and no offer of alternative accommodation to be made are:

- Income: Tenancies should not be granted if the income of the household is above the income limit as set out in Devon Home Choice policy, or a local limit set by the Local Housing Authority. The Registered Provider may choose to encourage the household to remain in the property but on different terms e.g. paying full market rent, part or full owner

- Possession Proceedings: If breach of tenancy conditions is to be used as a ground for non-renewal of the tenancy it is expected that Registered Providers will have already started possession proceedings. This will help demonstrate that the Registered Providers believe that the decision not to renew is proportionate and in pursuit of a legitimate claim. We expect Registered Providers to have looked at all the options i.e. exhausted other remedies before withholding the renewal of a tenancy on these grounds.

The Council asks Registered Providers to notify the Housing Options Service where a tenancy is being brought to an end and no alternative accommodation is being offered. A protocol for the notification process is in place.

10. Tenancy management, sustainment and tackling tenancy fraud

The Council expects all Registered Providers to work proactively to manage and sustain tenancies. This should include regular contact with the tenant, regardless of tenancy type. For those on flexible tenancies this contact should be at least annually and should include a reminder of the tenancy end date and the grounds for not renewing the tenancy. The Council also expects Registered Providers to adhere to other protocols as agreed, for example the pre-eviction protocol.

The Council expects landlords to take reasonable precautions to tackle tenancy fraud, incorporating some form of check into tenancy sign-up and subsequent regular contact.

11. Equality impact assessment

Approach to be agreed. This could involve Torbay's user led groups.

12. Reviewing this policy

It is intended to review this strategy as part of the future reviews of our Allocation Policy and the Choice Based Lettings approach, in the light of information about the impact it is having and any specific areas in which difficulties have arisen. A more fundamental review will be carried out by April 2020 at the latest. This period has been suggested as it is unlikely that many flexible tenancies will have been brought to an end by then and advice and assistance offered.

Agenda Item 20



Meeting: Council

Date: 6 December 2012

Wards Affected: All

Report Title: Third Party Contributions towards the South Devon Link Road.

Executive Lead Contact Details: David Thomas, Executive Lead for Strategic Planning, Housing and Energy, 07917072227, david.thomas@torbay.gov.uk

Supporting Officer Contact Details: David Pickhaver, Senior Strategic Planner, (01803) 208814, david.pickhaver@torbay.gov.uk

1. Purpose

- 1.1 This report recommends that, in accordance with the council's legal obligation, third party contributions be collected to help meet funding commitments for the South Devon Link Road (SDLR), on a temporary basis until a Community Infrastructure Levy (CIL) is put in place.
- 1.2 Post 2014 and adoption of the new Local Plan, (CIL) is the most appropriate tool to pay for key infrastructure. Until this time, an interim arrangement is required to use S106 Contributions to contribute towards the SDLR.
- 1.3 The interim arrangements, in effect, seeks contributions to the South Devon Link Road. The Government has made it clear that in the current economic climate, it is not realistic to increase the overall amount of contribution sought from development. Therefore seeking a contribution for the SDLR will have a knock on effect of reducing the priority (and amount raised) of other contributions, such as affordable housing or sustainable development contributions (e.g. education, open space and off-site sustainable transport).
- 1.4 An update to the Planning Contributions and Affordable Housing SPD is proposed to ensure that S106 practice meets corporate priorities and complies with legal requirements. This would replace the current Update 3 (April 2011).

2. Proposed Decision (recommendation)

- 2.1 **Where new development impacts on, or contributes to the need for the South Devon Link Road, a S106 Contribution would be sought towards funding it.**
- 2.2 **In order to meet the council's financial commitments, contributions to the SDLR should be given a high priority when negotiating S106 Obligations, where lawful.**

3. **Action Needed**

3.1 The Planning Contributions and Affordable Housing (Update 3) will need to be further updated to reflect the changes recommended in this report.

4. **Summary**

4.1 Funding and planning permission for the SDLR has been approved and construction commenced, with completion in December 2015. The application for final approval was submitted to government in September 2011. This identified the scheme cost at £109.158m, to be funded as follows:

	£m
Bid to Department for Transport	76.390
Contribution from Devon and Torbay	27.998
Third Party Contributions, inc. Teignbridge	4.770
Total	109.158

4.2 The application notes that financial contributions will be sought from adjacent developments as identified in local development frameworks, **these contributions will be underwritten by councils**. The funding for the scheme also envisages “third party contributions” of £4.77m split equally between Torbay and Devon. There is a commitment of £500K from Teignbridge District Council, half of which would contribute towards Torbay’s total. This brings the Third Party contribution from Torbay to £2.135 Million (i.e. 4.77m minus 0.5m divided by 2). A S106 contribution of £248K from a development in Kingskerswell was granted planning consent in October 2011, which contributes to Devon’s total.

4.3 Torbay’s anticipated third party contribution, by year, to the SDLR as follows:

Source /Year	2015/16	2016/17	2017/18	Total
Third party contribution (£000s)	1,605	498.5	31.5	2.135

4.4 In the longer term, Community Infrastructure Levy (CIL) is the appropriate tool to help fund major infrastructure items. Torbay Council is preparing a CIL and a separate report covers this. However, a CIL cannot be charged until the Local Plan is adopted, and CIL charging/monitoring mechanism put in place. This is likely to be Spring 2014. CIL is highly unlikely to raise the amount required for the SDLR in 2015/16, as it will only apply to developments approved after a CIL is adopted.

- 4.5 Consequently there is a need to realign S106 Contributions to reflect current infrastructure spending priorities and the sum the Council has underwritten for the SDLR. This would be a stop gap measure until a CIL is adopted.
- 4.6 Whilst S106 contributions can be used to fund infrastructure, their use is strictly regulated by legal tests. They must (by law) be:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 4.7 Whilst it is possible to seek contributions for the SDLR, these must be related to the impact of development on the need for the new road, i.e. meet the tests outlined above. Appendix 1 sets out a policy background and seeks to assess the impact that development will have, based on trip rates, on the SDLR.
- 4.8 On this basis it is considered that seeking a contribution from development towards the SDLR is lawful, as an interim measure pending adoption of CIL. It is recommended that a contribution towards the SDLR be sought from strategic development with bay-wide significance. Broadly speaking these would be sites of 30 dwellings or more and/or sites of 1 ha or larger, or major out-of-centre retail development. For such developments, the impact on the SDLR will need to be assessed on a case by case basis (having regard to the TRICS based data in appendix 1). A smaller contribution towards the SDLR will be sought from all other developments based on the impact of development on the need for the road. A suggested methodology for calculating such contributions is set out at Appendix 1.
- 4.9 In the current economic climate, the viability of development is critical. The Government has recently reiterated the importance of ensuring s106 obligations do not stifle development. The Planning Contributions SPD and Update 3 set out advice on viability testing. In many cases there needs to be a prioritisation of Obligations in order to maintain development viability. The SDP (Update 3) already mitigates contributions for developments that create jobs, and it is not intended to implement the SDLR contribution in a way that harms economic activity or regeneration.
- 4.10 Contributions from development to the SDLR are likely to be achieved by 'redirecting' some contributions currently being secured for affordable housing or sustainable development, but importantly this approach will not have any greater impact on development viability. Moreover, the Planning Inspectorate is taking an increasingly hard line on requiring s106 contributions to be linked to specific projects, which makes it harder to justify broader "sustainable development" s106 contributions. An Update of the Planning Contributions SPD is proposed on this.
- 4.11 Prioritisation of S106 Contributions must be decided on case by case basis having regard to the tests of lawfulness, viability and corporate priorities. For example, the DfT funding of the SDLR expected sustainable transport measures to be put in place to relieve highway capacity. Local Transport Plan 3 (LTP3), which is a joint Devon County and Torbay Council plan, also prioritises walking, cycling and public transport as well as a new rail halt at Edginswell. However, given that £2.135m of third party contributions to the SDLR have been underwritten by the Council, it is recommended that these be given a high priority when negotiating a S106 package, until the required sum has been raised or CIL comes into force.
- 4.12 Whilst the Planning Contributions and Affordable Housing SPD sets out a range of

contributions, it is common in the current economic climate for the full set of S106 contributions set out therein to be un-viable. This necessitates a choice by the Council about which matters should be prioritised. Whilst this will have to be decided on a case by case basis, it is recommended that S106 contributions be sought having regard to the following order of priority:

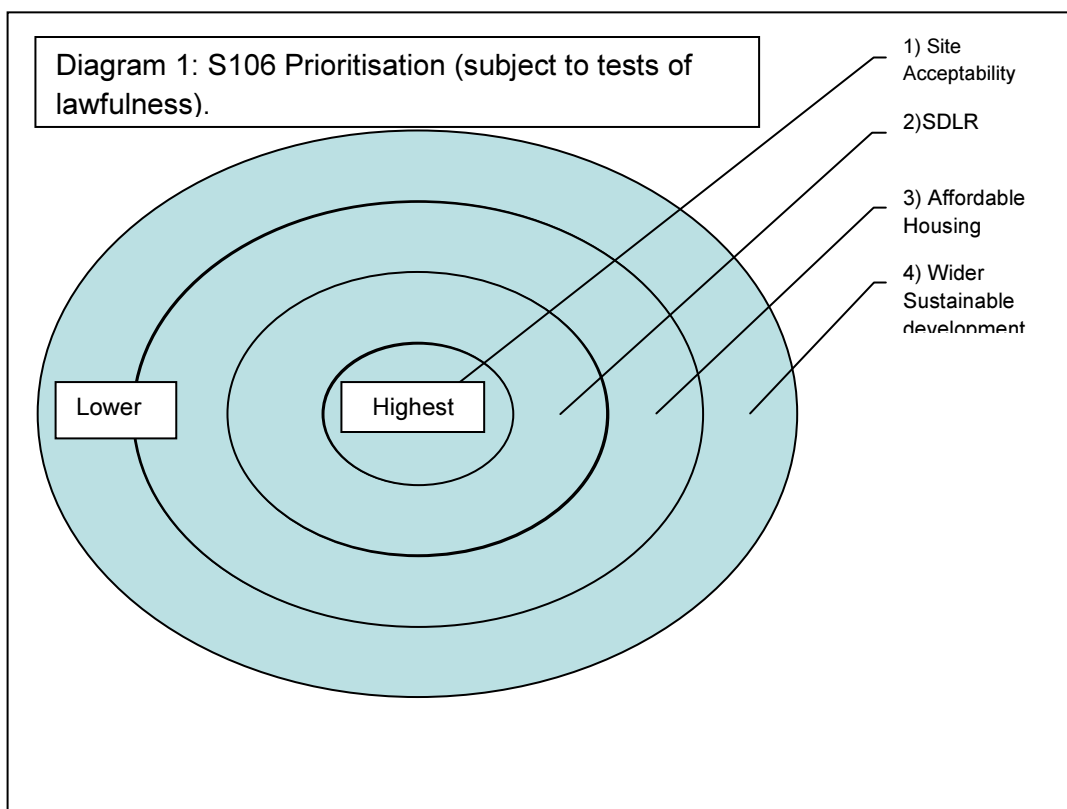
1) Site acceptability matters (Matters that are essential to make the site work in physical terms e.g. site access and directly necessary sustainable transport measures, flooding, landscaping, biodiversity, employment space (where part of on-site provision) etc.). Where possible these should be addressed through planning conditions or S278 Highways Agreements.

2) Contributions towards the SDLR. Strategic developments (30+ dwellings or 1 ha+ site or major out of centre retail/leisure development) based on an assessment of their impact. Smaller residential developments to be charged based on the impact calculation at Appendix 1.

3) Affordable Housing.

4) Wider sustainable development contributions (sustainable transport, education and lifelong learning, safer communities, open space). Note that specific projects must be identified by relevant departments in order for S106 to be sought.

Diagram 1 sets out this prioritisation order.



- 4.13 Over the last 4 years Torbay Council has collected around £1 million a year in s106, excluding affordable housing which is usually delivered directly on-site. The main recipient was sustainable transport (£1.8 m over 4 years) followed by education (£0.7m) and open space (£0.5 m). The main impact of this recommended change would be a shifting of priorities away from affordable housing and sustainable development contributions towards the South Devon Link Road. The Government has made it clear (for example in a Ministerial Statement of 6 September 2012) that Councils must be flexible in negotiating s106 Obligations in order to kick start development.

Supporting Information

5. Position

- 5.1 The South Devon Link Road is a clear commitment, and Torbay Council has underwritten third party contributions towards it. Not raising contributions from development will mean that a higher proportion is ultimately borne by council tax.

6. Possibilities and Options

- 6.1 Torbay could fund its entire contribution towards the SDLR through prudential borrowing. However there is an agreement with neighbouring authorities to seek an element from developers. Moreover, new development benefits from the SDLR and it is considered justified to request that they contribute towards its cost.
- 6.2 The SDLR is vital for Torbay's prosperity and economic recovery. The implications of prioritising the SDLR are set out above. The Council will need to weigh up other calls on S106 monies, such as affordable housing, on a case by case basis when considering planning applications.
- 6.3 The planning Inspectorate will not support S106 contributions that do not relate to specific projects needed as a result of development. This is making it increasingly difficult to seek wider sustainability contributions identified in the Planning Contributions SPD. Various minor amendments to the Planning Contributions are proposed to maximise the change of being successful at appeal.
- 6.4 Affordable housing is still within the ambit of S106 Obligations. However the government has made a number of announcements to emphasise that s106 contributions must not undermine development viability. The Montague report has specifically highlighted the effect of affordable housing requirements on the deliverability of development. Seeking contributions towards the SDLR is likely to impact on the level of affordable housing that can be negotiated from development.
- 6.5 It should be noted that nearly a third of Torbay households have no access to the private car. This group is the most vulnerable and the most likely to be affected consisting of the old, the disabled and those on low incomes. These people rely most heavily on sustainable transport.
- 6.6 Transport contributes over 20% of the Bay's Carbon footprint. Torbay's carbon footprint would begin to increase without sustainable transport measures such as cycling and walking and public transport to support development.

7. Preferred Solution/Option

- 7.1 To seek a S106 contribution towards the SDLR, where lawful to do so.

8. Consultation

8.1 This report is primarily about how to meet already agreed priorities within a legal framework.

9. Risks

9.1 S106 agreements must not undermine development viability and require choices to be made about S106 priorities. Increasing the priority given to the SDLR is likely to reduce the level of contributions available for other matters, especially sustainable transport and affordable housing. These matters are also important priorities for ensuring sustainable development.

9.2 S106 agreements must meet the tests of lawfulness outlined in the main report. It must therefore be sought on a case by case basis.

9.3 S106 Contributions cannot be pooled post April 2014. It is important that a CIL is put in place (which also required an adopted Local Plan) before this time.

9.4 Other projects are important to Torbay's strategic transport network, such as Edginswell Station (Devon Metro) and Western Corridor improvements. Focusing on the SDLR should not be at the expense of other key infrastructure items.

Appendices

Appendix 1 Detailed Policy Justification

Appendix 1 Detailed Policy Justification

A1 Policy CF6 of the Adopted Torbay Local Plan seeks S106 contributions for infrastructure. Policy T21 of the Local Plan proposes the South Devon Link Road as a key element of infrastructure. The Torbay Infrastructure Delivery Study (2012) identifies the SDLR as a key piece of infrastructure needed to deliver growth. The Planning Contributions and Affordable Housing Supplementary Planning Guidance (2008) and Update 3 (April 2011) set out the council's policy on S106 Obligations.

A2 S106 obligations must meet the tests of Lawfulness in the 2010 CIL Regulations/ paragraph 204 of the National Planning Policy Framework. It is becoming increasingly difficult to seek "pooled" contributions where there is not a specific project identified which is directly related to development. The SDLR is a specific project that is directly linked to the acceptability of development within Torbay. It is also noted that the government approved the bid for the SDLR on the basis of third party contributions being sought towards it.

A3 Contributions will be sought for the South Devon Link Road based on an assessment of the impact that development has on the need for the road. For larger developments (broadly 30 dwellings or 1ha or more, and major retail or leisure developments) this will need a specific calculation of impact. TRICS data has been used to assess the impact of development on the highway network. Figures 8-10 (pp35-36) of the SPD and Update 3, which has been used to set the overall sustainable transport contribution. Subsequent discussions with Strategic Transport have confirmed that TRICS based figures remain a relevant methodology for assessing the impact of development on the highway network. However the SDLR is not funded through LTP 2, so its cost is additional to the sustainable transport calculation in Figure 8 (p35) of the SPD. A professional transportation assessment will need to be undertaken of larger developments- particularly commercial developments -on their impact on the need for the SDLR. As set out below, it is assessed that the average trip on the SDLR will equate to £1.67 based on a 5 year pay-off time.

A4 For smaller developments, it is likely to be more practicable to use the following charges, which are based on the impact of development on the need for the SDLR.

Standard Charges for Residential Development by Town Area (defined by Ward).

Table A4 Charge for Residential Development in Torquay.

Floor area	% of baseline charge (based on SPD)	Torquay residential charge for SDLR
Up to 54 sq m	0.47	£450
55-74 sq m	0.64	£620
75-94 sqm	0.87	£845
95-119 sqm	1	£975
120 + sqm	1.3	£1,300

Table A5 Charge for Residential Development in Paignton.

Floor area	% of baseline charge (based on SPD)	Paignton residential charge for SDLR
Up to 54 sq m	0.47	£340
55-74 sq m	0.64	£465
75-94 sq m	0.87	£635
95-119 sq m	1	£731
120 + sq m	1.3	£970

Table A6 Charge for Residential Development in Brixham .

Floor area	% of baseline charge (based on SPD)	Brixham residential charge for SDLR
Up to 54 sq m	0.47	£270
55-74 sq m	0.64	£370
75-94 sq m	0.87	£500
95-119 sq m	1	£578
120+sq m	1.3	£770

Calculating the Traffic Impact on the SDLR

A5 There are several ways in which the impact of new development on the need for the SDLR may be shown:

- (1) Dividing the likely number of market-supportable dwellings by the £2.125 agreed by DfT to be raised through developer contribution. (“Quick and dirty” way of calculating cost)
- (2) Calculating the cost per trip rate on the SDLR by dividing its total cost by total trips and apportioning the cost generated by new traffic (detailed methodology).

(1) Dividing the likely number of market-supportable dwellings by the £2.135 agreed by DfT to be raised through developer contribution.

A6 As noted in the main report, the SDLR bid, which DfT have agreed, seeks £2.135 million of developer contributions over 5 years. There is an additional council contribution of nearly £14 million.

A7 Whilst the Local Plan seeks to achieve 400 new homes per year (+ / - 25%) over the next 5 years, it would be unrealistic to seek s106 contributions for affordable homes. The Strategic Housing Market Assessment (2011 update) indicates that there is market demand for 316 homes per year- 201 (63.7%) 1 or 2 bedroom, 10 (3.3%) 3 bedroom 10 and 104 (33%) 4+ bedrooms. Contributions must be paid back over 5 years which equates to 1,580 dwellings (316 x 5).

A8 Assuming that 80% (£1.708m) of SDLR contributions will come from new dwellings (and 20% from commercial development), this makes an average contribution of £1,081 per average dwelling in Torbay.

(2) Calculating the cost per trip rate on the SDLR by dividing its total cost by total trips and apportioning the cost generated by new traffic.

A9 The A380 South Devon Link Road Kingskerswell Bypass Public Inquiry DCC Proof of Evidence (DCC/P/4) assessed car and LGV movements through Kingskerswell (Diagram 9 and Section 5). The DCC assessment is that traffic in the SDLR has remained virtually constant since 1988, with 33,022 average daily trips in 2008. Analysis of parallel routes (section 4) indicates that at least 2,312 trips per day are diverted to side roads that would reasonably be expected to use the SDLR (i.e. increase in peak hours traffic on the St Marychurch Road and Kingskerswell Road compared to the daytime average). This makes a total of 35,334 potential journeys on the SDLR per day (ignoring traffic growth).

A10 Seeking to recoup the cost of the road (£107.434 million) over 5 years, would represent a *cost per average trip* of £1.67 (35,334 x 365 days x 5 years).

A11 It is difficult to assess how many of these journeys are from Torquay residents. A reasonable assumption is that 50% of trips arise from Torbay residents: i.e. 17,770 trips per day (50% of 35,334 trips).

A12 Car and LGV movements on the A380 through Kingskerswell come 55% from Torquay, 30% from Paignton and 10% from Brixham. 5% are local movements from Kingskerswell. (For completeness Heavy Good Vehicles are 50% from Torquay, 30% Paignton and 10% from Brixham. 10% is local transport from Kingskerswell).

Impact of Local Residential Traffic on the SDLR

	% of car/LGV Movements	Journeys per settlement per day (50% of total movements)	No of dwellings	Torquay residential car journeys per average dwelling on SDLR/Kingskerswell per day. (movements/dwellings)	Av journey Per 5 years on SDLR	£107.734 m divided by Cost per trip (35,334 trips x 5years=64.5m).	Average cost per dwelling (cost per trip x 5 years trips)
Torquay	55%	9,774	31,000	0.32	584	£1.67	£975.28
Paignton	30%	5,331	22,000	0.24	438	£1.67	£731.46
Brixham	10%	1,777	9,000	0.19	346	£1.67	£577.82
Kingsker swell	5%	-	-	-	-	-	-
	100%	17,770	62,000	-	-	-	-

A13 Larger developments (30+ dwellings) and commercial developments will need to be assessed on a case by case basis, having regard to the direct impact on the SDLR. Most heavy goods vehicle movements will leave Torbay via the A380, so in principle a S106 contribution would be justified based on £1.67 per trip generated onto the SDLR, over 5 year period.

A14 The above section assumes that 50% of trips are from Torquay dwellings, and by inference the other 50% are commercial/tourism/work trips into Torbay.

A15 It is noted that employment generating uses enjoy mitigation for the number of jobs generated. Similarly, retail and commercial developments within defined town centres have a regeneration benefit. On this basis it is unlikely that an SDLR contribution would be sought to a class B1/B2 development, or town centre uses (leisure, retail etc) located within town centres, or key waterfront regeneration areas. There would be cases such as out of centre retail where a contribution would be appropriate to mitigate the impact on the SDLR.

A16 Further details are set out in the Planning Contributions SPD and Update 3 (2011).

These also set out an approach to viability testing. Where s106 contributions are argued to make development not viable, the Council will seek an independently commissioned assessment of viability and negotiate a package of reduced contributions, based on Council priorities. Where development impacts on the need for the SDLR, it is recommended that the following priority be applied:

- 1) Site acceptability matters (Matters that are essential to make the site work in physical terms e.g. site access and directly necessary sustainable transport measures, flooding, landscaping, biodiversity, employment space (where part of on-site provision) etc.). Where possible these should be addressed through planning conditions or S278 Agreement.
- 2) Contributions towards the SDLR. Strategic developments (30+ dwellings or 1 ha+ site or

major out of centre retail/leisure development) based on an assessment of their impact. Smaller residential developments to be charged based on the impact calculation above.

3) Affordable Housing.

4) Wider sustainable development contributions (sustainable transport, education and lifelong learning, safer communities, open space). Note that specific projects must be identified by relevant departments in order for S106 to be sought.

A17 Each application will need to be determined on its merits. However, because of the strategic importance of the SDLR, it is recommended that a high priority be given to contributions towards this. The Update to the SPD will need to be further updated accordingly.



Meeting: Council

Date: 6 December 2012

Wards Affected: All

Report Title: Neighbourhood Planning in Torbay – Applications for Neighbourhood Forums and Plan Areas.

Executive Lead Contact Details: David Thomas, Executive Lead for Strategic Planning, Housing and Energy, 07917072227

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1. Key points and summary

- 1.1 Neighbourhood plans are an important part of the Localism Act 2011. They are intended to be a powerful tool for shaping the development and growth of a local area. When adopted, neighbourhood plans will be part of the development plan, along with the local plan, with formal weight in determining planning applications.
- 1.2 Neighbourhood Plans are being 'parallel tracked' with the new Local Plan, ensuring that the Plans are mutually compatible and empowering local communities, through the identification in Neighbourhood Plans of sites for development, for example. Whilst this approach has considerable benefits, there are also risks. For example, if Neighbourhood Plans fail to identify sufficient development sites this could seriously undermine the new Local Plan.
- 1.3 Torbay Council has received applications for neighbourhood planning areas for each of its three towns, and has advertised these applications and the Forums' constitutions. There can be only one forum in an area. Torbay's Community Partnerships have opted for three Forums, one for each town, with Churston being part of the Brixham Forum.
- 1.4 There were no objections to the Torquay and Brixham Forum applications or their constitution. There were three objections to Paignton Neighbourhood Forum's operation. Whilst these are not "in principle" objections to the neighbourhood planning area or constitution, they highlight problems that could, if not addressed quickly, jeopardise the production and successful adoption of a neighbourhood plan and, as such, successful adoption of the new Local Plan. A further update on issues in Paignton will be provided at the Full Council meeting, by the Executive Lead for Spatial Planning, Housing Waste and Energy.

2. Proposed Decision (Recommendation)

- 2.1 The Neighbourhood Plan areas of Torquay, Paignton and Brixham, and their constitutions, be approved subject to the Executive Head, Spatial Planning (in consultation with the Executive Lead for Strategic Planning, Housing and Energy) being able to withdraw this approval with immediate effect in respect of any Forum in the event of any of the following applying to that Forum;**
- (i) the Forum is not able to demonstrate that they have at least 21 members who live or work in the area, or are elected councillors;**
 - (ii) the Forum is not acting inclusively in accordance with its constitution;**
 - (iii) any of the Community Partnerships within the Neighbourhood Plan Area of the Forum are not involved in their relevant Forum during the Neighbourhood Plan making process;**
 - (iv) the Forum has failed to comply with a reasonable direction of the Executive Head, Spatial Planning within a reasonable period from such direction being made;**
- 2.2 Paignton Neighbourhood Forum be instructed that the Council may choose not to advertise a submitted plan or put it forward for examination, if the matters referred to in paragraphs 3.9 below and 2.2.1 – 2.2.4 above are not addressed to the satisfaction of the Executive Head, Spatial Planning in consultation with the Executive Lead for Strategic Planning Housing and Energy.**
- 2.3 Local Councillors should take a lead role in ensuring each Neighbourhood Forum meets the terms of its constitution, the requirements of the Localism Act and National Planning Policy Framework and meets or exceeds the requirements of the new Local Plan.**

3 Action Needed

- 3.1 As recommendation above.

2. Summary

- 2.1 See above

Supporting Information

3. Position

- 3.1 Neighbourhood plans were introduced by the Localism Act 2011. They are an important part of the Government's programme of localism: the removal of regional planning targets and empowering local communities to take an active part in shaping their local area. Neighbourhood Plans are regulated by the Localism Act 2011 (especially Chapter 3, and Schedules 9 and 10). They have to go through several prescribed stages of adoption, including consultation, independent examination and local referendum.
- 3.2 A "basic condition" (Schedule 10, section 8(2)) of the Localism Act is that neighbourhood plans must be in general conformity with the local plan and have regard to national policy (i.e. the NPPF). The Secretary of State, Eric Pickles set out his expectation of local and neighbourhood planning in a Statement of 6 September 2012:
"The Localism Act has put the power to plan back in the hands of communities, but with

this power comes responsibility: a responsibility to meet their needs for development and growth, and to deal quickly and effectively with proposals that will deliver homes, jobs and facilities”.

- 3.3 The current report relates to the principle of recognising the three Neighbourhood Planning Areas put forward in Torbay and their respective Forums' constitutions, within the ambit of the Neighbourhood Planning (General) Regulations 2012, particularly Regulations 5-8. These Regulations do not stipulate criteria for agreeing to forums and do not (at this stage) relate to the substance of the plans. Nevertheless, the above matters are relevant, as the Council can refuse to submit a neighbourhood plan for examination if it considers it to fail the legal requirements.
- 3.4 Torbay is almost unique in promoting entire coverage of its area with neighbourhood plan areas, with a forum for each town. Brixham Neighbourhood Forum comprises the Town Council area as well as Churston, Galmpton and Broadsands. This ambitious programme of work is well underway in all three Forums. Torbay Council was successful in a bid (2011) to take part in the Neighbourhood Planning Front Runners Scheme to secure £20,000 in funding from central government to help create a neighbourhood plan for Brixham. Subsequent bids for the Torquay and Paignton Neighbourhood Forums have also been successful with the fifth wave of frontrunners announced in March 2012. All Torbay Forums, in partnership with the Council, have been working with the Prince's Foundation, providing free (funded by DCLG) and impartial expertise, as part of the frontrunner work. The intention is for all four plans (1 x Local; 3 x neighbourhood plans) to be well advanced by March 2013, with the draft Local Plan submitted to Government.
- 3.5 The three Forums have submitted their proposals for agreement of Neighbourhood Plan areas and Forums' constitutions. These were advertised by the Council between 26 July and 7 September 2012. The Council is now required to designate (or refuse) the Neighbourhood Plan areas and constitutions. As noted in 3.4 above, the Council has supported the creation of the three Neighbourhood Plans and worked with the Forums over a period of many months prior to receipt of these applications.
- 3.6 There were no objections to Torquay or Brixham Forums. Following legal advice, each Forum has been asked to clarify that its membership complies with the legal requirements (broadly, contain at least 21 members who live or work in the area, or are elected councillors). It is not anticipated that the Forums will have any difficulty in demonstrating this requirement and there is no reason not to approve the Torquay and Brixham neighbourhood planning areas.
- 3.7 Torbay Council received three objections to the Paignton Neighbourhood Forum: from the Town Centres and Beaches Sub Committee of the Forum, Paignton Town Centre Community Partnership and Preston Community Partnerships. These are not “in principle” objections but relate to the current operation of the Forum, which it is suggested falls short of its constitution. Specific concerns raised relate to the lack of influence from sub-groups and the lack of a separate steering group that meets separately from the main Forum. It is suggested that a vice chair who is able to take a more active role in the Forum should be appointed. Concern has also been raised that the Forum as currently operated is not aspirational enough and has limited involvement from the business sector. In particular Preston Community Partnership has asked for a greater input into the Plan. At the time of writing this report concerns continue to be raised, by business and resident community representatives, about the operation of the Paignton Forum and content of the emerging Neighbourhood Plan. If these concerns are not addressed quickly it may be that representative organisations decide not to be involved in Neighbourhood Planning. This could have a significant impact on the cohesiveness and robustness of the neighbourhood plan area.

- 3.8 As noted, the above are not “in principle” objections to the neighbourhood plan area, but coming as they do from constituent parts of the neighbourhood areas they are a cause for concern. The Forum chair has been written to on two occasions with suggestions to address these problems. A response from Paignton Neighbourhood Forum, dated 22 October 2012, is set out at Appendix 1.
- 3.9 Having taken legal advice, it is considered that the principle of a neighbourhood plan area covering Paignton and the constitution do meet legal requirements. Further advice is being sought about the ability of the Council to approve a neighbourhood plan area when there is a void of community partnership representation for part of that area. Subject to that advice, it is recommended that the Paignton Neighbourhood Plan area and Forum constitution be agreed. However it is recommended that the Council reserves the right to refuse to publicise a submitted plan, or put it forward for examination, if it considers that any Forum has not followed its constitution or the Plan is likely to fail at examination, particularly due to:
- Non-compliance with the NPPF;
 - Lack of compliance with the Torbay Local Plan, contrary to the provisions of the Localism Act; and
 - Lack of an inclusive approach to plan making.
- 3.10 The Local Planning Authority, having taken advice from the Department for Communities and Local Government, the Planning Advisory Service and the Planning Inspectorate, is putting in place ‘safety net’ measures to ensure the Local Plan is robust, even if one or more neighbourhood plans do not proceed. These measures will be discussed with Members as part of the review of the draft Local Plan, following examination of responses to recent consultation. However, such measures will still provide opportunity for Neighbourhood Plans to proceed as currently envisaged.

4. Possibilities and Options

- 4.1 The Council could refuse to accept the Paignton Forum unless specific assurances are received that it will operate in an inclusive fashion. This is not recommended at this stage because the principle of the neighbourhood plan areas and the forums’ wording are considered to be acceptable and within the stipulations of the Localism Act /Neighbourhood Planning Regulations. Moreover, a great deal of community and Officer time has been spent on the Paignton Neighbourhood Forum and it is in everyone’s interest to ensure that this is not wasted.

5. Preferred Solution/Option

- 5.1 To approve the Neighbourhood Forums as recommended in section 2, subject to the safeguards recommended.

6. Consultation

- 6.1 The three Neighbourhood Forums were the subject of public consultation between 26 July - 7 September 2012. This report is in response to representations made on this consultation.

7. Risks

- 7.1 The requirements of neighbourhood plans is set out in the main report. The Government has been clear that localism should not be a vehicle for stopping development. A plan that does not meet objectively assessed needs is unlikely to be supported by an independent examination.

- 7.2 If parts of the neighbourhood area pull out of the forum - as some of the Paignton areas could do if their objections are not met - this would seriously undermine the validity of a plan and significantly reduce its chance of being successfully adopted.
- 7.3 The three Neighbourhood Plans, following independent examination, need to be agreed by referendum. It remains to be seen whether any Neighbourhood Plan will be supported at referendum, and an alternative may be to finally adopt them as supplementary planning documents or area action plans.

Appendices

Letter from Paignton Neighbourhood Forum dated 22 October 2012.

Additional Information

See above

PAIGNTON NEIGHBOURHOOD FORUM

- Blatchcombe
- Clifton with Maidenway
- Goodrington, Roselands & Hookhills
- Paignton Town
- Preston



c/o 34 Totnes Road
Paignton
TQ4 5JZ

22 October 2012

By email to: pat.steward@torbay.gov.uk
Senior Service Manager
Spatial Planning
2nd Floor, Roebuck House
Abbey Road
Torquay
TQ2 5TF

Dear Pat

Paignton Neighbourhood Forum

Thank you for your letter of 16th October 2012 addressed to myself and Mike Parkes confirming that the Council's legal advisors agree the Forum's application and constitution comply with the requirements of the Localism Act and the Regulations.

Mike Parkes and I have discussed your letter in detail and the additional information requested for you to complete your report to full Council on 6 December 2012 is as follows:-

- The Forum has over 200 members who qualify under the requirement of Schedule 9, Section 61F. Attached is a schedule of their names. Address details have been redacted to protect confidentiality.
- In accordance with clause 10.3 of the Constitution, to reflect the principle of a community led approach, at least 5 non-council members must be present at the start of a Forum or a Group meeting for it to be declared quorate.
- In accordance with clause 10.4 all Forum members are entitled to attend the Forum meeting to propose and vote for motions and to stand for election. Voting is by a show of hands. In the event of a tie, the chairperson has a casting vote under clause 7.3. Under clause 10.3 Forum meetings are open to any member of the public to observe. Very particular care is taken to ensure that any votes taken distinguish between members and any non-members present.

Regarding the objections received and your helpful observations:-

- The Steering Group has met monthly and jointly with the Forum since day one, with minutes published and distributed accordingly. The objection for separate Steering Group meetings was considered specifically and recently by the Forum on 23 August 2012. The Forum voted overwhelmingly to keep to the joint meetings as being much more inclusive to the process. This included members of the Council being present as full members of the Forum and

Steering Group, who did not take a different view. Having a combined meeting also cuts down on people's valuable time and reflects the adage you share of 'keep it simple' and 'get on with it.'

- The Sub-Groups established by the Forum operate on a 'task and finish' basis to progress set pieces of work (e.g. the Stage 2 Travelling document). Where a matter does not carry a unanimous view, it has been discussed and resolved at the Forum/Steering Group meetings in accordance with the Constitution. Any 'lack of influence' felt by the objector can only arise where the Forum has not been convinced of a minority view. All decisions are taken democratically.
- The Vice Chair has not been able to attend all meetings of the Forum, due to being on-call out of hours, and has informed me that he will be moving to another part of the country very shortly. This of course will require the Forum to decide who will take his place, and is being reported to the Forum at the next meeting. His commitments have not hindered his being involved at every stage and I know that his advice and guidance have been much appreciated by others on the Executive Committee.
- On several occasions the Forum has sought to arrive at a realistic balance between 'aspiration' and the need to secure proposals that will achieve the majority vote of support at the required Referendum. In Stage 1 and Stage 2 our business community has been directly involved, and interestingly has expressed more support for the Forum proposals than for those currently emerging in the draft Local Plan. I refer to the shopping frontage and core tourism area proposals. As agreed with the Council, Stage 2 has concentrated on two key areas of the Town Centre+Seafront and the Western Area. The Preston Community Partnership area will feature prominently in the next stage with every encouragement given to make the input desired.

In response to your further comments on page two:-

- There has been no departure from the Outline Project Plan approved in November 2011, which recognises all the components raised. We have discussed how it would be of help to involve council officers in production of the necessary documentation to ensure compliance. It continues to be the strongly held view of the Forum that every effort is made to produce the draft Local Plan and 3 Neighbourhood Plans in harmony with each other, and to the same timescale to achieve the soundness of outcome jointly sought. However, the scale, pace and balance of growth are aspects of the draft Local Plan which the Princes Foundation sessions have recognised should be challenged by the Forum through the stage currently reached.
- The discussion about Victoria Park took place on 24th May 2012, not in June. You will see from the Minute on page 2 that this did not take over the main agenda and was deliberately put at the end of the agenda in order not to detract from the main business. Two hours discussion of a key concern by 160 community members cannot be considered excessive. If you look again at my email to you of 12 April 2012 and the events that followed, it is very clear development of Victoria Park was a matter that required attention. The Forum discussion of the development proposal at Collaton St Mary accords entirely with clause 9.2 of the Constitution, which the Council suggested should be included so that the Forum was able to comment on planning applications or proposals that could reasonably be expected to impact upon the plan before or after it is produced. There can be absolutely no doubt the proposals at Collaton St Mary fall squarely into that description.

- All meetings of the Forum/Steering Group have achieved discussion and decision on agenda items within efficient timescales as evidenced by the Agendas and meeting Minutes. To imply that only a separate Steering Group is able to achieve 'strategic decision making' is clearly not the case. Nor has the Forum been anti-development in its stance, as evidenced by the Stage 2 plans produced so far. This has proven to be a very efficient use of time and has not detracted from the momentum necessary to enable the Forum to 'get on with it'. Addition of a further level of meetings has proven not to be necessary and is precisely what is not needed until such time as attendance numbers deem it otherwise.
- It is important to remember that as well as being members of the Forum, every Forum member is of course also a member of their area Community Partnership. Any decision by a Community Partnership to pull out of the Forum paradoxically would therefore require the approval of the members of the Forum under the Constitution of the Community Partnerships. The 'danger' is more likely to be that if any one of the Partnerships through their Steering Group sought to leave the Forum, it would not be accepted by the community, or the relevant Community Partnership reformed or disbanded by the community in order to enable the 'community led' approach to continue. Direct involvement of community members in the Forum has also bridged the gap in those areas where some Community Partnerships have not been able to be as actively involved in the process as others.

I hope the information at the beginning of this letter provides you with all you need, but if not, please let myself and Mike know as soon as possible.

Yours sincerely

David Watts
Chairman, Paignton Neighbourhood Plan Forum

c.c. Mike Parkes, Forum Secretary

Attached – Qualifying Section 61F Membership as at 19 Sep 2012

Attachment: Qualifying Section 61F Membership as at 19 Sep 2012

First Name	Last Name	Town / City	County
Aaron	McClusky	Paignton	Devon
Adrian	Peach	Torquay	Devon
A.J.	Bonfield	Paignton	Devon
Alan	Denby	Torquay	Devon
Alan	Hill		
Alison	Rich	Paignton	Devon
Amy	Page	Paignton	Devon
Amyas	Holroyd	Paignton	Devon
Andrew	Baker	Paignton	Devon
Andrew	Mackmurdo	Paignton	Devon
Ann	Harding	Paignton	Devon
Ann	Waite	Paignton	Devon
Anne	MC Entle ?	Paignton	Devon
Anne	Strange	Paignton	Devon
Anne-Marie	Curror	Paignton	Devon
Arthur	Wright	Paignton	Devon
Barbara	Collins	Paignton	Devon
Barry	Burgess	Paignton	Devon
Beccy	Tapper		
Bernard	Hargreaves	Paignton	Devon
Bill	Callahan	Paignton	Devon
Brian	Pinches	Paignton	Devon
Brian	Townsend		
Carole	Box		
Caroline	Fast	Paignton	Devon
Carol	Hill	Paignton	Devon
Caroline	Sorenson	Paignton	Devon
Catherine	Wickens		
Cathy	Holroyd	Paignton	Devon
Charlie	Lancaster	Paignton	Devon
Chris	Roots		
Christine	Carter		
Christine	Hargreaves	Paignton	Devon
Cllr Alan	Tyerman		
Cllr Bobbie	Davies		
Cllr Chris	Lewis		
Cllr Christine	Scouler		
Cllr Dave	Butt		
Cllr David	Thomas		
Cllr Derek	Mills		
Cllr Ian	Doggett		
Cllr Jane	Barnby		
Cllr Jeanette	Richards		
Cllr John	Thomas		

Cllr Ken	Pritchard		
Cllr Ruth	Pentney		
Cllr Stephen	Brooksbank		
Colin	Hurst	Torquay	Devon
Colin	Jacobs	Paignton	Devon
Cynthia	Rogers	Paignton	Devon
D.	Newton	Paignton	Devon
David	Blee	Paignton	Devon
David	Green		
David	Henshaw	Paignton	Devon
David	Wotton	Paignton	Devon
David	Watts		
Dean	Auton		
Dee	Johnson	Paignton	Devon
Denise	Clarke	Paignton	Devon
Dennis	Comissud ?	Paignton	Devon
Donald	Vaughan	Paignton	Devon
Donna	Baker	Paignton	Devon
Dorothy	Williams	Paignton	Devon
Edward	Harris		
Eileen	Donovan		
Elaine	Milne	Paignton	Devon
Eric	Rossiter	Paignton	Devon
Fiona Faith	Ross	Paignton	Devon
Fleur	Elliott	Torquay	Devon
Fran	Hogan	Paignton	Devon
Freda	Dwane	Paignton	
Gabrielle	Fast	Paignton	Devon
Gary	Preece		
George	Porter		
Georgie	Tsyplek	Paignton	Devon
Gesche	Buecker		
Gundel	Bonfield	Paignton	Devon
Hayley	Phipps	Paignton	Devon
Heather	Reed	Paignton	Devon
Helen	Drew	Paignton	Devon
Hilary	Bowden	Paignton	Devon
Hilary	Richardson	Paignton	Devon
Ian	Broadbent		
Ian	Curror		
Ian	McCleod	Paignton	Devon
Irene	Reade	Paignton	Devon
Jane	Anderton	Paignton	Devon
Jane	Brooksbank	Paignton	Devon
Jane	Dennant	Paignton	Devon
Jane	Grasse	Paignton	Devon
Jean	Walker		

Jennifer	Winter	Paignton	Devon
Jess	Whitelock	Paignton	Devon
Jessica	Cunningham	Paignton	Devon
Joe	Johnson	Paignton	Devon
John	Anderton	Paignton	Devon
John	Gill	Paignton	Devon
John	Langston	Paignton	Devon
John	Law	Paignton	Devon
John	Rowe		
John Neil	Rowe	Paignton	Devon
John	Shaw	Paignton	Devon
Joy	Westwood	Paignton	Devon
Judith	Oates	Paignton	Devon
Mildred	Oates	Paignton	Devon
Karen	Hodson	Paignton	Devon
Karen	Jemmett	Paignton	Devon
Keith P.	Osment	Paignton	Devon
Kelly	Brett	Paignton	Devon
Kelly	Tomlinson	Paignton	Devon
Ken	Rowe	Paignton	Devon
Kerstin	Mackmurdo	Paignton	Devon
Kira	Northmore		
Laurence	Frewin		
Liam	Montgomery		
Linda	Norman	Paignton	Devon
Lionel	Uden	Paignton	Devon
Lisa	Milne	Paignton	Devon
Lorna	Gardner		
Louise	Gilson		
Louise	Ramsay	Paignton	Devon
Mandy	Crask	Paignton	Devon
Margaret	Brinicombe	Paignton	Devon
Mark	Sangan		
Mary	Darby	Paignton	Devon
Matt	Harbour	Paignton	Devon
Matthew	Dart	Paignton	Devon
Melvyn	Newbury	Paignton	Devon
Melvyn	Salt	Paignton	Devon
Michael	Jay	Paignton	Devon
Michael	Locke	Paignton	Devon
Michael	Morrison	Paignton	Devon
Mike	Parkes		
Miss J.D.	Treeby	Paignton	Devon
Miss J.V.	Treeby	Paignton	Devon
Miss K.	Bishop	Paignton	Devon
Mo	Heath	Paignton	Devon
Mr. B.	Kirrage	Paignton	Devon
Mr. C.	Robins	Paignton	Devon

Mr. D.	Newton	Paignton	Devon
Mr. R.H.	Roberts	Paignton	Devon
Mrs. Anne	Patterson	Paignton	Devon
Mrs. GD	Hopkins	Paignton	Devon
Mrs.	Harris	Paignton	Devon
Mrs. J. M.	Aroussi	Paignton	Devon
Mrs. Jacqueline	Uden	Paignton	Devon
Mrs. P.M.	Roberts	Paignton	Devon
Mrs. R.	Cross	Paignton	Devon
Mrs. S.	Baker	Paignton	Devon
Mrs. S.	Westlake	Paignton	Devon
Mr & Mrs	Rolfe	Paignton	Devon
Neil	Tozer	Paignton	Devon
Nigel & Janet	Jones		
Norma	Puryer	Paignton	Devon
Pam	Wells	Paignton	Devon
Patricia	Goss	Paignton	Devon
Patricia	Phipps	Paignton	Devon
Patrick	Allsop	Paignton	Devon
Paul	Martin	Paignton	Devon
Paul & Claire	Ward		
Paul and			
Jeanette	Barrett	Paignton	Devon
Paul	D'Gama	Paignton	Devon
Paul	Forsey	Paignton	Devon
Paul	Sutton	Paignton	Devon
Paula	Hermes		
Paula	Stewart	Paignton	Devon
Penny	Rickman	Paignton	Devon
Peter	Charters	Paignton	Devon
Peter	Kitley	Paignton	Devon
PS Tamzin	James		
		Newton	
R.	Palmer	Abbot	Devon
Rebecca	Wickenden	Paignton	Devon
Rebekah	Warner		
Rev Gillian	Maude		
Richard	Bruce	Paignton	Devon
Richard	Kascow		
Richard	Parish	Paignton	Devon
Richard	Skitch	Paignton	Devon
Richard	Stevens	Paignton	Devon
Rick	Heyse		
Rob	Dack	Paignton	Devon
Rob	Morris	Paignton	Devon
Robert	Brinicombe	Paignton	Devon
Rod	Maude	Paignton	Devon
Roger	Bristow		

Ron	Collins	Paignton	Devon
Rosemary	Martin	Paignton	Devon
Roy	Kinder	Paignton	Devon
Ruth	Edwards	Paignton	Devon
S. A.	Moss	Paignton	Devon
Sandra	Hastings	Paignton	Devon
Simon	Slade	Paignton	Devon
Sindy	Adams	Paignton	Devon
Stephen	Martin	Paignton	Devon
Steve	Williams	Paignton	Devon
Susan	Kitley	Paignton	Devon
Susanne	Lang		
Stephen	Baker	Paignton	Devon
Steve	Williams	Paignton	Devon
Stuart	Lewton	Paignton	Devon
Suzi	Kitley	Paignton	Devon
Sylvia	Blampey	Paignton	Devon
Tara	Acton		
Tim	Reed	Paignton	Devon
Thelma	Jones	Paignton	Devon
Timothy	Andrews		
Tina	Coomber	Paignton	Devon
Victoria	Johnston	Paignton	Devon
Vivienne	Heard	Paignton	Devon
W.	Lloyd		
Wanda	Hollingworth	Paignton	Devon
Wendy	Spindlow	Paignton	Devon
Yvonne	Moorhouse		
Zoe	Matthews	Paignton	Devon

End

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Draft Neighbourhood Planning in Torbay – Applications for Neighbourhood Forums and Plan Areas
Name (Key Officer/Author):	Ashwag Shimin Business Unit: Spatial Planning
Position:	Strategic Appraisal Officer Tel: 01803 208857
Date:	16/11/2012 Email: ashwag.shimin@torbay.gov.uk

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

	Does this report relate to a key decision?	Y.	N
1)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> The Community (including specific impacts upon the vulnerable or equality groups) Our Partners The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	Y.	N
2)		Y.	N
		Y.	N

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>Neighbourhood plans were introduced by the Localism Act 2011. They are an important part of the Government's programme of localism: the removal of regional planning targets and empowering local communities to take an active part in shaping their local area. They have to go through several prescribed stages of adoption, including consultation, independent examination and local referendum. When adopted, neighbourhood plans will be part of the development plan, along with the local plan, with formal weight in determining planning applications.</p> <p>The Torbay Community Partnerships and Torbay Council have agreed that three Neighbourhood Plans will be prepared for Torbay, one each for Torquay, Paignton and Brixham. Neighbourhood Plans should reflect the vision of the entire community. Neighbourhood Forums will lead the development of Neighbourhood Plans.</p>
2.	Who is intended to benefit / who will be affected?	<p>Local residents; Community organisations; Elected representatives; Businesses; Landowners; and Developers.</p>
3.	What is the intended outcome?	<p>Neighbourhood Forums can use neighbourhood plans to:</p> <ul style="list-style-type: none"> • develop a shared vision for their neighbourhood; • set planning policies for the development and use of land; and • give planning permission through Neighbourhood Development Orders and Community Right to Build Orders

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>Neighbourhood Forums was introduced under the Town And Country Planning, England - The Neighbourhood Planning (General) Regulations 2012. Part 2 of the Regulations makes provision in relation to the procedure for designating a neighbourhood area, including the content of the application and what the local planning authority must do to publicise such an application (regulations 5 and 6).</p> <p>Part 3 of the Regulations makes provision in relation to the procedure for designating an organisation or a body as a neighbourhood forum, which authorises them to act in relation to the related neighbourhood area. In particular, provision is made as to the content of an application, what the local planning authority must do to publicise an application and publicising any designation of a neighbourhood forum (regulations 8 to 12).</p>
5.	How have you consulted on the proposal?	Torbay Council has received applications for neighbourhood planning areas for each of its three towns, and has advertised these applications and the Forums' constitutions between 26 July-7 September 2012. Torbay's Community Partnerships have opted for three forums with Churston being part of the Brixham Forum.
6.	Outline the key findings	Torbay Council received three objections to the Paignton Neighbourhood Forum: from the Town Centres and Beaches Sub Committee of the Forum, Paignton Town Centre Community Partnership and Preston Community Partnerships. These are not "in principle" objections but relate to the current operation of the Forum, which it is suggested falls short of its constitution. Specific concerns raised relate to the lack of influence from sub-groups and the lack of a separate steering group that meets separately from the main Forum. It is suggested that a vice chair who is able to take a more active role in the Forum should be appointed. Concern has also been raised that the Forum as currently operated is not aspirational enough and has limited involvement from the business sector. In particular Preston Community Partnership has asked for a greater input into the Plan. At

No	Question	Details
		<p>the time of writing this report concerns continue to be raised, by business and resident community representatives, about the operation of the Paignton Forum and content of the emerging Neighbourhood Plan.</p>
7.	<p>What amendments may be required as a result of the consultation?</p>	<p>Following legal advice, it is recommended that: The Neighbourhood Plan areas of Torquay, Paignton and Brixham, and their constitutions, be approved subject to the Executive Head, Spatial Planning (in consultation with the Executive Lead for Strategic Planning Housing and Energy) being able to withdraw this approval with immediate effect in respect of any Forum in the event of any of the following applying to that Forum;</p> <ul style="list-style-type: none"> • the Forum is not able to demonstrate that they have at least 21 members who live or work in the area, or are elected councillors; • the Forum is not acting inclusively in accordance with its constitution; • any of the Community Partnerships within the Neighbourhood Plan Area of the Forum are not involved in their relevant Forum during the Neighbourhood Plan making process; • the Forum has failed to comply with a reasonable direction of the Executive Head, Spatial Planning within a reasonable period from such direction being made; <p>Paignton Neighbourhood Forum be instructed that the Council may choose not to advertise a submitted plan or put it forward for examination, if the matters referred to in paragraphs 3.9 of the Report to Council and 2.2.1 – 2.2.4 above are not addressed to the satisfaction the Executive Head, Spatial Planning in consultation with the Executive Lead for Strategic Planning Housing and Energy.</p> <p>Local Councillors should take a lead role in ensuring each Neighbourhood Forum meets the terms of its constitution, the requirements of the Localism Act and National Planning Policy Framework and meets or exceeds the requirements of the new Local Plan.</p>

Positive and Negative Equality Impacts

No	Question	Details		
	Identify the potential positive and negative impacts on specific groups	Positive Impact	Negative Impact	Neutral Impact
8.	All groups in society generally	Neighbourhood Fora provide an opportunity for local people to shape and build their communities.		
	Older or younger people			There is a need to ensure that young people's aspirations and needs are reflected in Neighbourhood Plans. Particular efforts, such as targeting consultation on colleges, schools and other media for reaching younger people will be important.
	People with caring responsibilities			Neighbourhood forums would not have a differential impact on people with caring responsibilities
	People with a disability			Neighbourhood forums would not have a differential impact on disabled people.
	Women or men			Neighbourhood forums would not have a differential impact on gender.
	People who are black or from a minority ethnic background (BME)	<i>(please note Gypsies / Roma are within this community)</i>		Neighbourhood forums would not have a differential impact on BME and Gypsies.

No	Question	Details	
	Religion or belief (including lack of belief)		Neighbourhood forums would not have a differential impact on faith groups.
	People who are lesbian, gay or bisexual		Neighbourhood forums would not have a differential impact on sexual orientations
	People who are transgendered		Neighbourhood forums would not have a differential impact on transgender.
	People who are in a marriage or civil partnership		Neighbourhood forums would not have a differential impact on people who are in a marriage or civil partnership
	Women who are pregnant / on maternity leave		Neighbourhood forums would not have a differential impact on women who are pregnant / on maternity leave.
9.	Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?	Neighbourhood forums will have positive impacts on all groups in the society. Neighbourhood Plans are required to deliver the same level or greater level of development than identified in the Local plan.	

Section 3: Steps required to manage the potential impacts identified

		Details
No	Action	
10.	Summarise any positive impacts and how they will be realised most effectively?	Neighbourhood For a provide an opportunity for local people to shape and build their communities. With this power comes the responsibility to meet their needs for development and growth and to deal quickly and effectively with proposals that will deliver homes, jobs and facilities.
11.	Summarise any negative impacts and how these will be managed?	If neighbourhood plans do not bring forward adequate development land to meet objectively assessed needs, then the Council, through the development plan process, will need to identify sufficient sites to meet the the need for affordable housing etc.

Section 4: Course of Action

		Details
No	Action	
12. Page 272	State a course of action [please refer to action after section 5]	<p>Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes below and justify reasons for your decision - If '3' please provide full justification :</p> <p>Where: -</p> <p>Outcome 1: No major change required - EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.</p> <p>Outcome 2: Adjustments to remove barriers – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality. •</p> <p>Outcome 3: Continue with proposal - Despite having identified some potential for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p>Outcome 4: Stop and rethink – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified.</p>

Section 5: Monitoring and Action Plan

No	Action	Details
13.	Outline plans to monitor the actual impact of your proposals	

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	N/A				
2	Contingency to bring forward sites through development plans	Will only be necessary if Neighbourhood Plans fail to identify sufficient development to be in general conformity with the Local plan.		Executive head of spatial planning in liaison with executive lead for strategic planning, Housing and Energy.	2013
2	Safeguards outlined in Section 7 above.	If any Neighbourhood Forum has not acted inclusively in relation to he neighbourhood area or constituent community partnerships.		Executive head of spatial planning in liaison with executive lead for strategic planning, Housing and	On going

3					Energy.	
4						
5						