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Friday, 29 April 2016

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **The Forum, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Wednesday, 11 May 2016** commencing at **2.00 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Parrock'.

Steve Parrock
Chief Executive

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

A prosperous and healthy Torbay

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

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www.torbay.gov.uk

Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Election of Chairman/woman**

To elect the Chairman/woman of the Council for the 2016/2017 Municipal Year.

4. **Appointment of Vice-Chairman/woman of the Council**

To appoint the Vice-Chairman/woman of the Council for the Municipal Year 2016/2017.

5. **Minutes**

To confirm as a correct record the minutes of the meeting of the Council held on 7 April 2016.

(Pages 5 - 16)

6. **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.)

7. **Communications**

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

8. **Members' questions** (Page 17)
To respond to the submitted questions asked under Standing Order A13.
9. **Composition and Constitution of the Executive and Delegation of Functions** (Pages 18 - 23)
To receive details on the composition and constitution of the Mayor's Executive for 2016/17, together with the record of delegations of Executive functions.
10. **Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Leads**
To consider:
- (a) appointing the Overview and Scrutiny Co-ordinator for 2016/2017; and
- (b) appointing the following Scrutiny Lead members for 2016/2017:
- Joint Commissioning – Children's and Adults
 - Joint Commissioning – Health, Wellbeing and Public Health
 - Joint Operations – Commercial and Business Services
 - Joint Operations – Community and Customer Services
11. **Review of Political Balance and Appointments to Committees** (Page 24)
To consider the attached report on the review of political balance and appointments to committees.
12. **Calendar of Meetings 2016/2017** (Pages 25 - 28)
To seek approval for the calendar of meetings for the 2016/2017 Municipal Year.
13. **Scheme of Delegation for Council Functions and Confirmation of Budget and Policy Framework Documents**
To agree the scheme of delegation for Council functions, as set out in Part 3 of the Constitution in so far as they relate to Council functions and confirm the budget and policy framework documents set out in Article 4 of the Constitution (attached).
- The Constitution can be viewed on the Council's website using the following link [Constitution](#).
14. **Overview and Scrutiny Annual Report 2015/2016** (Pages 29 - 33)
To consider the Annual Report of the Council's Overview and Scrutiny Board.
15. **Adjournment**
To consider adjourning the meeting until 5.00 p.m. on Wednesday, 11 May 2016 to deal with the remainder of the business set out in this agenda.

- 16. Petition Centenary Way** (Page 34)
To receive a petition in respect of the above and oral representations from the public in accordance with Standing Order A12.
- 17. 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 - 60 and 61 Bus Service (Pages 35 - 43)
To consider the attached motion and background information.
- (b)** Notice of Motion - Libraries (Page 44)
- (c)** Notice of Motion - Homeless Men on Torquay and Paignton Sea Front (Page 45)
- (d)** Notice of Motion - Donkey Rides at Paignton Green (Pages 46 - 50)
To consider the attached motion and background information.
- (e)** Notice of Motion Queen Elizabeth II Playing Field at Torre Valley North (Page 51)
- 18. Connections Office Rationalisation** (Pages 52 - 83)
To consider the submitted report on the potential options for the rationalisation of the Connections Service.
- 19. Capital Plan 2016/17 - 2019/20 Prioritisation Matrix** (Pages 84 - 89)
To consider a report on the above.
- 20. Corporate Plan Delivery Plans 2015-2019** (Pages 90 - 111)
To consider a report that sets out the Delivery Plans which underpin the overarching Corporate Plan.
- 21. Consultation, Communication and Engagement Strategy** (Pages 112 - 128)
To consider the submitted report on the above Policy Framework Strategy.
- 22. Equalities Objectives 2016 - 2020** (Pages 129 - 140)
To consider the submitted report on the above Policy Framework document.
- 23. Community Infrastructure Levy (CIL)** (Pages 141 - 202)
To consider the submitted report setting out Torbay's proposed Community Infrastructure Charging Schedule (Policy Framework).

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.



Minutes of the Extraordinary Meeting of Council

7 April 2016

-: Present :-

Chairman of the Council (Councillor Hill) (In the Chair)
Vice-Chairwoman of the Council (Councillor Brooks)

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Barnby, Bent, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Kingscote, Lewis, Manning, Mills, Morey, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stubley, Thomas (D), Tolchard, Tyerman and Winfield

152 Opening of meeting

The meeting was opened with a prayer.

153 Apologies for absence

Apologies for absence were received from Councillors Bye, Carter, Morris, Stringer, Sykes and Thomas (J).

154 Minutes

The Minutes of the meeting of the Council held on 25 February 2016 were confirmed as a correct record and signed by the Chairman.

155 Communications

The Mayor:

- (a) advised members of the recent death of John Dunn, who was a former civic Mayor of the Council, and offered condolences to Mr Dunn's family on behalf of the Council. Members observed a moments silence in his memory; and
- (b) referred to the significant public interest in the future of donkey rides on Paignton sea front and advised that he had requested Councillor Amil to investigate this issue.

156 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable agenda Item 15 (Change of Job Title for Executive Director of Operations and Finance) to be considered before Item 14 (Environmental Enforcement Pilot).

157 Public question time

In accordance with Standing Order A24, the Council heard from Darren Cowell who had submitted a statement and question in relation to the suitability of the Parkfield site to be the location of Torbay School. The Mayor responded to the statement and question that had been put forward, plus a supplementary question.

158 Members' questions

Members received a paper detailing Members' questions, notice of which had been given in accordance with Standing Order A13.

Verbal responses were provided at the meeting. Councillor Haddock provided a response in respect of question 2 as it fell within his portfolio. Supplementary questions were then asked and answered in respect of the questions.

159 Notice of Motion - Town Councils for Torquay and Paignton

Under Standing Order A16.9, the Mayor, with the consent of his seconder (Councillor Mills) withdrew his motion in relation to the benefits of creating Town Councils for Torquay and Paignton, notice of which had been given in accordance with Standing Order A14.

160 Notice of Motion Constitution Amendment - A13 Questions by Members

Members considered a motion in relation to written answers to members' questions, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Sanders and seconded by Councillor Darling (S):

Council Standing Order A13 permits Members to submit questions for response at Council meetings. However, Council Standing Order A13.8 requires responses to take the form of a direct oral answer. In the interests of open government, transparency and public engagement answers to written questions should be recorded in the minutes.

Therefore, it is proposed that the Council's Constitution be amended as follows (changes shown in **bold**):

A13.8 Responses

An answer to a question ~~or a supplementary question may~~ **will** take the form of:

- (i) a ~~direct oral~~ written answer and attached to the minutes of the Council meeting; or
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication.

An answer to a supplementary question will take the form of a

- (i) a direct oral answer; or**
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication.**

Where the member to whom the question was asked is either absent and no other Member is able to respond, the question will be referred to the next meeting where the member is present. If the member asking the questions wishes a response prior to the next meeting, they may request a written answer from the member concerned.

~~Where a written response has been prepared by officers, the Governance Support Manager will make arrangements for these to be included on the Council's website as soon as practicable after the meeting at which the question was asked. (NB. Recordings of all Council meetings are available from the Governance Support Team on request.)~~

In accordance with Standing Order A14.3(b), the Chairman advised that the motion would be dealt with by this meeting.

An amendment was proposed by Councillor Tyerman and seconded by Councillor King:

- (ii) that in addition to the Constitution amendments set out in the Notice of Motion, the Monitoring Officer be authorised to further amend the Constitution in respect of Members' Question to:
 - (a) limit the number of questions to three per member for each Council meeting. At the Council meeting each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn;
 - (b) that the time for members' questions at Council meetings be limited to a total of 30 minutes to reflect the practice for public questions. On expiry of 30 minutes if a response is being provided to a question, the member who asked the question shall have the right to ask his or her supplementary question and on the response that supplementary question being provided. Any questions not dealt with after 30 minutes to be

deemed as withdrawn and the member may resubmit as one of their three questions to the next Council meeting; and

- (c) require written answers to be circulated at the start of the meeting and read out at the meeting.

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

The substantive motion (the original motion with the addition of the amendment) was then before members for consideration.

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

161 Notice of Motion - Appointment of Overview and Scrutiny Lead Members

Members considered a motion in relation to the principles of overview and scrutiny and a subsequent review by the Overview and Scrutiny Board on its operation, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Lewis and seconded by Councillor Darling (S):

Taking account of the principles of overview and scrutiny which were adopted by this Council in April 2015, the Overview and Scrutiny Board has reviewed how it operates to ensure that “holding to account” and “policy development” have equal importance. The Forward Plan will be used to manage the decision making process and there will be more informal discussions about forthcoming decisions. The Overview and Scrutiny Board will seek to complement the work of the Executive and will aim to help shape policy decisions at an early stage.

Given the breadth of service areas across the Council and the need to focus on the issues which really matter, this Council resolves:

- (i) that four Overview and Scrutiny Leads be appointed to support the Overview and Scrutiny Co-ordinator as follows:
 - Joint Commissioning – Children’s and Adults
 - Joint Commissioning – Health, Wellbeing and Public Health
 - Joint Operations – Corporate and Business Services
 - Joint Operations – Community and Customer Services;
- (ii) that these positions replace the current Overview and Scrutiny Lead posts and come into force at Annual Council on 11 May 2016; and
- (iii) that Group Leaders submit nominations to the Governance Support Manager by 30 April 2016.

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

162 Appropriation of Land adjacent to South Devon College

The Council considered the submitted report on the appropriation of land (known as Syntech) adjacent to the South Devon College campus, Paignton to enable it to be redeveloped for education and ancillary use for the College's extension plans. It was noted that for the Council to appropriate the land it would override the easements and restrictive covenants to allow the College to develop the site to improve education, skills and training for the local community and wider area. A revised officer recommendation was tabled at the meeting.

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

that, subject to the Assistant Director of Corporate and Business Services being satisfied as to the adequacy of the consultation and negotiations carried out by South Devon College with Devonshire Park, Torbay Council appropriate the land known as the Syntech site, Long Road, Paignton under Section 237 of the Town and Country Planning Act 1990 to override the easements and restrictive covenants, to allow the South Devon College development plans to proceed. The Assistant Director of Corporate and Business Services be authorised to give effect to this decision.

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

163 New Primary School in Paignton

Further to the Council meeting on 25 February 2016, members received details of the requirements for a new primary school in Paignton (as set out in the submitted report). A revised officer recommendation was circulated prior to the meeting.

It was proposed by Councillor Parrott and seconded by Councillor Mills:

- (i) that the identified need for a new school in Paignton as outlined in the submitted report be noted; and
- (ii) that, subject to consultation, the proposal to open a new primary school on the Torbay School Site at Torquay Road from September 2018 be approved and the Executive Director of Operations and Finance and the Director of Children's Services, in consultation with the Executive Lead for Adults and Children, the Mayor and Group Leaders, be given delegated authority to make the final decision on the new primary school following consideration of the consultation responses.

An amendment was proposed by Councillor Lewis and seconded by Councillor Barnby:

that consideration of the report be deferred to the Council meeting in July 2016.

In accordance with Standing Order A19.4, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Brooks, Cunningham, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Stockman, Thomas (D), Tolchard, Tyerman and Winfield (16); Against: the Mayor, Councillors Amil, Darling (M), Darling (S), Doggett, Excell, Haddock, King, Manning, Mills, Parrott, Sanders, Stocks and Stubley (14); and Absent: Councillors Bye, Carter, Morris, Stringer, Sykes and Thomas (J) (6). Therefore, the amendment was declared carried.

The substantive motion (the amendment replacing the original motion) was then before members for consideration.

In accordance with Standing Order A19.4, a recorded vote was then taken on the substantive motion. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Brooks, Cunningham, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Stockman, Thomas (D), Tolchard, Tyerman and Winfield (16); Against: the Mayor, Councillors Amil, Darling (M), Darling (S), Doggett, Excell, Haddock, King, Manning, Mills, Parrott, Sanders, Stocks and Stubley (14); and Absent: Councillors Bye, Carter, Morris, Stringer, Sykes and Thomas (J) (6). Therefore, the substantive motion was declared carried.

164 Local Government Association (LGA) Corporate Peer Challenge 2015 Action Plan

Further to the meeting of the Council on 3 February 2016, members received the submitted report on a detailed action plan in response to the recommendations identified by the Local Government Association (LGA) Corporate Peer Challenge.

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

- (i) that the LGA Corporate Peer Challenge Feedback Action Plan (as set out at Appendix 1 to the submitted report) be approved; and
- (ii) that a Strategic Partnership Forum Working Party comprising 5 members (politically balanced) be established to take forward the detailed actions outlined under No 1 of the Action Plan.

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

165 Capital Plan 2016/17 - 2019/20 Prioritisation Matrix

On 25 February 2016, the Council resolved to introduce a capital projects scoring matrix to assist with the prioritisation of capital projects. Members received details of a proposed capital projects scoring matrix, which were set out in the submitted report.

It was proposed by Councillor Mills and seconded by Councillor King:

that consideration of the Capital Projects scoring matrix be deferred to the Annual Council meeting on 11 May 2016 to enable further work to be

undertaken on the matrix, with any resulting amendments to the Capital Plan, following adoption of the matrix, to be reported to the Council meeting on 21 July 2016.

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

166 Review of Members' Allowances Report of the Independent Remuneration Panel

The Council considered the submitted report which set out the recommendations of the Independent Remuneration Panel on its review of Members' Allowances.

It was proposed by Councillor Mills and seconded by Councillor Robson:

- (i) that the Torbay Independent Remuneration Panel be thanked for their seventh report on the review of the Council's Members' Allowance Scheme;
- (ii) that all proposed increases or decreases set out in the Independent Remuneration Panel's Report be rejected;
- (iii) that the following recommendations of the Torbay Independent Remuneration Panel be adopted:
 - (a) that the Basic Allowance for all Members should remain unchanged at £8,167 (this is set at a level to include covering costs such as telephone charges, broadband, stationery, postage and travel on non-approved duties etc.);
 - (b) that the rates for travel be the same as those set in the Torbay Council Expenses Policy and be paid for all approved duties (e.g. 40p for car, electric car, motorbike or bicycle per mile);
 - (c) that subsistence is only paid for the approved duties listed in (d) and the following must apply:
 - breakfast – depart from home before 8.00 a.m. £6.22;
 - lunch – absent from normal place of work between 12.00 noon and 2.00 p.m. £7.35; and
 - evening meal – not home before 6.00 p.m. £10.17;
 - (d) that the following are identified as approved duties for the purpose of travel, subsistence and childcare/dependent carers' allowances:
 - (i) attendance at meetings as a duly appointed member of:
 - (a) the Council and any committee of the Council;
 - (b) any sub-committee appointed by a committee;

- (c) the Executive or committee of the Executive (if appointed);
 - (d) working parties;
 - (e) scrutiny review panels;
 - (f) policy development groups;
 - (g) any outside organisation and their sub-groups appointed by the Council or the Mayor, provided that the organisation does not pay any such expenses (these are listed on each Councillor's details page on the Council's website at www.torbay.gov.uk/DemocraticServices/mgMemberIndex)
 - (ii) attendance at site visits for planning or licensing purposes or as part of overview and scrutiny;
 - (iii) attendance at member development sessions;
 - (iv) attendance at seminars and all member briefings organised by Torbay Council, except for those held immediately prior to a meeting of Council;
- (e) that the co-optees allowance is frozen at £114 and that this will include expenses for travel and subsistence;
- (f) that the SRA for the Leaders of Political Groups remains unchanged as £327 per member of the group(excluding the Group Leader in the calculations);
- (g) that the Basic Allowances, Special Responsibility Allowances and Co-optees Allowances be indexed from 1 April 2016 to the annual local government pay percentage increase as agreed by the National Joint Committee for Local Government Services. The travel and subsistence allowances will be up-rated as and when the Council's Expenses Policy is adjusted and the whole allowances Scheme will be reviewed by no later than 2019;
- (h) that the Council is recommended to consider introducing performance management arrangements for the Group Leaders/Mayor to assess the performance of all Members and in particular those in receipt of an SRA, except political group leaders who will be held to account by their group;
- (i) that the rates for childcare and dependent carers' allowances remains the same, namely equal to the cost incurred when a carer has been engaged to enable a Member or Co-opted Member to carry out an approved duty; and
- (j) that the Mayor is not part of the Council's pension scheme;

- (iv) that the Governance Support Manager be requested to update Members' Allowances Scheme with the changes outlined in (i) to (iii) above; and
- (v) that the changes to the Members' Allowances Scheme as a result of (i) to (iii) above be implemented from 1 April 2016.

An amendment was proposed by Councillor Darling (S) and seconded by Councillor Darling (M):

- (i) that the Special Responsibility Allowance for the Mayor be reduced by 20% (£10,889.20) to £43,556.80; and
- (ii) that there be no Special Responsibility Allowance for a Deputy Mayor without a Portfolio.

During the debate and in accordance with Standing Order A16.9, Councillor Darling (S), with the consent of his seconder (Councillor Darling (M)), withdrew his amendment.

The original motion was then before members for consideration.

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

167 Change of Job Title for Executive Director of Operations and Finance

Members considered the submitted report on a proposal to change the job title of the Executive Director of Operations and Finance to provide clarity of the role.

It was moved by Councillor Mills and seconded by Councillor Stocks:

that the Executive Director of Operations and Finance's job title be changed to Chief Executive with immediate effect.

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

168 Environmental Enforcement Pilot - Mayoral Decision

The Council considered the following recommendation to the Mayor.

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

that a 2 year extension be granted to the scheme with the current provider.

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

The Mayor considered the matter at the meeting and the record of his decision, together with further information, is attached to these Minutes.

169 Urgent Decision taken by the Executive Director of Operations and Finance and Assistant Director of Corporate and Business Services

Members noted the submitted report setting out details of the following urgent decisions taken by the Executive Director of Operations and Finance or the Assistant Director of Corporate and Business Services:

- (i) Provisional Calendar of Meetings 2016/2017;
- (ii) Corporate Plan Delivery Plans 2015-2019 – extension of decision timescales by Council;
- (iii) Local Government Association (LGA) Corporate Peer Challenge 2015 – extension of decision timescales by Council; and
- (iv) Connections Office Rationalisation – extension of decision timescales by Council.

Chairman

Record of Decision

Environmental Enforcement Pilot

Decision Taker

Mayor on 07 April 2016

Decision

That a 2 year extension be granted to the environmental crime enforcement scheme with the current provider.

Reason for the Decision

To progress the current pilot which is due to end in September 2016.

Implementation

This decision will come into force and may be implemented on 20 April 2016 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In July 2015, the Council commenced a 12 month environmental crime pilot project with 3GS. The project is due to be completed in September 2016. The current scheme provides a mechanism to tackle environmental issues such as litter and dog fouling through the issuing of Fixed Penalty Notices (FPNs). The intention of the programme is to encourage the public to become more compliant with fewer offences committed and any income generated used to offset costs associated with FPNs as well as increasing awareness and compliance. The submitted report set out an evaluation of the trial and a proposal to continue with the scheme.

The Mayor considered the recommendations of the Council made on 7 April 2016 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options explored are set out in the submitted report.

Is this a Key Decision?

Yes – Reference Number: I023147

Does the call-in procedure apply?

Yes

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

None

Published

12 April 2016

Signed: _____
Mayor of Torbay

Date: 12 April 2016

Agenda Item 8

Annual Meeting of the Council

Wednesday, 11 May 2016

Questions Under Standing Order A13

Question (1) by Councillor Sanders to the Executive Lead for Community Services (Councillor Excell)	Will he explain how removing disabled parking spaces from Hele Road is consistent with the Disability Discrimination Act?
Question (2) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	What was: a) the total full-time establishment of Torbay Council in May 2011 compared to the full-time current establishment; and b) his assessment of the effectiveness of Council Officers to respond to Councillors and the public as a consequence?
Question (3) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	What assessment he has made of the impact on employment, external support and the economy of Torbay if the UK votes to leave the EU, and what advice he will be giving voters?

Agenda Item 9

Torbay Council – Constitution

Schedule 5 – Delegation of Executive Functions

Schedule 5 - Scheme of Delegation of Executive Functions to the Executive, Committees of the Executive and Officers

1. The names, addresses and wards of the people appointed to the Executive by the elected Mayor are set out below:

Name	Address	Electoral Ward
Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services - Councillor Derek Mills	5 Bascombe Close Churston Brixham TQ5 0JR	Churston with Galmpton
Executive Lead for Tourism, Culture and Harbours - Councillor Amil	Flat 6 22 Polsham Park Paignton TQ3 2AD	Cockington with Chelson
Executive Lead for Community Services - Councillor Robert Excell	Excell Studio 203 Union Street Torre Torquay TQ1 4BY	Tormohun
Executive Lead for Customer Services – Councillor David Morris	c/o Town Hall Castle Circus Torquay TQ1 3DR	Shiphay with the Willows
Executive Lead for Planning, Transport and Housing – Councillor Mark King	5B Coburg Place Torquay TQ2 5SU	Cockington with Chelston
Executive Lead for Business – Councillor Richard Haddock	Churston Farm Shop Dartmouth Road Brixham TQ5 0LL	St Marys with Summercombe
Executive Lead for Adults and Children– Councillor Julien Parrott	51 Princes Road Torquay TQ1 1NW	Ellacombe

2. The elected Mayor is responsible for the discharge of all executive functions (except as specified in paragraph 3. below). Executive Leads will have an advisory role in relation to the areas of responsibility set out below.

Executive Lead	Portfolio:	Main Director/Assistant Director/Executive Head/Lead Officer
<p>Elected Mayor Gordon Oliver</p> <p>Executive Lead for Finance and Regeneration</p> <p>Page 19</p>	<p>Torbay Development Agency:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Built Environment <input type="checkbox"/> Employment and Skills <input type="checkbox"/> Business support <input type="checkbox"/> Regeneration <input type="checkbox"/> Business Relocation, Creation and Growth (inc. social enterprise/apprenticeships) <input type="checkbox"/> Inward Investment <input type="checkbox"/> Property (assets) <input type="checkbox"/> Estates <p>Finance:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial Services (including Capital and Revenue Budget and Budget Monitoring) 	<ul style="list-style-type: none"> <input type="checkbox"/> Chief Executive/Chief Executive Torbay Development Agency <input type="checkbox"/> Chief Finance Officer

Executive Lead	Portfolio:	Main Director/Assistant Director/Executive Head/Lead Officer
<p>Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services</p> <p>Councillor Derek Mills</p> <p>Page 20</p>	<p>Public Health</p> <ul style="list-style-type: none"> <input type="checkbox"/> Public Health Commissioning Team <input type="checkbox"/> Community Development Trust <p>Special Projects</p> <ul style="list-style-type: none"> <input type="checkbox"/> Special projects and innovation <p>Corporate and Business Services:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Business Development <input type="checkbox"/> Governance Support <input type="checkbox"/> Mayor’s Support Unit <input type="checkbox"/> Human Resources and Payroll <input type="checkbox"/> Legal and procurement 	<ul style="list-style-type: none"> <input type="checkbox"/> Director of Public Health <input type="checkbox"/> Director of Children’s Services <input type="checkbox"/> Assistant Director of Corporate and Business Services
<p>Executive Lead for Planning, Transport and Housing</p> <p>Councillor Mark King</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Building Control <input type="checkbox"/> Planning and Strategic Transport <input type="checkbox"/> Strategic Housing <input type="checkbox"/> Waste <input type="checkbox"/> TOR2 Commissioning <input type="checkbox"/> (Design Review Champion) 	<ul style="list-style-type: none"> <input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Assistant Director of Corporate and Business Services <input type="checkbox"/> Director of Adults Services <input type="checkbox"/> Executive Head of Business Services

Executive Lead	Portfolio:	Main Director/Assistant Director/Executive Head/Lead Officer
Executive Lead for Tourism, Culture and Harbours Councillor Nicole Amil	<input type="checkbox"/> Culture <input type="checkbox"/> Heritage <input type="checkbox"/> Events <input type="checkbox"/> Museums <input type="checkbox"/> Resort Services <input type="checkbox"/> Tourism <input type="checkbox"/> Harbours <input type="checkbox"/> (Armed Forces Champion) <input type="checkbox"/> (Heritage Champion)	<input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Executive Head of Business Services
Executive Lead for Community Services Councillor Robert Excell	<p>Community and Customer Services:</p> <input type="checkbox"/> Environmental Health and Community Safety <input type="checkbox"/> Highways and Street Scene <input type="checkbox"/> Sport	<input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Executive Head of Business Services
Executive Lead for Customer Services Councillor David Morris	<p>Customer Services:</p> <input type="checkbox"/> Customer Services <input type="checkbox"/> ICT <input type="checkbox"/> Corporate debt and creditor payments <input type="checkbox"/> Revenue and Benefits <input type="checkbox"/> Business Rates <input type="checkbox"/> Libraries	<input type="checkbox"/> Executive Head of Customer Services

Executive Lead	Portfolio:	Main Director/Assistant Director/Executive Head/Lead Officer
<p>Executive Lead for Adults and Children</p> <p>Councillor Julien Parrott</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 22</p>	<p>Adult Social Care:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Children and Adults Commissioning <input type="checkbox"/> Adult Partnership <input type="checkbox"/> Adult Social Care <input type="checkbox"/> NHS Advisory Service <input type="checkbox"/> Healthwatch <p>Children:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Torbay Youth Trust <input type="checkbox"/> Torbay Public Service Trust <input type="checkbox"/> Improvement and Performance <input type="checkbox"/> Schools <input type="checkbox"/> Children’s and Young People <p>Safeguarding</p> <ul style="list-style-type: none"> <input type="checkbox"/> Children’s Safeguarding and Wellbeing 	<ul style="list-style-type: none"> <input type="checkbox"/> Director of Adult Services <input type="checkbox"/> Director of Children’s Services <input type="checkbox"/> Assistant Director of Safeguarding
<p>Executive Lead for Business</p> <p>Councillor Richard Haddock</p>	<p>Business Services:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environment and Flooding <input type="checkbox"/> Joint Ventures and Arms Length Companies <input type="checkbox"/> Town Centres <input type="checkbox"/> Business Improvement Districts 	<ul style="list-style-type: none"> <input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Assistant Director of Corporate and Business Services <input type="checkbox"/> Executive Head of Business Services

3.
 - (i) The Deputy Mayor (Councillor Derek Mills) will be responsible for the discharge of all executive functions relating to the regeneration of the Castle Circus area of Torquay as the elected Mayor owns properties in this area and has a pecuniary interest;
 - (ii) The Executive Lead for Business (Councillor Richard Haddock) will be responsible for the discharge of all executive functions relating to Connections as the elected Mayor owns properties in the area of the Torquay Connections Office and has a pecuniary interest;
 - (iii) The Executive Lead for Business (Councillor Richard Haddock) , in consultation with the Executive Lead for Adults (Councillor Julien Parrott) and Executive Lead for Planning, Transport and Housing (Councillor Mark King), will be responsible for the discharge of all executive functions relating to the contract for housing pathway for single vulnerable adults;
 - (iv) The Executive Lead for Tourism, Culture and Harbours will be responsible for the discharge of all executive functions relating to tourism due to the perceived concerns of the public in respect of the Mayor’s interests in the tourism sector.
 - (v) the Deputy Mayor will be responsible for the discharge of executive functions if the elected Mayor:
 - (a) is absent (e.g. on holiday) for a period of time or in cases of urgency where the Chief Executive is satisfied that the elected Mayor cannot be reasonably contacted;
 - (b) is incapacitated through illness; or
 - (c) has a pecuniary interest in any matter requiring determination.
 - (vi) If the elected Mayor or the Deputy Mayor (Councillor Derek Mills) are unable to act on a matter requiring a decision then the Chief Executive shall have the power to determine any matter requiring a decision.
4. No executive committees have been appointed at the present time.
5. No executive functions have been delegated to area committees, any other authority or any joint arrangements at the present time.
6. The elected Mayor has also (so far as lawful) delegated to officers the discharge of those functions that are referred to in Schedule 7 and are executive functions in the manner set out in that Schedule, in accordance with (and subject to) the Council’s Standing Orders in relation to the Executive.
7. So far as the Constitution requires officers to consult with “the relevant member”, the areas of responsibility of the Executive Leads are as set out paragraph 2 above.

Agenda Item 11

Review of Political Balance and Appointments to Committees

This report is to follow.



Meeting: Council

Date: 11 May 2016

Wards Affected: All Wards

Report Title: Calendar of Meetings for 2016/2017

Is the decision a key decision? No

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

Executive Lead Contact Details: Councillor Mills, Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services, derek.mills@torbay.gov.uk

Supporting Officer Contact Details: Teresa Buckley, Governance Team Leader, (01803) 207013, teresa.buckley@torbay.gov.uk

1. Proposal and Introduction

To seek approval for the calendar of meetings for the 2016/2017 Municipal Year.

2. Reason for Proposal

2.1 The calendar of meetings for 2016/2017 (attached at Appendix 1) has been prepared based on the Council's decision-making structure and in accordance with the Council's Standing Orders.

3. Recommendation(s) / Proposed Decision

3.1 That the calendar of meetings for 2016/2017, set out in Appendix 1 to the submitted report, be approved.

3.2 That meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.

3.3 That the Priorities and Resources meetings be determined by the Governance Support Manager in consultation with the relevant Chairman/woman once the budget setting process for 2017/2018 has been agreed.

Appendices

Appendix 1: Calendar of Meetings 2016/2017

Supporting Information

4. Position

- 4.1 Before the end of each Municipal Year the Council considers the provisional calendar of meetings for the following Municipal Year, which is then ratified at the Annual Council Meeting.

The following meetings have been scheduled in the calendar for 2016/2017.

- Council;
- Development Management Committee;
- Licensing Committee;
- Licensing Sub-Committee;
- Harbour Committee;
- Health and Wellbeing Board
- Standards Committee;
- Audit Committee;
- Appeals Committee (Transport);
- Overview and Scrutiny Board.

- 4.2 The meetings of the Council have been programmed to allow sufficient reporting time between the meetings for the plans and strategies which are required to be approved through the Council's Policy Framework process and for the budget setting process.
- 4.3 Since the provisional calendar of meetings has been approved the Council meeting scheduled for 14 July 2016 has been moved and will now be held on 21 July 2016 at the Scala Hall in Brixham and the Appeals Committee (Transport) scheduled for 8 February 2017 has been moved and will now be held on 1 February 2017. With the agreement of the Chairman of the Harbour Committee and the Executive Head of Business Services, the number of meetings of the Harbour Committee has been reduced to three with there no longer being a meeting on 19 September.
- 4.4 The calendar has also been structured to allow, wherever possible, for each type of meeting to be allocated a certain day e.g. Development Management Committee to meet on Mondays, Licensing Sub-Committees on Thursdays and Council on Thursdays.
- 4.5 Meetings of the Employment Committee and Civic Committee are proposed to be held on an ad hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.
- 4.6 It is proposed that the Priorities and Resources meetings will be determined by the Governance Support Manager in consultation with the relevant Chairman once it has been determined how the budget setting process will be run.

5. Possibilities and Options

- 5.1 Wherever possible the timings of meetings have been set in accordance with the needs of the Committee Members and the Public, for example the Licensing Sub-Committees convene at 9:30 a.m. which is suitable for those making representations. Timings are kept under constant review by the Governance Support Manager. There is a small risk that some people will still not be able to attend these meetings, however, in most cases where public participation is permitted, the Council will accept written representations to enable people to put their points of view across.

6. Preferred Solution/Option

- 6.1 Members may wish to set alternative dates for meetings. However, the meetings have been timetabled to allow sufficient time for the reporting of the plans and strategies which make up the Council's Policy Framework and the Council's budget setting process. A calendar of meetings is required under Standing Orders and facilitates the organisation of the Municipal Year.

7. Consultation

- 7.1 The Mayor, Group Leaders, Chief Finance Officer and the Executive Director of Operations and Finance have been consulted on the draft provisional calendar of meetings for 2016/2017.

Background Documents

Constitution of Torbay Council -

<http://www.torbay.gov.uk/DemocraticServices/ieListMeetings.aspx?CIId=458&info=1>

Provisional Calendar of Meetings 2016/2017

		MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Appeals Committee (Transport)	9.30 am Wednesday					14	12	9	14	11	1	8	19	
Audit Committee	2.00 pm Wednesday	25		27		21		23		18		22		
Council	5.30 pm Thursday	Annual Council 11 (Wed)		21		22	27		8		2 9 23			9 (Tue) 10 (Wed)
Development Management Committee	2.00 pm Monday		13	11	8	12	10	14	12	9	13	13	10	8
Harbour Committee	5.30 pm Monday		27						13			20		
Health and Wellbeing Board	1.30 pm Thursday	19					13					16		
Health and Wellbeing Board Seminar	1.30 pm Thursday			28					15					
Licensing Committee	9.30 am Thursday	12						10						
Licensing Sub-Committee	9.30 am Thursday	12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	1 8 15 22 29	6 13 20 27	3 10 17 24	1 8 15 22 29	5 12 19 26	2 9 16 23	2 9 16 23 30	6 13 20 27	4 11
Overview and Scrutiny Board	5.30 pm Wednesday	18	15	6		14	19	30	14	25	15	15	12	3
Standards Committee	2.30 pm Wednesday			13								1		
Transport Working Party	4.00 pm Thursday		23						1					

Page 20 of 20

Annual Report 2015/2016



Foreword

I have been in the post of Overview and Scrutiny Co-ordinator since May 2015. I have found the role both exciting and challenging. I would like to acknowledge the hard work and dedication of my predecessor Cllr John Thomas over many years. I would also like to thank the Vice-chairman of the Board, three Scrutiny Leads and the Board for their hard work over the past twelve months.

Thanks must also go to the staff at the Town Hall and in particular Kate Spencer. They have supported us, given us sound advice and kept us on the right track.

It has been a challenging time for overview and scrutiny over the past six months, we have adopted many of the recommendation of the Cade report and are now operating in a completely different way from the past. We are focussed on both overview and scrutiny, having set up a number of panels to look at the major issues affecting the Bay.

I am sure the next twelve months will be as challenging as past twelve months! We will need to help the Mayor and his Executive find further savings in the budget and there are some important issues that will come forward for the Overview and Scrutiny Board to discuss and provide recommendations.

I would like to think that overview and scrutiny has made a difference; I hope it will continue to do so.

Councillor Chris Lewis
Overview and Scrutiny Co-ordinator

Introduction

Overview and scrutiny...

- is one of the ways the Council improves services and the quality of people's lives in Torbay
- acts as the Council's "watchdog" and challenges decisions taken by the Mayor and looks at decisions in more detail
- reviews existing policies and issues of concern
- is a constructive and independent way of looking at an issue, highlighting areas that work well and suggesting where improvements can be made

This report gives details of the work which has been undertaken by the Overview and Scrutiny Board over the course of 2015/2016.

The Principles of Overview and Scrutiny in Torbay

Following its work with the Centre for Public Scrutiny (CfPS) in 2014/2015, the Council adopted a set of principles for overview and scrutiny in February 2015 (often referred to as the Cade report) as follows:

- The Council as a whole, and therefore overview and scrutiny, need to focus on the issues that really matter. There are no longer any easy decisions to make. The luxury of looking at the more marginal issues has long passed. It is important that there is an “all Council” approach to tackling the challenges now being faced.
- “Holding to account” must continue as a vital role of overview and scrutiny. But “policy development” is of equal importance. And national experience has shown that this is where the contribution of the non-executive members can be most effective.
- The Forward Plan should be seen as a key tool for managing the decision making process throughout the Authority. There needs to be more informal discussions about what is coming forward for decision in the coming months.
- Overview and scrutiny should be seen as an important element in delivering good, sound decisions. The relationship between overview and scrutiny and the executive should not be adversarial, but rather of seeking to complement one another.
- There should be the ability for all councillors to have the opportunity to help shape policy decisions at an early stage.

A new Council

A new Council was elected at the Local Elections in May 2015 and the previously adopted principles of overview and scrutiny were used to inform the induction programme. Councillor Lewis was appointed as the Overview and Scrutiny Co-ordinator supported by Councillors Barnby, Bent and Stocks as Overview and Scrutiny Lead Members.

The membership of the Overview and Scrutiny Board comprised Councillors Barnby, Bye, Bent, Darling, Lewis, Stockman, Stocks, Tolchard and Tyerman.

The Health Scrutiny Board was not appointed this year with the work of that Board being undertaken by the Overview and Scrutiny Board.

Monitoring and pre-decision scrutiny

In the first half of the year, the Overview and Scrutiny Board undertook a range of monitoring on issues such as the revenue budget, the capital plan, the Children’s Services Five Year Plan and the Torbay Retail and Tourism Business Improvement District proposal.

The Board reviewed the draft Corporate Plan and Housing Strategy and gave its recommendations to the Mayor and the Council.

The Mayor and members of the Executive were asked to attend meetings of the Board to answer questions and respond to the Board's debates.

Call-ins

The call-in process is one of the mechanisms which can be used to hold the Mayor to account.

The purpose of call-in is to examine the decisions reached by the Mayor (or other decision maker) and the reasoning behind those decisions. The process enables further public debate to be held on the subject. The Overview and Scrutiny Board can then consider whether the decision was appropriate and make recommendations accordingly.

Over the course of the year, the Overview and Scrutiny Board have received four call-ins:

- Establishment of the Policy Development Groups
- Trial Closure of the Torquay and Brixham Connections Offices
- Proposed covenant on Churston Golf Course
- Proposed Helicopter Landing Facility

Priorities and Resources

Between November 2015 and January 2016, the Priorities and Resources Review Panel reviewed the Mayor's proposals for service change, income generation and savings. The Board questioned the Mayor and his Executive Leads on the rationale for and implications of the proposals. The report from this review is available on the Council's website at http://www.torbay.gov.uk/osb_priorities_and_resources_2016-17.pdf

Health Scrutiny

Health scrutiny is a fundamental way by which local councillors are able to voice the views of their constituents, and hold NHS bodies and health service providers to account. The primary aim of health scrutiny is to help to improve the health of local people, ensuring their needs are considered as an integral part of the commissioning, delivery and development of health services.

The Overview and Scrutiny Board has received reports from NHS Trusts operating in its area on changes in service and has provided feedback on both the consultation undertaken and the proposed changes. It has provided commentary on the Local Account for social care and the Quality Account of the NHS Trusts.

As identified in last year's Annual Report, the relationship between the health scrutiny function, the Health and Wellbeing Board and Healthwatch Torbay still needs to be developed to ensure the roles and responsibilities of each function are fully understood by both the public and all partners.

Corporate Peer Challenge

In November 2015, Torbay Council welcomed a Local Government Association review team to undertake a Corporate Peer Challenge to specifically challenge the financial viability of the Council and the effectiveness of its leadership and governance arrangements. Recommendations were made around the need for more effective working practices in relation to governance and the Council was advised to revisit the report on the Principles of Overview and Scrutiny in Torbay.

Building on the Induction Programme and taking account of the recommendations from the Corporate Peer Challenge, all non-Executive members of the Council met to discuss how they would wish overview and scrutiny to operate and what they would wish to see included on the Work Programme for the remainder of the year and into 2016/2017.

Moving Forward

The Overview and Scrutiny Board has agreed that the Overview and Scrutiny Co-ordinator, Vice-chairman of the Board and the Overview and Scrutiny Lead Members will meet informally on a regular basis with the Mayor, Executives Leads, Executive Director, Directors and Assistant Directors to discuss forthcoming issues. Feedback will be provided to all non-Executive members at a monthly briefing which will enable informal discussions.

Task-and-Finish Groups will be established to review specific issues with formal reports and recommendations being agreed by the Overview and Scrutiny Board.

The emerging Work Programme of the Board takes account of those Principles agreed in February 2015:

- Focusing on the issues which matter:
 - A more commercially focused Tourism Strategy
 - An Economic Development Strategy which meets the needs of Torbay and increases the Council Tax and National Non Domestic Rates bases
 - Delivery of the Children's Services Five Year Plan

- Policy Development is of equal importance
 - Parking Strategy
 - Future operating model for sports and leisure services

- The Forward Plan is the key tool for managing the decision making process
The Forward Plan will be reviewed monthly to identify issues for review. To date, the following have been added to the Work Programme:
 - Self Build Affordable Housing
 - Torbay Youth Trust Business Plan

- The relationship between overview and scrutiny and the executive should seek to complement one another
 - The Mayor has started to refer forthcoming issues to the Board for its consideration and it is hoped that this will continue, especially as the Liaison Meetings become established.
 - Proposed amendment to the lease of the GeoPlay Park, Paignton
 - Proposed Investment at Torbay Business Park

- All Councillors should have the opportunity to help shape policy decisions at an early stage
 - Future operating model for the library service

Future Work Programme

As outlined above, the Overview and Scrutiny Board has been taking on board the views of all non-Executive members in developing an emerging Work Programme for 2016/2017.

As the Corporate Peer Challenge articulated, “the financial challenges facing the Council are clear and pressing now and this will continue into the medium term. They will require prioritised attention and pace to address and then drive to deliver the changes needed.”

The Work Programme will continue to be built keeping in mind the Principles of Overview and Scrutiny and the recommendations from the Corporate Peer Challenge. The Board will aim to be involved in forthcoming issues from an early stage and hopes that the Mayor and Executive will abide by these Principles as well.

The formal Work Programme will be agreed by the Overview and Scrutiny Board at its meeting in May 2016 although it will continue to have the flexibility to react to issues as they arise, including holding the Mayor and Executive to account for their decisions and performance.

Contact Details

Overview and Scrutiny
 Torbay Council
 Town Hall
 Torquay
 TQ1 3DR

01803 207063

scrutiny@torbay.gov.uk

www.torbay.gov.uk/scrutiny

Agenda Item 16

Petition – Health and Safety at Cary Park and immediate surroundings

Approximately 56 valid signatures.

We, the residents and property owners local to Centenary Way request a reduction in the speed limit on Centenary Way to 20 miles per hour to improve public safety.

Action required: To reduce the current speed limit on Centenary Way from 20mph to 20mph

Notice of Motion - 60 and 61 Bus Service – Annual Council 11 May 2016 – Council Decision

The 60 and 61 route carried around 93,000 passengers in the last financial year, of which around 80 % were concessionary fares, i.e. free bus passes. The Government (Department of Transport) provide guidance on how to calculate the concession rate for each operator / network. A very complex set of algorithms have been developed by Department for Transport economists to ensure that bus operators are no worse off, or no better off, from having to carry concessionary passengers free of charge.

This service runs through the Preston, Clifton with Maidenway, Cockington with Chelston and Tormohun Wards 9 journeys per day Monday to Friday.

This service in particular has seen a reduction in concessionary passengers recently and there has been a reduction in the concession rate paid to this operator. Therefore this route has now proven too marginal for the current operator to continue operating commercially and Local Link have given notice to cut the service 60 / 61 from 16 May 2016.

This Council is asked to approve that a maximum of £100,000 be allocated from the 2016/2017 Revenue Budget Contingency to fund the procurement and subsidised service for the retention of the 60 and 61 bus routes and provide a suitable service for 1 year, on the understanding that it must be commercially viable by the end of the period, or the subsidy will cease.

Proposed by Councillor King
Seconded by Councillor Amil

DRAFT - Supporting Information and Impact Assessment

Service / Policy:	Concessionary Fares - Impact on No 60 and 61 Bus Route (Highways and Transport)
Executive Lead:	Cllr Mark King
Director / Assistant Director:	Fran Hughes

Version:	1	Date:	April 2016	Author:	Fran Hughes/David Whiteway
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Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>To consider the impact of the concessionary fares renegotiation on the no 60 and no 61 bus route and options for the council to take action to mitigated the impact, if required.</p>
2.	<p>What is the current situation?</p> <p>Following Torbay Council’s negotiation with bus operators in relation to their reimbursement settlement for Concessionary Fares, one operator Local Link has seen a reduction from £630,000 to £515,000 for the 15 bus routes they operate. This is due to a variety of factors, including changes in bus passenger numbers, operating costs and funding formula. The reverse of the same factors affecting Local Link has seen Stagecoach have an increase in funding of a similar amount to Local Links’ reduction.</p> <p>Concessionary legislation requires that all local authorities reimburse bus operators for providing the concessions. The law demands operators are “neither better, nor no worse off” as a result of revenue forgone from the scheme. No hidden subsidy can be provided to operators through Concessionary Funding.</p> <p>Local Link’s response to this cut in revenue is that they will have to cut routes to reflect the loss of revenue to them. The</p>

	<p>company operates mostly ex-local authority subsidised routes, which they now run commercially, so the profit margins across these services are tight. This in the past has helped Torbay Council cut the bus subsidy budget without serious bus service withdrawals.</p> <p>Local Link has indicated that they will cancel services 60 and 61 as a result of the reimbursement settlement. These services have the most marginal profit margins for the company with a high mileage to passengers carried ratio (currently for every mile travelled, they only carry 1.4 passengers). The routes run from Torquay to Paignton and will leave Livermead, Preston and Shorton and the St.Lukes Road area of Torquay without an alternative bus service. These services carry approximately 90,000 passenger journeys per year, mainly made up of concessionary pass holders (who make up to 70,000 of the journeys made on these routes each year).</p>
3.	<p>What options have been considered?</p> <p>There are two separate legal matters involved in determining the options available:</p> <ol style="list-style-type: none"> 1. Concessionary fares – where the council is obliged to negotiate using an agreed formula with the bus companies which is why this situation has arisen. 2. Council using its powers to consider subsidising a bus route which is no longer commercially viable. This is a change in policy and therefore requires a decision at Full Council for this to occur. <p>If the council determines that it should subsidise the bus route, then the route will still attract the concessionary fares payment as per the funding formula. It is therefore not in the councils financial interest to subsidise a route that is not commercially viable.</p> <p>Option 1</p> <p>To allow the current situation of the cessation of the bus routes to continue as they are no longer commercially viable and there is no business case for it to continue. The bus route does not meet the priorities within the corporate plan and there is no identified budget to make an annual revenue commitment of £170,000 to achieve this. This is the recommendation of the Senior Leadership Team.</p>

Option 2

The Council subsidises the no 60 and 61 bus routes to retain them as is. This will require a subsidy of approximately £170,000 per annum. This subsidy would be a separate arrangement outside of the concessionary fares budget and responsibilities. In order to achieve this, Full council would need to approve this change in policy and the council would need to run a tender process for the service, which may lead to a temporary cessation of the service whilst a new operator is appointed.

There is no business case to support this option. The bus route does not meet the priorities within the corporate plan and there is no identified budget to make an annual revenue commitment of £170,000 to achieve this.

A reduced service could also be considered at a reduced cost of circa £100k.

Option 3

That the council subsidises the no 60 and 61 bus routes for 1 year, on the understanding that it must be commercially viable by the end of the period, or the subsidy will cease. This would be a “use it or lose it” scenario. This would effectively defer the decision on the future of the route until 2017, but there would still need to be a Full Council decision and a tender process because of the required subsidy. This approach could mitigate the financial cost to the council of subsidising a route and paying the concessionary fares element on top.

4.

How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?

The retention of these specific routes is not within the councils corporate plan, and have not been identified as priority areas. The areas served by the bus routes are not specifically connecting areas of multiple deprivation, although part of the route does run through Torre.

Retaining these services does not meet the principles in the corporate plan of:

- Use reducing resources to best effect.
- Reduce demand through prevention and innovation.
- Integrated and joined up approach.

	<p>However, it would contribute to the criteria of targeted interventions in very broad terms of:</p> <ul style="list-style-type: none"> • Working towards a more prosperous Torbay. • Ensuring Torbay remains an attractive and safe place to live, visit and work. • Protecting and supporting vulnerable adults.
5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Those affected by the decision will be the operator of the bus route, future operators of the bus routes and the users of the current no 60 and 61 bus route.</p> <p>When the Council are advised of a withdrawal of a service, the process required is to advise the other operators in the area and invite interest on whether they would consider taking the route as a commercial route. In this respect there is no contractual relationship with the operator and is always the first line of investigation that we would undertake. We are not making any negotiated settlement, however any operator that is prepared to take on a route on a commercial basis is entitled to the concessionary reimbursement in the same way as the current operator would.</p> <p>If however there is no interest in operating the route as a commercial route, and the authority decides to consider as a subsidised route, then there is due process to be followed.</p>
6.	<p>How will you propose to consult?</p> <p>Consultation is not specifically required, as the decision to cease operating the service rests with the operators of the existing no 60 and 61 bus route. However, the public interest in these routes and the impact of the cessation, which has resulted in a petition being received by the council suggests that there will be a need for the council to respond to public opinion.</p>

Section 2: Implications and Impact Assessment

7.	What are the financial and legal implications?
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Option	Cost	Impact
A - Do Nothing	£0	Most of Livermead, Preston and Shorton and the St.Lukes Road area of Torquay will be left without a local bus service
B - Subsidise and procure a reduced service (e.g. 9 journeys down to 4 journeys)	Approx £100,000 per annum (subject to prices received in any tender)	Residents will have daily access to a bus service, albeit with reduced frequency and less connectivity
C - Subsidise and procure a replacement hourly bus service 'like for like'	Approx £170,000 per annum (subject to prices received in any tender)	No change on current provision

8.

What are the risks?

The are likely to be reputational risks to the council if it allows the service to cease. However, there is no business case to support the continuation of routes as stated above.

If the council chooses to subsidise the routes in some way then the risks are:

- There is no identified budget to subsidise the routes. This would require a political decision to be made, and the annual revenue funding for this service identified from other areas of the service which the council provides.
- If a subsidy is given, then other bus operators may believe that the council has set a precedent for subsidising bus services and there may be a knock-on risk to other services in the future. In order to mitigate this, there will need to be clear principles determined on which the council has made the decision to subsidise this particular route.
- The subsidy would be an annual commitment, and therefore any decision will affect more than the current financial year.

	<ul style="list-style-type: none"> • The council would have to tender for a new subsidised service. This will itself incur costs. It is also possible that the tender will be more than the officer predicted sum, and therefore additional costs may be incurred. • In order for the tender to take place, there may be a temporary cessation in the no60 and 61 bus routes whilst this process is completed. • The cessation of the 60 and 61 bus routes could have a knock on effect to the use of the Council's Fare Car Service which is currently funded to the value of £10,000 p.a. If residents apply to use this service as there is no alternative bus service available the budget for the Fare Car may increase considerably bearing in mind the majority of users of the bus routes are pensionable age. • The Bus Stop Infrastructure which is owned by the Council will need to be removed and there is no budget currently available for this. 																																
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>Yes, there is legislation covering the way in which Councils can subsidise bus services, and in order to achieve this a tender process will be required.</p>																																
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Passenger numbers for the past three years are as follows:</p> <table border="1"> <thead> <tr> <th>YEAR</th> <th>Adult & Child Tickets Route 60</th> <th>Concessionary Tickets Route 60</th> <th>Total Tickets Route 60</th> <th>Adult & Child Tickets Route 61</th> <th>Concessionary Tickets Route 61</th> <th>Total Tickets Route 61</th> <th>Total Tickets Routes 60 & 61</th> </tr> </thead> <tbody> <tr> <td>2013/14</td> <td>4,880</td> <td>32,399</td> <td>37,279</td> <td>7,008</td> <td>38,341</td> <td>45,349</td> <td>82,628</td> </tr> <tr> <td>2014/15</td> <td>7,180</td> <td>35,496</td> <td>42,676</td> <td>8553</td> <td>46,988</td> <td>55,541</td> <td>98,217</td> </tr> <tr> <td>2015/16</td> <td>7,821</td> <td>32,106</td> <td>39,927</td> <td>8,615</td> <td>41,481</td> <td>50,096</td> <td>90,023</td> </tr> </tbody> </table> <p>The route travelled by the no 60 and 61 bus is attached as appendix 1.</p>	YEAR	Adult & Child Tickets Route 60	Concessionary Tickets Route 60	Total Tickets Route 60	Adult & Child Tickets Route 61	Concessionary Tickets Route 61	Total Tickets Route 61	Total Tickets Routes 60 & 61	2013/14	4,880	32,399	37,279	7,008	38,341	45,349	82,628	2014/15	7,180	35,496	42,676	8553	46,988	55,541	98,217	2015/16	7,821	32,106	39,927	8,615	41,481	50,096	90,023
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11.	<p>What are key findings from the consultation you have carried out?</p>																																

	None undertaken to date
12.	Amendments to Proposal / Mitigating Actions If mitigating actions are to be undertaken, they will be outside of the officer recommendations as per the details above.

Route map for Local Link service 61 (outbound)



Agenda Item 17b

Annual Council Meeting, 11 May 2016

Notice of Motion – Libraries – Mayoral Decision

The Council is currently developing a new Library Strategy to determine the future needs and services which the Council and its partners will be able to offer within reducing Council resources. Part of this strategy will consider the future of all Torbay Council Libraries, which includes options for a Community led approach to delivering the service and a review of current library sites which may have potential for future re-development.

Therefore the Council requests the Assistant Director of Community and Customer Services to seek expressions of interest for alternative delivery models for the running or development of all Torbay Council Libraries, which will keep within our statutory obligations but provide a more cost effective long term solution

Proposed by Councillor Morris
Seconded by Councillor Mills

Notice of Motion - Homeless Men on Torquay & Paignton Sea Front – Annual Council 11 May 2016 – Mayoral Decision

That this Council calls for an urgent report setting out ways in which accommodation might be found for the growing numbers of homeless men that are living in and around the seafronts in Paignton and Torquay.

We note that in common with other local authorities there has been a rising number of rough sleepers and rising pressure for temporary accommodation, and that central Government has said that there is finance available to counteract this trend.

This Council calls upon the Chief Executive to write to the Department for Communities and Local Government in order that Torbay receives an appropriate allocation of these new monies.

Proposer – Councillor Parrott

Seconded - Councillor King

Agenda Item 17d

Notice of Motion - Donkey Rides at Paignton Green – Annual Council 11 May 2016 – Mayoral Decision

As part of our heritage, Donkey Rides are a traditional seaside attraction at Paignton Green and have been for many years.

After a recent tendering exercise, they have been given notice that they were the unsuccessful bidder on this occasion. Therefore there will be no Donkey rides for children on Paignton Green.

This Council requests the Assistant Director of Community and Customer Services to find an alternative site in Paignton so that Donkey Rides can remain as part of the Torbay visitor experience.

Proposer - Councillor Amil

Seconded - Councillor King

Supporting Information and Impact Assessment

Service / Policy:	Culture and Events
Executive Lead:	Councillor Nicole Amil
Director / Assistant Director:	Fran Hughes

Version:	1	Date:	29 th April 2016	Author:	Fran Hughes
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>An attraction for Paignton Green was offered through a competitive tender process. There were a number of bidders who were evaluated against clear criteria. The current attraction operator who provides the donkeys on Paignton Green was not the successful bidder in this legal process, and therefore did not win the right to continue with his attraction from summer 2016.</p> <p>There has been local and national interest in the loss of the donkey attraction from Paignton Green and Elected Members have considered this interest and public opinion on this matter.</p>
2.	<p>What is the current situation?</p> <p>Historically donkey rides have been provided on Paignton Green, arrangements for which had been put in place without the undertaking of any formal process. Under Financial Regulations the Council is required to tender any opportunities which allow a supplier to exploit a Council asset for financial gain. In offering a concession of this nature the Council must take into account the level of rental income generated for the Council and the potential income to the supplier when determining the route to market. In the case of the Paignton Green attraction the total value over the proposed duration of the agreement required the Council to undertake a competitive tender process. This was undertaken at the beginning of 2016. The Donkey attraction was advised of the competitive process, the reasons why it was being undertaken and how they could bid. The tender process was won by trampoline attraction and the contract duly awarded.</p>
3.	<p>What options have been considered?</p> <p>A legal and competitive process has been undertaken for the concession site on Paignton Green. This process has been reviewed and is a robust process.</p> <p>(i) There is no requirement for the Council to make any alternative arrangement for the Donkey attraction. A competitive legal process has been undertaken and the Donkey attraction was not the selected bidder.</p>

	<p>(ii) Elected Members have discussed a range of options with council officers to determine whether an alternative site could be offered to the Donkey operator for the 2016 summer period. The alternative sites are limited as the donkeys require a grassed area and a continuous footfall to enable the business to operate. The Donkey operator has been offered a site at Young Park, Paignton for the 2016 summer period as a temporary trial. The operator has yet to confirm whether he wishes to take up this offer.</p>
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>This situation is outside of the current corporate plan priorities as a tender process to meet the ambitions of the corporate plan has already been undertaken. The situation has only arisen as the current Donkey Attraction was not successful in this legal process.</p>
5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>If the offer of Youngs Park for the summer 2016 is accepted then the Friends Groups and Community Partnership for this area will be advised.</p>
6.	<p>How will you propose to consult?</p> <p>N/A</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>The Donkey attraction is not able to be offered a site on Paignton Green without the Council undertaking a further tender process. This is not a practical option as the original tender was issued on the basis of there being a single attraction on Paignton Green. Any decision to allow a further attraction on the site could result in a challenge by the successful applicant in the original tender process.</p> <p>The proposed option to offer a temporary trial for the summer period 2016 at Young's Park could be directly awarded to the Donkey attraction if the total value of the contract (the income to the supplier and fees to the Council) does not exceed £10,000 for the period the contract is in place. The agreement to offer the temporary trial to the Donkey attraction will need to be approved through the Council's waiver process. This would be on the basis that we do not know what income could be generated from the site and it would offer the Council the opportunity to establish whether there is sufficient footfall to support an annual attraction be operated from the site.</p>
8.	<p>What are the risks?</p> <p>There is some risk of challenge from other suppliers if an alternative site is found for the Donkey attraction without a formal tender process being undertaken.</p> <p>If the Donkey attraction was to be sited on Paignton Green there is a significant risk that the trampoline attraction could request a reduction in the rental offered through the formal tender process, as this offer was based on a sole attraction being sited on the green and the addition of the Donkey attraction could potentially reduce the level of income generated.</p> <p>Consideration should also be given to the potential risk that other unsuccessful bidders requesting a site be made available to them in the event the Donkey attraction is offered an alternative without any formal process being undertaken.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>See above</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>N/A</p>

11.	What are key findings from the consultation you have carried out? N/A
12.	Amendments to Proposal / Mitigating Actions N/A

Notice of Motion - Queen Elizabeth II Playing Fields at Torre Valley North – Annual Council, 11 May 2016 (Council Decision)

Torre Valley North Costs this Council £21,000 per annum to maintain.

Over a period of 30 Years this equates to £630,000.

Policies at other Local Authorities including neighbours South Hams charge only "Peppercorn Rents" for these type of sites.

A rent of £2,000 per annum had been previously agreed with Mayor Oliver and Council Officers in 2013. This figure was reached to encourage clubs to take on Long Term leases. Long term sports leases are a Mayoral Election promise.

This Council agrees to honour the previous agreement and to keep the rent at £2,000 per annum

Proposer Councillor Excell

Seconded Councillor King

Agenda Item 18



Meeting: Council

Date: 11 May 2016

Wards Affected: All Wards

Report Title: Connections Offices Rationalisation

Is the decision a key decision? Yes

When does the decision need to be implemented? immediately

Executive Lead Contact Details: Richard Haddock, Executive Lead For Business,
Richard.haddock@torbay.gov.uk Tel 01803 207115

Supporting Officer Contact Details: Bob Clark – Exec Head Customer Services –
01803 207420 – bob.clark@torbay.gov.uk

1. Proposal and Introduction

1.1 At the Council Budget meeting on 25 February 2016 the Council requested further information on potential options for the rationalisation of the Connections Service which is set out in this report.

2. Reason for Proposal

2.1 To understand the impact a number of options would have on service users, the community and back office services.

2.2 The evidence gathered and the results of consultation with service users will inform how the Council can better use its resources in light of future budget reductions.

3. Recommendation(s) / Proposed Decision

3.1 Council is asked to consider the options and further information contained in this report and provide officers with a preferred option for implementation.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Background Documents

None

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

Supporting Information and Impact Assessment

Service / Policy:	Customer Services
Executive Lead:	Richard Haddock
Director / Assistant Director:	Fran Hughes/Bob Clark

Version:	0.1	Date:	March 2016	Author:	Alison Whittaker
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>To consider and agree the future operating model for the rationalisation of our Connections Offices. Members at the Council Budget on 25 February 2016 requested information on further options.</p>
2.	<p>What is the current situation?</p> <p>The Connections Service provides the face to face offices for the public to contact Torbay Council.</p> <p>Face to face services operate from central locations in each of the three towns in Torbay. One operates in Torquay Connections whilst the others are co-located services at Brixham Library and the Paignton Library Information Centre (PLAIC).</p> <p>In addition to providing information on Council services, Torquay and Paignton also offer self serve facilities via internet pods and drop in sessions and surgeries for partner organisations.</p> <p>Torbay Council also offers customer services via a 'Contact Centre' which manages telephone contact for a wide range of council services including:</p> <ul style="list-style-type: none"> Housing Benefits Council Tax Business Rates Community Safety Elections Registrars Housing Options IER (Individual Electoral Registration) <p>Customers can also access services via the Councils website.</p> <p>For further information see Annex 1 - Background information, staffing levels and demand</p>

<p>3.</p>	<p>What options have been considered?</p> <p>This document contains information on 8 potential options -</p> <ol style="list-style-type: none"> 1. Centralise Connections in Paignton Library Information Centre (PLAIC) 2. Centralise Connections in Torquay Connections 3. Centralise Connections in PLAIC offering appointments in Brixham & Torquay Library one day per week 4. Centralise Connections in Torquay Connections offering appointments in Brixham & Paignton Library one day per week 5. Reduced opening days in all offices 6. Reduced opening hours in all three offices 7. Continue to offer a Connections service in all three locations 8. Appointment only in all three locations <p>For further information see Annex 2 - Strengths, weaknesses, opportunities and risks.</p>
<p>4.</p>	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>Principles:</p> <ul style="list-style-type: none"> • Use reducing resources to best effect
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Connections customers Back office services Partner organisations</p>
<p>6.</p>	<p>How will you propose to consult?</p> <p>Torbay Council has consulted on the proposal to close Brixham and Torquay Connections offices in the following ways:</p> <ol style="list-style-type: none"> 1. A survey was developed for service users to complete - paper copies were available in all Connections offices and all Libraries. 2. The survey was available on-line during the consultation period. <p>Public consultation on the budget proposal for the permanent closure of the Torquay and Brixham Connections offices was also undertaken</p> <p>Further consultation may be required if Council select an option that is significantly different to that already consulted on.</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>The financial and legal implications are set out within Annex 2</p> <p>The trial identified no significant increase in the number of travel warrants issued.</p> <p>The increase in postage for returning documents will be reduced when Risk Based Verification is introduced. (This framework will reduce the identification documents required to be submitted by low risk customers when making an application for Housing Benefit)</p>
8.	<p>What are the risks?</p> <p>For further information see Annex 2 detailing strengths, weaknesses, opportunities and risks.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Detailed analysis of the trial closure of Torquay and Brixham Connections presented within the Connections Officer Rationalisation Project report.</p> <p>For further information see Annex 2 - Strengths, weaknesses, opportunities and risks for each option.</p> <p>There are 8 potential options -</p> <ol style="list-style-type: none">1. Centralise Connections in Paignton Library Information Centre (PLAIC)2. Centralise Connections in Torquay Connections3. Centralise Connections in PLAIC offering appointments in Brixham & Torquay Library one day per week4. Centralise Connections in Torquay Connections offering appointments in Brixham & Paignton Library one day per week5. Reduced opening days in all offices6. Reduced opening hours in all three offices7. Continue to offer a Connections service in all three locations8. Appointment only in all three locations

Summary of Options

	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7	Option 8
Risk level	Low	Medium	Low	Low	Medium	Medium	Low	High
Savings (based on full year savings)	£76,000	£56,000	£66,000	£46,000	£20,000	£20,000	Nil	Unknown
FTE Savings	3.4	2.4	3	2	1	1	Nil	Unknown
Option suitable for existing appointments (Housing)	✓	✓	✓	✓	✗	✗	✓	✓
Co - located with partners	✓	✗	✓	✗	✓	✓	✓	✓
Opportunity to channel shift	✓	✓	✓	✓	Limited	Limited	✗	✓
Complies with Lottery grant funding	✓	Requires clarification	✓	Requires clarification	✓	✓	✓	Requires clarification
Potential to generate income from vacated office space	✓	Requires clarification	✓	Requires clarification	✗	✗	✗	✗
Potential to cause customer confusion	Low	Low	Low	Low	Medium	Medium	Low	High

11. What are key findings from the consultation you have carried out?

Budget Consultation

To close Torquay and Brixham Connections Offices and Centralise the Connections service within the existing office in Paignton Library and Information Centre. Self Service Pods will be provided at Torquay and Brixham Libraries. Customers will still be able to access services via the Customer Contact Centre (telephone) and/or the Council's website.

This proposal is expected to save £76,000.

Do you support this proposal ?	Number	Percent
Yes	135	54.9%
No	105	42.7%
No answer	6	2.4%
Total	246	100%

Review of Connections Services consultation 5 October - 11 November 2015

Do you support the proposal to centralise the Connections Service at Paignton? (Please tick one box only)

	Number	Percent
Yes	221	33.1%
No	368	55.1%
No response	79	11.8%
Total	668	100%

Further details of the consultation are included in the Connections rationalisation project report.

12. Amendments to Proposal / Mitigating Actions

Following the decision at Council on the 25 February 2016, 8 potential options have been identified. This report provides Council with information relating to these options.

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups To be completed for the option selected by Council
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	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			
People with caring Responsibilities			
People with a disability			
Women or men			
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			
Religion or belief (including lack of belief)			
People who are lesbian, gay or bisexual			
People who are transgendered			
People who are in a marriage or civil partnership			
Women who are pregnant / on maternity leave			

Socio-economic impacts (Including impact on child poverty issues and deprivation)			
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			

14	Cumulative Impacts - Council wide (proposed changes elsewhere which might worsen the impacts identified above)		
15	Cumulative Impacts - Other public services (proposed changes elsewhere which might worsen the impacts identified above)		

Annex 1

What is the trend in demand over the last 6 years?

Footfall within the Connections offices has been gradually reducing year on year as customers choose alternative methods of contact.

Method of contact	Period	Number
Total footfall within the Connections offices	April 2010 to Mar 2011	101,387 visitors
	April 2011 to Mar 2012	94,465 visitors
	April 2012 to Mar 2013	81,994 visitors
	April 2013 to Mar 2014	71,578 visitors
	April 2014 to Mar 2015	66,896 visitors
	April 2015 to Feb 2016 (Excluding the trial 5 October - 2 November)	31,911 visitors

What is the current demand?

On average the number of customers visiting the Connections offices each week are:

Connections Office	Number of customers
Torquay	824
Paignton	556
Brixham	123

How are customers dealt with when they visit Connections?

In Torquay and Paignton Connections customers are directed to the appropriate facility depending on their enquiry. Options available:

Scanning - Documents are scanned by a member of the team and immediately returned to the customer.

Pods - customers are directed to a computer to resolve their enquiry and report information using on-line.

Phones - customers are directed to the free phone facility to enable them to contact a variety of back office services to resolve their enquiry.

CSA - customers whose enquiry requires a Customer Service Advisor (CSA) e.g. Bus pass applications, Parking Permits, Overseas pension verification. Customers who are unable to use the free phone or web or whose enquiry is very complex are also directed to a CSA.

Appointments - Customers who have a pre-arranged appointment for Housing in Torquay and Registrars in Paignton are directed to the appropriate meeting room.

Universal Credit - Customers that visit Connections to make an application for Universal Credit that require assistance from a CSA to complete their application.

General advice - quick enquires that do not require use of a back office system and can easily be resolved at the first point of contact.

In Brixham all customers' enquiries are dealt with by a member of the Customers Services Team due to the office layout and the volume of customers.

Prior to the Connections trial which was undertaken in October 2015 we began to record the demand for each facility. This analysis is continuing to enable us to monitor the use of each facility and further develop the use of on-line transactions.

The table below details the facilities used by customers 15 August 2015 - 26 February 2016 excluding the period of the trial 5th - 30th October 2015

	Scanning	Directed to Pod	Directed to Phones	CSA	Appointments (Housing & Registrars)	Universal Credit Applications	General Advice	Total
Torquay	6828	2127	3315	438	874	0	3827	17409
Paignton	3196	497	846	377	1736	0	5159	11811
Brixham*	857	0	1	0	5	0	1828	2691

Customer Services also record the volume of customers throughout the day to ensure that any capacity can be utilised and where possible staff support the Call Centre by answering telephone calls within the Connections office.

The table below details customer footfall throughout the day 15 August 2015 - 26 February 2016 excluding the period of the trial 5th - 30th October 2015

	9-10am	10-11am	11-12am	12-1pm	1-2pm	2-3pm	3-4pm	4-5pm	Total
Torquay	2127	2397	2672	2570	2436	2203	1888	1116	17409
Paignton	1870	1644	1720	1524	1617	1506	1213	717	11811
Brixham	310	398	425	430	371	354	337	66	2691

*Brixham 4-5pm - Totals added for 2 days as split not known

What are our current staffing levels?

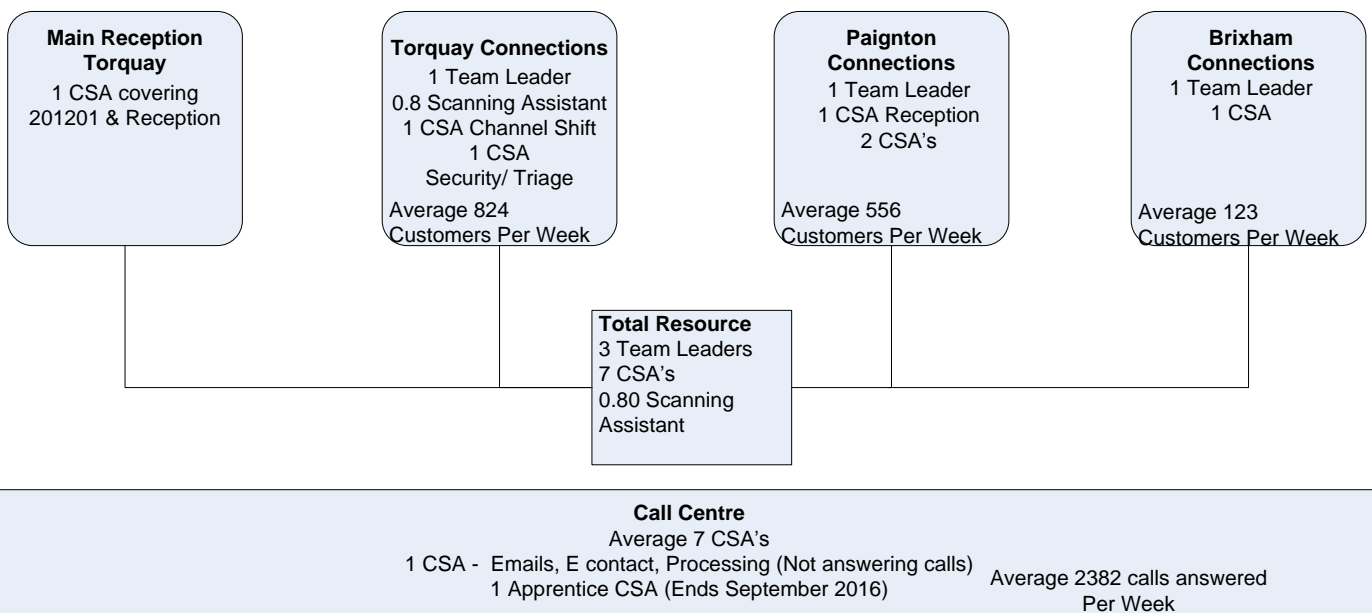
Although additional skill sets from back office services have been introduced into the Call Centre, Customer Services staffing levels continues to reduce due to budget cuts. Since 2012 the number of CSA's has reduced by 13.9 FTE.

The service is unable to achieve any further financial savings whilst maintaining the current service to customers at 3 locations.

Year 2012		Year 2016	
Team Leaders	4 FTE	Team Leaders	4FTE
Customer Service Advisors	32.6 FTE	Customer Service Advisors	18.7 FTE
Scanning Assistants	1 FTE	Scanning Assistants	0.8FTE

Typically there are 3 CSA's and 1 Team Leader on leave at any one time. There are also 2 CSA's currently on maternity leave, whose posts have not been back filled.

Customer Services – Current Staffing Levels And Weekly Demand Averages



How does the service operate?

Customer Service Advisors (CSA's) manage customer demand in the Connections Offices, Call Centre and Main Reception at Town Hall. Staff are cross trained and work in the Call Centre and the Connections Offices.

In November 2014 the operating models in Torquay and Paignton offices were changed to achieve the following:

- Introduce and promote the use of online services and telephones to customers as these cost less than a face to face transaction.
- To maximise capacity to the call centre (staff in the face to face offices now answer calls as well as dealing with the face to face customers).
- Improve performance to the call centre.
- To bring the service into line with other organisations e.g. DWP, HMRC (pushing more self service and telephone support).
- To enable vulnerable customers to see a Customer Service Advisor (CSA) promptly to resolve their enquiry.

CSA's in the Connections Offices now assist the Call Centre by taking calls whenever possible. This, with the added emphasis of channel shifting face to face customers to the phone and web provides a flexible and responsive service.

The new way of working has increased the use of lower cost methods of contact e.g. web and telephone and although the overall footfall is reducing a significant volume of customers still visit the Connections offices.

Conclusion

As previously indicated within the current staffing levels section, we have few staff to support 3 Connections offices, Main Reception at the Town Hall and the Call Centre.

In order to achieve cashable savings in 2016/17 the delivery model for Connections must be rationalised. The document contains information relating to 8 potential delivery models.

In conjunction with the detailed report produced in November 2015 members are requested to consider the options for Connections based on the information within this report.

Annex 2

8 potential options have been identified and evaluated by officers.

Option 1 - Centralise Connections in PLAIC

Paignton Library and Information Centre (PLAIC) would become the central Connections office and Torquay and Brixham Connections would be closed. A trial was undertaken of this option and it was established that it is possible for the Connections service to operate from the current location within PLAIC.

Strengths

- PLAIC is ideally located with good transport links - bus station, train station, parking etc.
- PLAIC is a modern purpose built building.
- Centralising in PLAIC supports the concept of a Community hub. Customers can also utilise the other services within PLAIC whilst visiting Connections.
- The proposed Connections office space in PLAIC is suitable for the new operating model and additional self service functions.
- Would maximise the use of meeting rooms within PLAIC with the potential to add additional meeting rooms if required.
- No additional security is required. PLAIC would benefit from the security currently provided within Torquay Connections. Security from the Torquay Connections office would be transferred to PLAIC.
- Maximise the use of Customer Service staff to cover Call centre; Connections office and Town hall reception. Reduced staffing issues relating to staff scheduling due to reduction in office locations.
- Feedback from the trial from customers who used the central service was positive.
- Paignton Library would benefit from a security presence within the building.
- This is a low risk option as the concept of a central office in PLAIC has been proved.
- The Housing Service operated from PLAIC during the trial and no issues were identified.
- The Housing Service reported that there was no significant increase in the volume of travel warrants issued during the trial.
- This is an opportunity to generate income from potential lease of Town hall Connections accommodation.
- Connections customers may be encouraged to use Library resources.

- Results from public consultation on the budget proposal the permanent closure of the Torquay and Brixham Connections offices supported this proposal (Yes 54.9%, No 42.7%, No answer 2.4%)

Weaknesses

- Call Centre and Connections offices would no longer be co-located, so Call Centre staff will not be easily transferrable at short notice to Connections office duties.
- Customers unable to travel to PLAIC will have to choose another contact method. During the trial free phones were installed within Brixham and Torquay Libraries to enable them to contact various departments during the Library opening hours.
- Consultation undertaken during the trial did not support the proposal to centralise the Connections Service in PLAIC (Yes 33.1%, No 55.1% No answer 11.8%).

Opportunities

- Maximises the use of a modern building which was lottery funded.
- PLAIC is centrally located with Torbay.
- Torquay Connections could be leased to generate income.
- Promote Channel Shift via new operating model and additional self service capabilities to reduce demand.

Risks

- Customers may contact other organisations for assistance rather than travel to PLAIC. (Feedback from other organisations during the trial identified a low level of increased demand. The majority of these customers were sign posted to other facilities).

Savings

76k staff savings (Based on full year savings) 3.4FTE.

Costs

The existing pods located in Torquay and Paignton Connections are 4 years old and approaching “end of life”. They require a considerable amount of IT resource to maintain them.

The review of the Connections service has identified the importance of adequate provision of self service facilities and the existing pods are no longer fit for purpose.

To supply 10 free standing touch screen kiosks of industrial quality and the required software the capital investment would be approximately £26,000 with an annual revenue cost of £7000.

The location of the kiosks will be dependent on the decision made by Council.

Option 2 - Centralise Connections in Torquay Connections

Torquay Connections office would become the central Connections office and Paignton and Brixham Connections would be closed.

Strengths

- Torquay Connections currently has the highest level of demand out of the three offices.
- The Torquay Connections office has 7 meeting rooms.
- The majority of Council Staff are based in Torquay. (staff would not have to travel to meet with customers).
- Housing appointments which are currently undertaken within Torquay Connections could continue.
- Connections staff would be located in the same location as the Call centre staff. This would enable some flexibility to manage demand.
- Security would continue to support Connections at the current location.

Weaknesses

- No trial of centralising in Torquay has been undertaken.
- The potential footfall to a central office in Torquay has not been established and therefore there is a risk that the office may not be suitable as a central location.
- Customers have not been consulted on this option.
- Connections staff currently manage the Reception at PLAIC. It may not be feasible to continue if the Connections Service was withdrawn from Paignton.
- Customers unable to travel to Torquay will have to choose another contact method.
- Customers travelling from Brixham would be impacted most.
- No future use for the existing space currently occupied by Connections in PLAIC has been identified.
- No opportunity to explore a potential income stream from leasing the current Torquay Connections space.
- Centralising in Torquay may limit the future opportunities for Torquay Town Hall.

Opportunities

- The space currently occupied in PLAIC and Brixham Library would be available for other uses. Potential income generation.

Risks

- Possible non compliance of the terms of the lottery grant at PLAIC (i.e. we are not providing a Customer Services function).
- Any change of use within PLAIC e.g. Connections space used by another organisation would need to comply with the lottery conditions.
- Significant communications prior to centralisation would be required. This would include customers and stakeholders.
- Public consultation may not support this option.
- The vacated spaces in PLAIC and Brixham Library may remain unoccupied if it cannot be utilised by other Council departments/organisations.
- Potential increase in customer dissatisfaction leading to an increase in the number of complaints if customer demand is not dealt with effectively within Torquay Connections.

Savings

Approx 56k based on a full year savings (resource would be required to maintain a Reception at PLAIC unless an alternative solution is identified 20k) 2.4FTE.

Costs

The existing pods located in Torquay and Paignton Connections are 4 years old and approaching “end of life”. They require a considerable amount of IT resource to maintain them.

The review of the Connections service has identified the importance of adequate provision of self service facilities and the existing pods are no longer fit for purpose.

To supply 10 free standing touch screen kiosks of industrial quality and the required software the capital investment would be approximately £26,000 with an annual revenue cost of £7000.

The location of the kiosks will be dependent on the decision made by Council.

Option 3 - Centralise Connections is PLAIC offering appointments in Brixham & Torquay Library one day per week in each location

Centralise in PLAIC and offer pre booked appointments for customers who require a face to face appointments within the meeting rooms in at Torquay and Brixham Libraries. This option would enable elderly or vulnerable customers the opportunity to resolve enquiries in Torquay and Brixham utilising existing meeting rooms within the Libraries.

Customers would telephone Customer Services (Free phone is available in the Library if required). If the enquiry cannot be resolved and the customer cannot travel to Paignton an appointment will be made with a Customer Service Advisor. Appointments will initially be booked for 30 minutes to allow sufficient time for the CSA to deal with the enquiry. This would equate to 13 appointments at each location per week.

Brixham Library - utilise the meeting room on the first floor for pre arranged appointments. Appointments could be booked by Customer Service where it has been identified that an appointment is required. These would be offered one day per week. If there are no appointments staff would not attend. If there is capacity between appointments the CSA will support the Call Centre by taking calls to maximise capacity.

Torquay Library - utilise the meeting room near the entrance of the Library for pre arranged appointments. Appointments could be booked by Customer Service where it has been identified that an appointment is required. These would be offered one day per week. Depending on the volume of appointments the CSA would return to the Call Centre or support the Call Centre in between appointments.

Analysis of the face to face enquiries has been undertaken to understand why customers require a face to face interaction.

Analysis of face to face enquiries August 2015 - February 2016 (Not customers with a TQ5 postcode)

Description	Volume
Pensionable age bus pass applications	300
Parking permits	204
Disabled bus pass applications	99
Overseas pensions verification	58
Student bus pass applications	53
Blue badge & Radar keys enquiries	44
Housing advice relating to customers with no contact telephone number	38
Proof of entitlement of benefits to enable free veterinary treatment	38
Complex benefit or council tax enquiries	21

How could the face to face enquiries be reduced further?

Pensionable age bus passes - this is currently a face to face transaction only. Libraries also process around 1000 applications per year. Investigation is required to enable customers' alternative methods of applying e.g. postal and on-line applications.

Parking permits - On-line and paper applications are available on the website. Some customers prefer to call in to collect a permit. Investigation is required with Parking Services to establish if a face to face service is still required and explore alternative options and locations.

Disabled bus passes - this is currently a face to face transaction only. Investigation is required to identify if a percentage of these applications could be processed through a paper or on-line applications.

Overseas pension verification - to verify customer's entitlement to overseas pensions - this service could be centralised.

Student bus passes - Investigation is required to enable customers' alternative methods of applying e.g. postal and on-line applications.

Blue badge & Radar keys enquiries - radar keys could continue to be available at the central location. There are other outlets and methods of purchasing radar keys within Torbay. Blue badges are administered by Torbay and South Devon NHS Foundation Trust.

Housing advice relating to customers with no contact telephone number - Investigation is required with Housing to explore an alternative service for these customers.

Proof of entitlement of benefits to enable free veterinary treatment - this service could be centralised.

Complex benefit or council tax enquiries - customers not able to travel to the central office would be given an appointment.

Strengths

- PLAIC is ideally located with good transport links - bus station, train station, parking etc.
- PLAIC is a modern purpose built building.
- The proposed Connections office space in PLAIC is suitable for the new operating model and additional self service functions.
- Centralising in PLAIC supports the concept of a Community hub. Customers can also utilise the other services within PLAIC whilst visiting Connections.
- Would maximise the use of meeting rooms within PLAIC with the potential to add additional meeting rooms if required.

- No additional security is required. PLAIC would benefit from the security currently provided within Torquay Connections. Security from the Torquay Connections office would be transferred to PLAIC.
- Maximise the use of Customer Service staff to cover Call centre; Connections office and Town hall reception. Reduced staffing issues relating to staff scheduling due to reduction in office locations.
- Feedback from the trial from customers who used the central service was positive.
- Paignton Library would benefit from a security presence within the building.
- This is a low risk option as the concept of a central office in PLAIC has been proved.
- The Housing Service operated from PLAIC during the trial and had no issues.
- The Housing Service reported that there was no significant increase in the volume of travel warrants issued during the trial.
- Opportunity to generate income from potential lease of Town hall Connections accommodation.
- Could encourage Connections customers to use Library resources.
- Results from public consultation on the budget proposal the permanent closure of the Torquay and Brixham Connections offices supported this proposal (Yes 54.9%, No 42.7%, No answer 2.4%).
- Customers unable to use other methods of contact and who are unable to travel to Paignton will be able to visit the Libraries at a pre arranged appointment to resolve their enquiry.
- As appointments are pre booked at a time convenient for the customer and therefore will not have to queue to see a CSA.
- Details and volumes of appointments could be analysed to further reduce the need for appointments in the future.

Weaknesses

- Call Centre and Connections offices would no longer be co-located, so Call Centre staff will not be easily transferrable at short notice to Connections office duties.
- Customers unable to travel to PLAIC will have to choose another contact method. During the trial free phones were installed within Brixham and Torquay Libraries to enable them to contact various departments during the Library opening hours.
- Consultation undertaken during the trial did not support the proposal to centralise the Connections Service in PLAIC (Yes 33.1%, No 55.1% No answer 11.8%).

- Work with back offices and partners is required to reduce the volume of face to face enquiries.

Opportunities

- Torquay Connections could be leased to generate income.
- Promote Channel Shift via new operating model and additional self service capabilities to reduce demand.
- To review the current face to face transactions, identify and explore alternative methods of delivery.

Risks

- Customers may contact other organisations for assistance rather than travel to PLAIC. (Feedback from other organisations during the trial identified a low level of increased demand. The majority of these customers were sign posted to other facilities).
- Potential for backlogs in appointments if demand is in excess of available appointments if further reductions in face to face enquires cannot be made.

Savings

66k based on a full year savings (Option 1 savings of 76k minus the cost of staffing the appointments 10k) 3FTE.

Costs

The existing pods located in Torquay and Paignton Connections are 4 years old and approaching "end of life". They require a considerable amount of IT resource to maintain them.

The review of the Connections service has identified the importance of adequate provision of self service facilities and the existing pods are no longer fit for purpose.

To supply 10 free standing touch screen kiosks of industrial quality and the required software the capital investment would be approximately £26,000 with an annual revenue cost of £7000.

The location of the kiosks will be dependent on the decision made by Council.

Option 4 - Centralise Connections in Torquay Connections offering appointments in Brixham & Paignton Library one day per week in each location

Centralise in Torquay Connections and offer pre booked appointments for customers who require a face to face appointments within the meeting rooms in at Paignton and Brixham Libraries.

This option would enable elderly or vulnerable customers the opportunity to resolve enquiries in Paignton and Brixham utilising existing meeting rooms within the Libraries.

Customers would telephone Customer Services (Free phone is available in the Library if required). If the enquiry cannot be resolved and the customer cannot travel to Torquay an appointment will be made with a Customer Service Advisor. Appointments will initially be booked for 30 minutes to allow sufficient time for the CSA to deal with the enquiry. This would equate to 13 appointments at each location per week.

Brixham Library - utilise the meeting room on the first floor for pre arranged appointments. Appointments could be booked by Customer Service where it has been identified that an appointment is required. These would be offered one day per week. If there are no appointments staff would not attend. If there is capacity between appointments the CSA will support the Call Centre by taking calls to maximise capacity.

Paignton Library - utilise the meeting room within the existing Connections area (room 6) for pre arranged appointments. Appointments could be booked by Customer Service where it has been identified that an appointment is required. These would be offered one day per week. Depending on the volume of appointments the CSA would return to the Call Centre or support the Call Centre in between appointments.

Analysis of the face to face enquiries has been undertaken to understand why customers require a face to face interaction.

Analysis of face to face enquiries August 2015 - February 2016 (Not customers with a TQ5 postcode)

Description	Volume
Pensionable age bus pass applications	300
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Complex benefit or council tax enquiries	21

How could the face to face enquiries be reduced further?

Pensionable age bus passes - this is currently a face to face transaction only. Libraries also process around 1000 applications per year. Investigation is required to enable customers' alternative methods of applying e.g. postal and on-line applications.

Parking permits - On-line and paper applications are available on the website. Some customers prefer to call in to collect a permit. Investigation is required with Parking Services to establish if a face to face service is still required and explore alternative options and locations.

Disabled bus passes - this is currently a face to face transaction only. Investigation is required to identify if a percentage of these applications could be processed through a paper or on-line application.

Overseas pension verification - to verify customer's entitlement to overseas pensions - this service could be centralised.

Student bus passes - Investigation is required to enable customers' alternative methods of applying e.g. postal and on-line applications.

Blue badge & Radar keys enquiries - radar keys could continue to be available at the central location. There are other outlets and methods of purchasing radar keys within Torbay. Blue badges are administered by Torbay and South Devon NHS Foundation Trust.

Housing advice relating to customers with no contact telephone number - Investigation is required with Housing to explore an alternative service for these customers.

Proof of entitlement of benefits to enable free veterinary treatment - this service could be centralised.

Complex benefit or council tax enquiries - customers not able to travel to the central office would be given an appointment.

Strengths

- Torquay Connections currently has the highest level of demand out of the three offices.
- The Torquay Connections office has 7 meeting rooms.
- The majority of Council Staff are based in Torquay. (staff would not have to travel to meet with customers).
- Appointments are currently undertaken with Torquay Connections could continue.
- Connections staff would be located in the same location as the Call centre staff. This would enable some flexibility to manage demand.
- Security would continue to support Connections at the current location.

- Customers unable to use other methods of contact and who are unable to travel to Torquay will be able to visit the Libraries at a pre arranged appointment to resolve their enquiry.
- As appointments are pre booked at a time convenient for the customer, they will not have to queue to see a CSA.
- Details and volumes of appointments could be analysed to further reduce the need for appointments in the future.

Weaknesses

- No trial of centralising in Torquay has been undertaken.
- The potential footfall to a central office in Torquay has not been established and therefore there is a risk that the office may not be suitable as a central location.
- Customers have not been consulted on this option.
- Connections staff currently manage the Reception at PLAIC. It may not be feasible to continue if the Connections Service was withdrawn from Paignton.
- Customers unable to travel to Torquay will have to choose another contact method.
- Customers travelling from Brixham would be impacted most.
- No future use for the existing space currently occupied by Connections in PLAIC has been identified.
- No opportunity to explore a potential income stream from leasing the current Torquay Connections space.
- Centralising in Torquay may limit the future opportunities for Torquay Town Hall.
- Work with back offices and partners is required to reduce the volume of face to face enquiries

Opportunities

- The space currently occupied in PLAIC and Brixham Library would be available for other uses. Potential income generation.
- To review the current face to face transactions, identify and explore alternative methods of delivery.

Risks

- Possible non compliance of the terms of the lottery grant at PLAIC (i.e. we are not providing a Customer Services function).

- Any change of use within PLAIC e.g. Connections space used by another organisation would need to comply with the lottery conditions.
- Significant communications prior to centralisation would be required. This would include customers and stakeholders.
- Public consultation may not support the new approach.
- The vacated spaces in PLAIC and Brixham Library may remain unoccupied if it cannot be utilised by other Council departments/organisations.
- Potential increase in customer dissatisfaction leading to an increase in the number of complaints if customer demand is not dealt with effectively within Torquay Connections.
- Centralising in Torquay may not be achievable by mid 2016 as consultation will need to be undertaken.
- Potential for backlogs if demand is in excess of available appointments and if further reductions in face to face enquires cannot be made.

Savings

46k based on a full year savings (76k minus 10k for appointments and 20k to manage PLAIC Reception 2FTE)

Resource would be required to maintain a Reception at PLAIC unless an alternative solution is identified

Costs

The existing pods located in Torquay and Paignton Connections are 4 years old and approaching “end of life”. They require a considerable amount of IT resource to maintain them.

The review of the Connections service has identified the importance of adequate provision of self service facilities and the existing pods are no longer fit for purpose.

To supply 10 free standing touch screen kiosks of industrial quality and the required software the capital investment would be approximately £26,000 with an annual revenue cost of £7000.

The location of the kiosks will be dependent on the decision made by Council.

Option 5 - Reduced opening days in all offices

Continue to operate from all three locations, closing each office a number of days each week.

Strengths

- May encourage channel shift where available.
- Retains a Customer Services Connections presence in the three towns.
- Does not impact on elderly or disadvantaged groups.
- Possibly more acceptable for customers than centralising in one location.

Weaknesses

- On days when all offices are open the current staffing level could not be reduced as we are already operating with the minimal level of staff.
- Face to face demand is fairly constant throughout the week and there are no obvious days when the offices could be closed.
- Reducing staffing levels on current days when there are a reduced number of Connections Offices open would impact on the performance of the Call Centre as support from staff located in the Connections offices would not be provided.
- The Housing Service would need to operate from multiple locations to enable appointments 5 days per week. This may cause customer confusion.
- In PLAIC the Customer Services Team manages the Reception. Registrar's appointments are offered 5 days a week. CSA's are required to check customers in on arrival and direction them to the correct location and therefore a presence in PLAIC would need to be maintained.
- Customer consultation would need to be undertaken on this option. This would cause delays in implementation and would reduce the savings achievable.
- There would be no opportunity to utilise the current office space for a different purpose on days when the offices are closed.
- This option would realise minimal savings.

Opportunities

- May be possible to re-direct some staff resource to the Call Centre functions (call centre) due to reduction in Connections face to face service.

Risks

- All Customer Service staff would need to have new contracts to reflect the reduced requirements of the service on days when not all offices are open.

There is a risk that experienced and valued staff would leave due to a reduction in hours and wages.

- Closing different offices on different days would cause confusion to customers and back office staff, throughout the Council who direct customers to the Connections offices.
- The effect on face to face demand on a reduced number of days has not been explored. There is a potential that the service would not be able to manage the demand during the reducing opening hours.
- Reduction in staff hours or different work patterns will impact on staff retention.

Savings

Estimate 20k based on a full year savings depending on the opening days on each office 1FTE.

Costs

The existing pods located in Torquay and Paignton Connections are 4 years old and approaching “end of life”. They require a considerable amount of IT resource to maintain them.

The review of the Connections service has identified the importance of adequate provision of self service facilities and the existing pods are no longer fit for purpose.

To supply 10 free standing touch screen kiosks of industrial quality and the required software the capital investment would be approximately £26,000 with an annual revenue cost of £7000.

The location of the kiosks will be dependent on the decision made by Council.

Option 6 - Reduced opening hours in all three offices

Continue to operate from all three locations, reducing the opening hours.

Strengths

- May encourage channel shift where available.
- Retains a Customer Services Connections presence in the three towns.
- Does not impact on elderly or disadvantaged groups.
- Possibly more acceptable for customers than centralising in one location.

Weaknesses

- Customers may not find the new opening hours convenient.
- May cause issues for the Security Team.
- All current locations will need to be maintained and staffed but will not be fully utilised.
- Customer confusion from changing the opening hours.
- Effort required informing customers of the change.
- Alternative contact methods required when office is not open (this could be access to PC's in libraries). Cost approx 30k.
- Difficult to manage staff time and may incur wasted resource through travelling time.
- Library staff in Paignton and Brixham may be required to provide customers who visit when the office is closed details of the opening information.
- In Torquay, customers who find Torquay Connections closed may visit the Main Reception for information.
- Staff rotation/planning would prove difficult and may result in wasted resource.
- Demand may be unmanageable during the new opening hours.
- The staff in the Connections Offices support the Call Centre. Call Centre demand is at its highest from 9.00am - 11.00am and relies on additional resource from the Connections offices to manage the peaks in demand. A reduction in staffing numbers during this time would dramatically impact of the performance of the Call Centre and waiting times for customers.
- The opening hours of the Call Centre could not be reduced as it manages customers' enquiries from multiple services.
- Face to face demand is fairly constant through the day and there are no obvious hours during the day that could be reduced that would not affect the performance of the Call Centre.
- Customer Services would still need to manage the Town Hall Reception (8.30am - 5.30pm)

- In PLAIC the Customer Services Team manages the Reception. Registrars appointments are offered all day and CSA's are required to check customers in on arrival and direction them to the correct location.
- Due to the level of demand for pre booked and emergency appointments for Housing Services, the service would be unable to operate effectively if the Connections Offices opening times were reduced.
- Configuring the staff rota would be complex as CSA's would be required to work a standard day when in the Call Centre and a reduced number of hours when in Connections.
- There would be no opportunity to utilise the current office space for a different purpose whilst the offices are closed.
- This option would realise minimal savings.

Opportunities

- May be possible to re-direct some staff resource to the Contact Centre functions (call centre) due to reduction in Connections face to face service.

Risks

- The effect on face to face demand during shorter opening hours has not been explored. There is a potential that the service would not be able to manage the demand during the reducing opening hours.
- Torquay Connections meeting rooms may need to remain open to facilitate Housing Appointments and other appointments.
- Reduction in staff hours or different work patterns will impact on staff retention.
- All Customer Service staff would need to have new contracts to reflect a reduced number of hours. There is a risk that experienced and valued staff would leave due to a reduction in hours and wages.

Savings

Estimate 20k based on a full year savings 1FTE

Costs

The existing pods located in Torquay and Paignton Connections are 4 years old and approaching "end of life". They require a considerable amount of IT resource to maintain them.

The review of the Connections service has identified the importance of adequate provision of self service facilities and the existing pods are no longer fit for purpose.

To supply 10 free standing touch screen kiosks of industrial quality and the required software the capital investment would be approximately £26,000 with an annual revenue cost of £7000.

The location of the kiosks will be dependent on the decision made by Council.

Option 7 - Continue to offer a Connections service in all three locations

Strengths

- No change to the current service.
- Customer will be able to continue to visit an office that is most convenient for them.
- No savings are achievable from Customer Services budget.
- 76k savings will need to be found from an alternative source.
- Intelligence and customer feedback gathered will not be utilised.
- Operating from three locations may not be financially viable in future years and options 1 - 3 will need to be reconsidered. Customer and partner consultation will need to be undertaken again.
- Channel shift to cheaper methods of communication will be limited.
- No opportunity to generate additional income from office space.

Weaknesses

- This option would realise no savings.

Opportunities

- To maintain the current service to customers.

Risks

- Face to face customer demand may continue to reduce and operating from three locations may become unviable.
- No security presence will be provided in Paignton and Brixham Connections.

Savings

None

Costs

The existing pods located in Torquay and Paignton Connections are 4 years old and approaching "end of life". They require a considerable amount of IT resource to maintain them.

The review of the Connections service has identified the importance of adequate provision of self service facilities and the existing pods are no longer fit for purpose.

To supply 10 free standing touch screen kiosks of industrial quality and the required software the capital investment would be approximately £26,000 with an annual revenue cost of £7000.

The location of the kiosks will be dependent on the decision made by Council.

Option 8 - Appointment only in all three locations

Operate an appointment only service within all three Connections offices. Based on the current average weekly footfall within each office with 15 minute appointments, this option would require the following resource –

Location	Average Weekly Footfall	Number Of CSA's Required
Torquay	824	6.3 FTE
Paignton	556	4.2 FTE
Brixham	123	1 FTE

Strengths

- Customers unable to use other methods of contact would be able to visit an office for an appointment to resolve their enquiry with a CSA.
- As appointments are pre booked at a time convenient for the customer, they will not have to queue to see a CSA.

Weaknesses

- The majority of customers are not currently seen by a CSA as they are directed to alternatives (Web and telephone) within Torquay and Paignton Connections. Although demand is reducing, all offices still have a significant footfall. (April 2015 - February 2016, excluding the trial 5 October - 2 November - 31,911 visitors).
- No trial of this operating model has been undertaken and we have been unable to identify another local authority with this operating model.
- Demand to the Call Centre would increase due to customers telephoning to book appointments.
- Potential of lone working in Brixham when the Library is closed.(Wednesday and Friday afternoons).
- Unable to use the capacity between appointments to support the Call Centre.
- Desk space in the Connections Offices would not be utilised unless appointments are undertaken within the public areas in Connections.
- If customer appointments are undertaken at desks in a public area there would be difficulties managing customers who visit with no appointment.
- No opportunity to assist customers to self serve.
- Late arrivals will impact the appointment schedule.
- Potential impact on customers claiming Universal Credit.
- The Reception at PLAIC would still need to be managed by Customer Services.

- Significant communications and engagement with customers, back office departments and partners would be required.

Opportunities

- To review the current face to face transactions, identify and explore alternative methods of delivery.

Risks

- Removing the current operating model in Torquay and Paignton and replacing it with appointments could result in high demand at a high cost as customers will be unable to use the low cost methods currently offered (Web and telephone). Although the volume of customers that require a face to face is minimal the overall foot fall is still significant.
- Resource required is greater than the current operating model.
- May cause high customer demand to other services including Libraries and partner organisations.
- Potential for backlogs in appointments if demand exceeds the volume of available appointments.
- The offices would remain open to allow access for customers with appointments but there would be no resource to prevent customers without an appointment entering the offices.
- Overall cost of delivering the service may increase due to the volume of face to face transactions.
- Potential damage to reputation due to customer dissatisfaction.
- Public consultation may not support the new approach.

Savings

Unknown until demand for appointments has been identified but could potentially be an increase in cost.

Costs

The existing pods located in Torquay and Paignton Connections are 4 years old and approaching “end of life”. They require a considerable amount of IT resource to maintain them.

The review of the Connections service has identified the importance of adequate provision of self service facilities and the existing pods are no longer fit for purpose.

To supply 10 free standing touch screen kiosks of industrial quality and the required software the capital investment would be approximately £26,000 with an annual revenue cost of £7000.

The location of the kiosks will be dependent on the decision made by Council.

Agenda Item 19



Meeting: Council

Date: 11 May 2016

Wards Affected: All

Report Title: Capital Plan 2016/17 – 2019/20 Prioritisation Matrix

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Gordon Oliver, Mayor, mayor@torbay.gov.uk

Supporting Officer Contact Details: Martin Phillips, Chief Accountant, 01803 207285, martin.phillips@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The currently approved Capital Plan budget totals £71 million for the 4 year programme 2016/17 to 2019/20. The latest Capital Plan update (Qtr 3 2015/16) was presented to Council on 25 February 2016 and at that meeting the Council approved the preparation and presentation of a scoring matrix to assist the prioritisation of capital schemes.
- 1.2 A proposed scoring matrix has now been prepared and members are requested to consider the matrix and approve its use to score schemes.

2. Reason for Proposal

- 2.1 To comply with the decision of the Council on 25 February 2015 a proposed capital scheme scoring matrix has been prepared for consideration and approval by Council.
- 2.2 When approved the matrix will be used to score capital projects within the current approved Capital Plan (where schemes have not yet commenced) and the Capital Reserve List to assist in the prioritisation of projects and the results used to revise the Council's Capital Plan as appropriate.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Capital Projects scoring matrix, as set out at Appendix 1 to the submitted report, be approved;

3.2 That the matrix be applied by the Chief Finance Officer, in consultation with the Chief Executive and Senior Leadership Team, to score and prioritise capital projects within the current approved Capital Plan (where schemes have not yet commenced), the Capital Reserve List and any new Capital schemes, any resulting revisions to the Council’s Capital Plan will be presented to the Council for approval.

4. Supporting Information and Impact Assessment

4.1 The Council meeting on 25 February 2016 considered the latest (Quarter 3 2015/16) Capital Plan monitoring update report which also set out the Mayor’s proposals for revisions to the Capital Plan and the Capital Strategy as part of the 2016/17 budget setting process.

4.2 At the meeting Council approved an amendment to request the preparation of a scoring matrix to set prioritisation scores for capital schemes.

4.3 A proposed matrix has been prepared and is attached at Appendix 1 to this report.

4.4 The matrix comprises of a number of questions to assist in determining the prioritisation of capital projects against a number of criteria which measure the importance of the schemes within the framework of Council priorities, statutory importance and scheme benefits.

4.5 The matrix criteria assess each project’s capacity to deliver benefits with regard to potential future income generation, service aspirations, target groups and requires that potential schemes are supported by a sound business case and options appraisal.

4.6 Inevitably any prioritisation process will have an element of subjectivity; however by the range of issues considered by the matrix a balanced view of a scheme’s relative importance can be assessed. Ultimately where there is discretion on the use of capital funds, including prudential borrowing, the approval of a scheme or allocation of funding will still be a Council decision.

4.7 The brief summary of the considerations for the proposed scoring criteria is as follows:

Assessment Criteria	Explanation and Considerations
Statutory Status	Does the project contribute to fulfilling a statutory function? E.g duty to provide pupil places.
Corporate Plan Priorities	How does this project fit within the priorities of the Council as set out in the Corporate Plan? (including its Delivery Plans when approved)
Mayoral Promises	Has the scheme been identified as a priority in the Mayor’s Manifesto Promises (as set out in the Corporate Plan)?

Equality, Diversity and Deprivation	Will the delivery of the scheme assist in addressing equality, diversity and deprivation issues within Torbay?
Condition, Health and Safety and Strategic Importance	Will the scheme enhance the condition/value of an existing asset? Does the project deal with a Health and Safety issue? Is the asset regarded as strategically important and therefore needs to be improved?
Outcomes and cross service benefits	Are the outcomes of the project likely to beneficially impact a large number of people or support target groups within the Bay's population?
Risk of not doing	What are the risks to the community associated with failure to carry out the scheme? Have these risks been formally identified in the Council's Risk Register? If the scheme is not pursued or is delayed, is there likely to be a failure of a Council service with an impact on the community?
Risks of doing (Deliverability)	What are the issues and factors which could affect the deliverability of the project in terms of both time and budget? Are there actions in place or available to help mitigate against the perceived risks?
Quality of Business Plan	Is there clear evidence for a strong business case which also demonstrates that other options have been fully considered and is the proposal regarded as the most suitable solution?
Potential investment return	Does the completion of the project provide future income generation for the Council? How significant is the potential income and to what extent does it assist the Council's financial position?
Ongoing revenue costs over the life of the asset	What are the ongoing revenue costs associated with the development? Does the scheme produce any long term savings for the Council e.g. reduced repairs and maintenance/energy costs?
Level of external funding resources	Is a substantial proportion of the cost covered by external funding whether through Government grants or Regional funds? What level of Council resources (e.g. borrowing, capital receipts, contributions) are required?
Deprivation factor	Does the scheme address issues in relation to deprivation in Torbay?

4.7 Capital Scheme Prioritisation Scoring

4.8 When the matrix has been approved by Council it will be used to score the following categories of capital schemes:

- Approved Capital Plan - any schemes which have not yet commenced which are included within the Council's approved Capital Plan. It is not considered appropriate to score projects which have already commenced.
- Capital Reserve List – all schemes on the Capital Reserve List.
- New schemes – schemes which were not previously on the Capital Reserve List.

4.9 Following an initial scoring exercise the results will be reviewed by the Chief Executive and Senior Leadership Team (SLT) and any resulting amendments which are considered appropriate will be presented to Council for approval.

4.10 In future, any scheme requiring Council resources will have a full Business Case prepared addressing the criteria in the scoring matrix and the Chief Finance Officer, in consultation with the relevant Director/Assistant Director, will initially score the scheme, for consideration by SLT, and then processed in accordance with procedures set out in the Council's Capital Strategy.

Appendices:

Appendix 1 – Proposed scoring matrix for Capital Projects

Capital Projects Assessment Criteria

Possible Weightings

1 Statutory Status: includes support of a statutory Service requirement

3 points	Meets a specific immediate or forthcoming statutory requirement	factor = x Max score	<table border="1"> <tr> <td>3</td> </tr> <tr> <td>9</td> </tr> </table>	3	9
3					
9					
2 points	Meets an underlying statutory duty				
1 point	Meets a discretionary requirement				
0 points	no indication of status				

2 Corporate Plan Priorities

3 points	Specifically identified in Corporate Plan	factor = x Max score	<table border="1"> <tr> <td>2</td> </tr> <tr> <td>6</td> </tr> </table>	2	6
2					
6					
2 points	Identified as a key Project/Activity in the Corporate Plan or directly supports a number of specific outcomes				
1 point	Generally supports specific Actions or outcomes				
0 points	Will not deliver any identified outcomes				

3 Mayoral Promises (per Manifesto)

3 points	Identified as a specific Action or directly supports a number of specific outcomes	factor = x Max score	<table border="1"> <tr> <td>1</td> </tr> <tr> <td>3</td> </tr> </table>	1	3
1					
3					
2 points	Generally supports specific Actions or outcomes				
1 point	Broadly related to achieving outcomes				
0 points	Will not deliver any identified outcomes				

4 Equality , Diversity & Deprivation Issues

3 points	Will achieve improvement in 3 issues	factor = x Max score	<table border="1"> <tr> <td>1</td> </tr> <tr> <td>3</td> </tr> </table>	1	3
1					
3					
2 points	Will achieve improvement in at least 1 issue				
1 point	Possibility of improvement in at least 1 issue				
0 points	No demonstrated improvement in any issues				

5 Condition, Health and Safety risk and Strategic Importance of Asset Issues

3 points	Expenditure on asset will reduce impact of 3 issues	factor = x Max score	<table border="1"> <tr> <td>1</td> </tr> <tr> <td>3</td> </tr> </table>	1	3
1					
3					
2 points	Expenditure on asset will reduce impact of at least 1 issue				
1 point	Expenditure will have a possibility of reduced impact in at least 1 issue				
0 points	No demonstrated impact on any issues				

6 Outcomes, Added Value, Cross-service benefit

3 points	Good - Large number of beneficiaries / target groups (>25,000)	factor = x Max score	<table border="1"> <tr> <td>1</td> </tr> <tr> <td>3</td> </tr> </table>	1	3
1					
3					
2 points	Satisfactory - Significant number of beneficiaries / target groups (10,000-25,000)				
1 point	Fair - Reasonable number of beneficiaries / target groups (1,000-10,000)				
0 points	Poor - Few beneficiaries / target groups (<1,000)				

Capital Projects Assessment Criteria

Possible Weightings

7 Risk to Community of NOT doing (i.e. identified in Risk Register)

3 points	High Risk (9-16)	factor = x Max score	2
2 points	Medium Risk (5-8)		6
1 point	Low Risk (1-4)		
0 points	no Risk identified		

8 Risk of Doing (Can project be delivered?) - achievability, timescale, resources required

3 points	Low Risk (1-4)	factor = x Max score	2
2 points	Medium Risk (5-8)		6
1 point	High Risk (9-16) with Mitigation		
0 points	High Risk (9-16) with no Mitigation		

9 Quality of Business Plan

3 points	Option proposed demonstrates a strong case based on full assessment of the options	factor = x Max score	2
2 points	Reasonable case with some assessment of the options		6
1 point	Basic case presented		
0 points	Weak case with no comparison of options		

10 Potential to generate future investment return

3 points	Considerable additional net revenue income stream meets both £100k pa and > 25% of project cost)	factor = x Max score	5
2 points	Moderate additional net revenue income stream (meets both £50k - £100k pa and 10-25% of project cost)		15
1 point	Small additional net revenue income stream (meets both <£50k pa and < 10% of project cost)		
0 points	No potential net revenue income		

11 Ongoing revenue costs over the life of the asset

2 points	Revenue saving or income exceeds borrowing and running costs	factor = x Max score	2
1 points	Revenue saving or income exceeds running costs		4
0 points	Additional costs can be met solely from within existing resources		
-2 points	Additional on going resources required over existing budgets		

12 Specific External resources to support scheme (including Regional funding)

3 points	Specific (ring fenced) funding requires no additional Council funds	factor = x Max score	4
2 points	Specific (ring fenced) funding and requires Council funds of both 10% match funding or up to £250k		12
1 point	Specific (ring fenced) funding and requires Council funds of both 50% match funding or between £250-500k		
0 points	Specific (ring fenced) funding but requires Council funds of both 75% match funding or > £500k		

13 Deprivation Critical Factor

1 points	Project is able to reduce the level of deprivation within Bay	factor = x Max score	5
0 points	Project does not impact or has minimal impact on reducing the level of deprivation within Bay		5

Max score 81

Agenda Item 20



Meeting: Council **Date:** 11 May 2016

Wards Affected: All

Report Title: Corporate Plan Delivery Plans 2015-2019

Is the decision a key decision? Yes – General Exception

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Councillor Mills, Executive Lead for Health, Wellbeing and Corporate Services, 01803 207001, derek.mills@torbay.gov.uk

Supporting Officer Contact Details: Steve Parrock, Executive Director – Operations and Finance, 01803 201201, steve.parrock@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The Council's Corporate Plan for 2015-2019 was adopted by the Council in September 2015. At that time, it was noted that delivery plans would be formulated which would underpin the overarching plan.
- 1.2 Delivery plans have now been prepared for each of the targeted actions within the Corporate Plan. They set out the challenges faced by the Council, where we aim to be in 2019 and the areas on which we will focus. The performance indicators that will be monitored to assess progress towards the Council's ambitions and the associated risks are also set out in the Delivery Plans.
- 1.3 The draft Delivery Plans were subject to a six week consultation and was considered by the Council's Overview and Scrutiny Board. The Board's report to the Mayor is available on the Council's website at www.torbay.gov.uk/scrutiny.

Mayor's Response to the recommendations from the Overview and Scrutiny Board and other consultation responses:

I have considered the recommendations from the Overview and Scrutiny Board and the other consultation response received and have made amendments to the draft Delivery Plans. The sections on the challenges the Council faces has been removed as this duplicated the information within the Corporate Plan. The specific actions have been streamlined to reflect the actions within the policies and strategies which make up the Policy Framework. The actions have also been assigned to individuals or groups of people and given dates by which they should be achieved.

2. Reason for Proposal

- 2.1 The Delivery Plans set out the areas of focus for the Council over the coming years in order that the Council can meet its ambitions whilst working in accordance with its agreed principles.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Corporate Plan Delivery Plans 2015-2019, as set out in Appendix 1, be approved and published as part of the Corporate Plan.
- 3.2 That the Audit Committee monitor the performance and risk framework, referring matters by exception to the Overview and Scrutiny Board where it was felt that further investigation is required.

Appendices

Appendix 1: Corporate Plan Delivery Plans 2015-2019



May 2016

Delivery Plans 2015-2019

Appendix to the Corporate Plan

Contents

Context.....	3
Targeted Action 1: Protecting all children and giving them the best start in life	4
Where we aim to be by 2019	4
Policy Framework	4
What we will focus on	5
Targeted Action 2: Working towards a more prosperous Torbay	7
Where we aim to be by 2019	7
Policy Framework	7
What we will focus on	8
Targeted Action 3: Promoting healthy lifestyles across Torbay	10
Where we aim to be by 2019	10
Policy Framework	10
What we will focus on	11
Targeted Action 4: Ensuring Torbay remains an attractive and safe place to live and visit	13
Where we aim to be by 2019	13
Policy Framework	14
What we will focus on	15
Targeted Action 5: Protecting and supporting vulnerable adults	17
Where we aim to be by 2019	17
Policy Framework	18
What we will focus on	19

Context

Torbay Council adopted its Corporate Plan (which sits alongside the plans of our partners) in September 2015. Whilst the Council has agreed its ambition for the future, work is now starting to set out, with our partners and communities, a clearer, long-term, high-level vision for Torbay.

The Corporate Plan identifies five targeted actions towards our ambition of creating a prosperous and healthy Torbay. These are:

- Targeted Action 1: Protecting all children and giving them the best start in life
- Targeted Action 2: Working towards a more prosperous Torbay
- Targeted Action 3: Promoting healthy lifestyles across Torbay
- Targeted Action 4: Ensuring Torbay remains an attractive and safe place to live and visit
- Targeted Action 5: Protecting and supporting vulnerable adults

The delivery plans which follow provide an overview of what the Council will do over the next three years to address each of these targeted actions. The Policy Framework¹ within which the Council and the Mayor will operate is shown against each targeted action. We have ensured that we have reflected the Marmot Review² into health inequalities which was published in 2010 (with a quote from the Review highlighted at the start of each section). In meeting the ambitions of the Corporate Plan, the Council wants to address the social determinants of health, as the conditions in which people are born, grow, live, work and age can lead to health inequalities.

Progress will be reported to the Audit Committee on a quarterly basis in a transparent and open manner. Any challenges will be explained and any changes to actions that are needed to be made will be reported and published. The Audit Committee will refer matters, by exception, to the Overview and Scrutiny Board where it is felt that further investigation is required.

The performance indicators and risks outlined within this document have been identified at a point in time. These will be monitored and reviewed on a regular basis, and as a result may change. In addition, services across the Council will continue to manage a full range of performance indicators.

¹ The Policy Framework is made up of the significant and overarching plans and strategies that are agreed by the Council. It is available to view at www.torbay.gov.uk/policyframework.

² "Fair Society Healthy Lives" The Marmot Review 2010

Targeted Action 1: Protecting all children and giving them the best start in life

“Giving every child the best start in life is crucial to reducing inequalities across the life course.”

Where we aim to be by 2019

Torbay Council is committed to improving outcomes for children and families and is consequently committed to a journey to provide ‘good’ quality children’s services.

We will adopt a child focussed culture across all Council services and develop our Children’s Services into a commissioning organisation. We will ensure that improvement in the quality of service delivery is married with a financial plan with delivery strands aimed at reducing demand, ensuring the voice of the child is central to all aspects of delivery and keeping families together safely. We aim to integrate the Children’s Services workforce with the newly formed Torbay and South Devon NHS Foundation Trust.

We will develop our partnership working on cross-cutting priorities through the Public Service Trust and will strengthen local leadership to tackle issues needing attention which cut across more than one organisation.

The Council will **use its reducing resources to best effect** through continuing to adopt a collective approach to the development of new services with the shared funding of projects agreed by the School Forum. We will establish and enable a Youth Trust including a sponsored academy to protect and develop provision for young people. The Council will proactively manage the social care budget to maximise effectiveness ensuring a positive impact on the most vulnerable children and young people.

In **reducing demand through prevention and innovation**, the Council will jointly commission Health Visiting and Children Centres to provide a joined-up universal and targeted service. We will build community resilience and capacity through the Early Help Practice model and use a “commissioning for localism” approach. We will ensure our children and young people develop the ability and aspiration to maximise their future employment opportunities.

The Council will continue to take a **joined up approach** including the promotion of collaboration between schools and multi-academy trusts to secure the continuation of improved outcomes for all pupils. We will develop a Healthy Schools offer for Torbay to help and support schools in achieving healthy outcomes for all their students. Partnership will continue to be integral to all aspects of a quality children’s safeguarding service. The Public Services Trust will enable the Council and its partners to commission services to address cross cutting issues such as domestic abuse.

Policy Framework

- Joint Health and Wellbeing Strategy (incorporating the Children’s and Young People’s Plan)
- Housing Strategy (incorporating the Homelessness Strategy and Housing Allocations Policy)

What we will focus on

Specific Actions	Responsibility	By when
Develop and implement a new improvement plan in response to the Ofsted Report (January 2016) with the aim of being judged as “Good”.	Children’s Improvement Board	April 2020
Develop and implement a revised Children’s Services Financial Plan focusing on reducing demand and establishing a stable financial position at a reduced level.	Director of Children’s Services and Executive Lead for Children’s Services	April 2020
Develop a full Early Help offer across the Children’s Partnership to underpin our ambition for safer families.	Partnership for Families	December 2017
Following the ‘Keeping Families Together, Safely’ delivery plan, improve family outcomes and therefore reduce entrants to care.	Assistant Director Children’s Safeguarding	April 2017
Ensure workforce retention and development of social workers.	Assistant Director Children’s Safeguarding	April 2017
Embed the Signs of Safety model of practice to assist families to develop their strengths and manage risk appropriately.	Assistant Director Children’s Safeguarding	April 2020
Learn from children’s views in the evaluation of service delivery.	Assistant Director Children’s Safeguarding	April 2017
Develop a whole family approach to the “Team around the child and family” model with adult services.	Partnership for Families	December 2017
Give children clearly planned journeys through care.	Assistant Director Children’s Safeguarding	April 2017
Integrate the Children’s Services workforce into Torbay and South Devon NHS Foundation Trust.	Integrated Care Organisation Board	September 2017
Develop area based integrated working targeted at our most vulnerable communities.	Partnership for Families	September 2017
Develop an integrated partnership-wide approach to domestic abuse.	Torbay Public Services Trust	July 2016
Improve pupil outcomes across all schools and providers through the Torbay Schools Forum project “Improving Outcomes for Vulnerable Children”.	Torbay Schools Forum	April 2018

Specific Actions	Responsibility	By when
Strengthen school improvement through building capacity within the 'school to school' model.	Joint Commissioning Team, Torbay Teaching School Alliance, Regional School Commissioner	September 2018
Continue to deliver the Schools Capital Programme ensuring that it meets the demands of the population moving forward.	Torbay Development Agency, Joint Commissioning Team	Phased approach until 2019
Stimulate the growth of early years' provision to meet the needs of identified two year olds and the proposed expansion of the hours available to three and four year olds.	Joint Commissioning Team, Early Years Providers, Schools	September 2017
Implement SEND (Special Educational Needs and Disability) improvements to ensure that Torbay is prepared for the Local Area SEND Inspection requirements.	Joint Commissioning Team	September 2016
Establish a Healthy Schools Network with a focus on healthy weight and healthy food, physical activity, and emotional health and well-being.	Director of Public Health	September 2017
Strengthen the emotional health and wellbeing of children and young people with a focus on whole school programmes such as Thrive and giving children and young people resilience skills.	Health and Wellbeing Board	April 2017
Ensure school nursing services are able to lead on the Healthy Child Programme.	Director of Public Health	September 2017
Reshape our Health Visiting, School Nursing and Children's Centre contracts to make best use of our resources to ensure that children are ready to learn once they start school.	Director of Public Health	April 2018

Targeted Action 2: Working towards a more prosperous Torbay

“Being in good employment is protective of health”

Where we aim to be by 2019

Over the life of this delivery plan, the Council aims to increase the extent of full time employment in Torbay and raise the level of resident based earnings. We will maximise opportunities from the Heart of the South West Local Enterprise Partnership (LEP) and align more closely with the economic growth plans of Greater Exeter.

We will raise the level of work place based earnings by supporting new and existing businesses to grow, supporting people to be employment ready and using the public sector’s buying power to increase the impact of public spend. We will maintain the pace of increase with Plymouth and Devon.

We will increase the business rate base for Torbay Council (based on 2015 figures) recognising that Torbay Council needs a prosperous and strong business rate base to support delivery of these plans and maintain other services.

The Council will **use its reducing resources to best effect** by focusing on start up support using TDA advisor resource to do so, and support growth in the key sectors for the local economy including tourism, fisheries, electronics and photonics, health and care and retail through appropriate interventions.

We will **reduce demand through prevention and innovation** by focussing on the rapid delivery of the Master Plans. We will encourage private sector investment that will renew and enhance Torbay and ensure that Torbay benefits from the development of appropriate commercial space at Edginswell and Claylands. This will be supported by the LEP-wide construction skills labour market programme.

Torbay Council will take a **joined up approach** and work with South Devon College to support an increase in its Higher Education provision through the development of its Campus. The Council will increase its local procurement spend over the period and work with public sector partners in the area to do the same. We will utilise funding opportunities, through the Heart of the South West Local Enterprise Partnership, to make infrastructure improvements such as the Western Corridor and ensure that other funded improvement to the highways network are delivered. We will identify sites for small scale workspace in the ‘Community Investment Areas’ and develop a policy to apply business rate relief for those small and medium size enterprises hiring apprentices.

Policy Framework

- Torbay Economic Strategy (incorporating the Tourism Strategy and Cultural Strategy)
- Housing Strategy (incorporating the Homelessness Strategy and Housing Allocations Policy)
- Local Transport Plan (incorporating the Parking Strategy)
- Plans and Strategies which together comprise the Development Plan (incorporating the Port Master Plan)

What we will focus on

Specific Actions	Responsibility	By when
Develop an Investment Fund in support of the Corporate Plan.	Assistant Director – Corporate and Business Services	September 2016
Create vibrant and attractive town centres through the delivery of Masterplan projects (including Torquay and Paignton town centres).	Executive Head – Business Services (with TDA)	2020 and beyond
Create an action plan to improve educational attainment, skills and aspirations, especially in areas of deprivation.	Strategic Partnership Forum	March 2017
Develop a funding bid for Coastal Communities Fund/Big Lottery in support of activity to raise employability at the most deprived wards/community investment areas.	Joint Operations Management Team (with TDA)	March 2017
With regional partners, create an action plan to develop new health and care job types and enable local people in Torbay to get maximum opportunity to enter the health and care workforce and grow their careers in Torbay.	Strategic Partnership Forum	March 2017
Work with South Devon College and Plymouth and Exeter Universities to promote education, training and apprenticeships especially for those in our more deprived wards and our Looked After Children.	Executive Head – Business Services (with TDA)	2020
Refresh the Economic Strategy Action Plan ensuring that economic development is targeted to identified areas of deprivation.	Executive Head – Business Services (with TDA)	March 2017
Continue delivery of the Port Masterplan.	Harbour Committee	2020 and beyond
Continue delivery of the Local Plan and associated growth.	Executive Head – Business Services (with TDA)	2020 and beyond
Deliver the Corporate Capital Plan, maximising the use of Council assets for development with the aim of increasing revenue to the Council.	Executive Head – Business Services (with TDA)	March 2020
Work in partnership with other partners in the Heart of the South West Local Enterprise Partnership to secure devolution and associated powers and funding.	Elected Mayor, Council and Chief Executive	Phase 2 Submission to Government by March 2017
Deliver the Housing Strategy including maximising the amount of New Homes Bonus and Council Tax available to the Council.	Director of Adult Services	2020

Specific Actions	Responsibility	By when
Deliver transport improvements (including improving rail and air links throughout Torbay) around Torquay Gateway, between Torre and Torquay Town Centre, in Paignton Town Centre (subject to funding) and deliver Edginswell Rail Halt as set out in the Local Transport Plan – Implementation Plan.	Assistant Director – Community and Customer Services and Executive Head – Business Services (with TDA)	March 2021
Renew the Tourism Strategy with the aim of achieving a greater financial return to the Council in the provision of our tourism offer.	Executive Head – Business Services (with TDA)	December 2016

Targeted Action 3: Promoting healthy lifestyles across Torbay

“The benefits of reducing health inequalities are economic as well as social.”

Where we aim to be by 2019

Torbay Council will improve population health outcomes through the direct commissioning of services to prevent ill health and tackle lifestyle issues. It will change its services to address the underlying causes of poor health and well-being.

In order to **use reducing resources to best effect**, we will ensure there is an evidence-based approach to all commissioning services which promote healthy lifestyles. There will be a proportionate focus on areas of inequalities across Torbay and on groups where less healthy behaviour is more common. Services will link to volunteer and community networks and groups wherever possible. We will target Health Checks to vulnerable people and those living in deprived wards.

We will **reduce demand through prevention and innovation**, focusing on interventions which promote healthy behaviour. Torbay Council will encourage cycling and walking and healthy eating options. We will improve accessibility to leisure and sports facilities and green spaces and promote increased physical activity through the use of Council assets and our natural environment. We will use our powers to control the sale of tobacco, alcohol and other risk taking behaviours.

We will promote a focus on prevention across Council services and those of our partners. Service re-design will bring quality improvements and efficiencies to the lifestyle services and therefore address the underlying causes of ill health. We will look to further target services to areas of greatest need and embed public health lifestyle and behaviour change services within the evolving care model to bring efficiencies and greater reach and scope.

We will promote national policy initiatives and lobby at a national level with the aim of legislating for people to make healthy lifestyle choices.

Our **joined up approach** will continue. We will embed the work of the joined-up Prevention Board by forming an operational Prevention Team initially based within Torbay and South Devon NHS Foundation Trust. We will continue to work to join-up projects across the life-course from children to the elderly focusing on the benefits of behaviour change to manage the demand from people who already have chronic illness and dependency issues.

Policy Framework

- Joint Health and Wellbeing Strategy (incorporating the Children’s and Young People’s Plan)
- Housing Strategy (incorporating the Homelessness Strategy and Housing Allocations Policy)

What we will focus on

Specific Actions	Responsibility	By when
Take a joint commissioning approach to ensure there is greater emphasis on prevention and early intervention within all plans across the Council and partners such as the NHS and Police.	Directors of Adult Services, Children's Services and Public Health	2020
Agree the work plan with the Prevention Team to embed prevention throughout Torbay and South Devon NHS Foundation Trust to identify and promote interventions which increase health promoting behaviour and discourage unhealthy behaviour.	Director of Public Health	July 2016
Implement the action plan to "Make every contact count" for alcohol and smoking within Torbay and South Devon NHS Foundation Trust.	Director of Public Health	December 2016
Work with the Torbay Community Development Trust to ensure its sustainability and support it in work on prevention, early intervention and promotion of active ageing.	Director of Public Health	April 2017
Agree a Business Plan (based on the Public Health Grant) with community safety partners to ensure a preventative approach to issues such as Domestic Abuse.	Health and Wellbeing Board	June 2016
Work with Living Well @ Home domiciliary workers to incorporate preventative initiatives within visits (for example, falls prevention, nutrition and hydration awareness) in order that people are enabled to live longer and healthier lives.	Director of Public Health	October 2016
Commence implementation of the redesigned delivery model for promoting healthier lifestyles amongst Torbay residents, including a lifestyle service which has greater reach to people within Torbay, the introduction of a digital offer and better links to community networks.	Director of Public Health	April 2017
Embed lifestyle advice within NHS services (in particular the Local Multi-Agency Teams, Pioneer Hubs and integrated children's teams), making every contact count.	Director of Public Health	December 2016
Deliver the Healthy Torbay Framework and Action Plan to ensure place-based Council services are focused on promoting health.	Health and Wellbeing Board	2018
Deliver the new Alcohol Strategy.	Health and Wellbeing Board	2020
Deliver the Healthy Weight strategy, including increased physical activity in children and adults, healthy eating, delivery of healthy schools and early years, and tackling the obesogenic environment.	Health and Wellbeing Board	2020
Work with local communities to implement the initiatives of the Mental Health promotion, Self-harm, Dementia and Suicide prevention strategies.	Director of Public Health	April 2020
Work with the community and voluntary sector to explore ways to ensure our older citizens age well and are active, physically, mentally and socially and are less isolated.	Torbay Community Development Trust	2020

Specific Actions	Responsibility	By when
Deliver the Physical Activity strategy to increase activity and reduce sedentary behaviour in adults and children.	Director of Public Health	2020
Develop a Planning and Health Supplementary Planning Document to ensure planning decisions benefit community health and well-being.	Development Management Committee	December 2016
Complete the NICE Self Assessment to support the delivery of the warm homes aspects of the Housing Strategy to ensure healthy homes for our population.	Director of Adult Services	September 2016

Targeted Action 4: Ensuring Torbay remains an attractive and safe place to live and visit

“Communities are important for physical and mental health and wellbeing.”

Where we aim to be by 2019

Torbay Council will ensure there is focus on protecting and retaining the quality of our natural and built environment; maintaining a safe and secure place for Torbay’s residents, businesses and visitors, including the provision and maintenance of infrastructure (including marine, road, rail, cycling, walking, and green space).

The Council will **use its reducing resources to best effect** and will continue to work with partners, such as TOR2 and the Torbay Coast and Countryside Trust, to identify efficiencies which can be made to improve service delivery. We will explore Heritage Lottery Fund bids for the further restoration of Torre Abbey together with other methods of increasing visitor numbers and income. Over the next three years the Council’s resources will be reduced further and be at the lowest level ever. It is the Government’s expectation that councils will be self-funding by 2019/2020. This means that Torbay Council cannot continue all of the services that it has traditionally provided and difficult choices will need to be made. We will act at pace to rationalise and reduce the services we provide directly.

However, we will secure high quality new developments that respect Torbay’s landscape and townscape and invest in the transport network across all modes of travel (walking, cycling, public transport, sea and roads) in accordance with the Future Transport Projects Plan. The Council will continue to implement its Asset Management Plans in accordance with agreed prioritisation and the Capital Plan. To realise this ambition the Council will need third party investment.

The Council will **reduce demand** for its more costly services with waste collection and disposal services being reviewed to increase recycling rates. We will review options for discretionary licensing of private rented homes, including Houses in Multiple Occupation, and will continue to deliver the Rogue Landlord programme with partners to address living standards in the private rented sector. The Council will manage effective prevention through a range of different services, such as licensing and public protection and community safety, as part of our joined up approach to improving health and wellbeing. We will improve the sustainability of our transport infrastructure and transport options, reducing the need for travel through improved digital infrastructure. We will implement capital projects on an invest-to-save basis which will improve the overall infrastructure of Torbay in the medium- to long-term but also reduce the short term revenue costs.

We will maintain a commitment to work together to reduce crime and disorder across all agencies within the Community Safety Partnership and encourage those agencies to continue to work together to understand and tackle problems effectively. By taking an **integrated and joined up approach**, the Council will continue to work with partners to reduce alcohol related crime and disorder, domestic abuse and reoffending. We will improve resilience to extremism and radicalisation among individuals and communities. The Council will work to reduce violence against women and girls and the sexual exploitation of young people and vulnerable adults. We will safeguard appropriately against modern slavery.

The Council will work with the Culture Board, Sports Council and other external partners to offer sustainable cultural and leisure activities for Torbay that promote Torbay as a destination of choice and support the local economy. We will use our UNESCO Global Geopark status to promote Torbay as a unique destination for its natural environment. We will have actively engaged partners to ensure that

they are clear about our aspirations for Torbay and are able to actively contribute to the direction of travel.

The Council will co-ordinate the regional approach to flood risk mitigation and prevention and ensure that emergency preparedness and Business Continuity Plans are in place. We will explore new funding opportunities with partner organisations to increase energy efficiency measures.

Policy Framework

- Torbay Economic Strategy (incorporating the Tourism Strategy and Cultural Strategy)
- Housing Strategy (incorporating the Homelessness Strategy and Housing Allocations Policy)
- Gambling Act Policy/Statement of Principles
- Joint Health and Wellbeing Strategy (incorporating the Children's and Young People's Plan)
- Licensing Policy
- Local Transport Plan (incorporating the Parking Strategy)
- Waste Management Strategy
- Plans and Strategies which together comprise the Development Plan (incorporating the Port Masterplan)

What we will focus on

Specific Actions	Responsibility	By when
Deliver public events funded by the Coastal Communities Fund to increase visitor numbers and support the economy of Torbay.	Joint Operations Management Team (with TDA)	March 2017
Review the TOR2 Joint Venture Company arrangements to ensure that it remains fit for purpose.	Transformation Board	March 2017
Undertake a review of the way in which key community assets such as Torre Abbey, Palace Theatre, the Velopark, Riviera International Conference Centre, libraries, museums, Torbay Leisure Centre and other sports facilities and our parks and open spaces operate to reduce costs.	Assistant Director – Community and Customer Services and Transformation Board	March 2017
Review the provision of public toilets to meet the needs to residents and visitors whilst reducing the cost of the service.	Assistant Director – Community and Customer Services and Transformation Board	September 2017
Deliver capital schemes to improve the highways and transport network and be proactive in seeking new funding to improve infrastructure and support the economic growth of Torbay.	Assistant Director – Community and Customer Services and Transformation Board	March 2017
Develop a plan with partners to implement additional waste minimisation initiatives that both promote recycling and reduce the amount of residual waste which has to be disposed of.	Assistant Director – Community and Customer Services and Transformation Board	March 2017
Deliver the Council's Asset Management Plan, bringing forward more quickly plans to dispose of assets which the Council no longer requires.	Executive Head – Business Services (with TDA)	March 2018

Specific Actions	Responsibility	By when
Prioritise interventions based on the priorities identified in the Community Safety Strategic Assessment, namely: <ul style="list-style-type: none"> ○ Provide support to victims of domestic abuse and sexual violence. ○ Identify and protect those people and communities who are the most vulnerable and are at the greatest risk of harm. ○ Prevent and tackle crime and disorder. ○ Work with offenders to reduce reoffending. ○ Work with others to reduce the harm caused by alcohol and drugs. 	Community Safety Partnership	March 2017
Continue to deliver the Housing Strategy, particularly focused on ensuring the right tenures and quality of homes for vulnerable groups in our community.	Director of Adult Services	2020
Develop a new delivery model for CCTV to assist in the effective management of the night time economy.	Assistant Director – Community and Customer Services	September 2017
Deliver a new Tourism Strategy, being proactive in achieving a greater financial return to the Council in the provision of our tourism offer.	Executive Head – Business Services (with TDA)	2022

Targeted Action 5: Protecting and supporting vulnerable adults

“Mental health is very closely related to many forms of inequality”

Where we aim to be by 2019

Torbay Council will both initiate and support integrated working and developing a seamless system for care and health. There will be improved data collection and sharing across the system which will support improved market facilitation in line with the Care Act 2014.

Wellbeing for the vulnerable person will be at the heart of all that we do. We will ensure that people are better informed as to their care options and personal conditions, so that they can better access services to help them manage more independently knowing what support is available, accessing it quickly and also being able to share their learning and experience for others in the community to benefit.

There will be a caring workforce that will have new skills and make a substantial difference by offering more community-based capacity to ensure that people are kept at or close to home for as long as possible. People that have previously not thought of caring roles will be encouraged into the industry and be able to share their skills and experience within their family and social environments.

The clients and patients who receive these services will have financial mechanisms to enable them to direct their care and support. Personal budgets for their care will be administered by or around them together with information and advice services that are modern and cutting edge to optimise this opportunity. This will reduce their need for statutory interventions and will increase preventative and early interventionist care so that they maintain their independence and wellbeing.

With increased coordination of the system, seamless services and good data sharing, safeguarding for all of our population will be enhanced.

Torbay Council has signed up to Devon County Council's Armed Forces Community Covenant which is a promise of support to local servicemen and women, veterans and their families. Aimed at businesses, voluntary and community groups, public sector organisations, individuals and those in the armed forces, the recommendations seek to help those in the armed forces and their families including practical challenges relating to health care, housing and education, as well as other less seen challenges such as integration into the local community.

Torbay Council will **use its reducing resources to best effect** by developing a sustainable market for care through creating new ways of working with partners, contracts and payment mechanisms so that care activities can be shifted from reactive to proactive, hospital to community based. The number of long term residential care placements for adults will be reduced. The Council will use its flexibility to increase Council Tax by 2% to reinvest in adult social care. The delivery of the troubled families agenda will be co-ordinated to ensure results are achieved in line with plans. We will commission services based on population data and specific needs assessments aligned to the Joint Strategic Needs Assessment.

We will **reduce demand through prevention and innovation**. We will ensure that people have the right environment in which to stay well as part of the wellbeing approach. There will be an integrated prevention model including a greater role for the community and voluntary sector and self-management of conditions. We will focus on people living full and independent lives through personalisation, where secure homes and fulfilling lives are a priority.

Torbay Council will support Ageing Well Torbay to combat social isolation in older people and ensure community support is embedded as part of a wider approach to outcomes based commissioning of

health, care and support alongside extra care housing to prolong independence and supplement clinical interventions.

There will be improvements in social care mental health commissioning for working age adults and those with dementias with a focus on prevention and timely access to the right care, support and accommodation to maximise recovery and independence.

We will improve accessibility to community services, employment and housing for those people who have a learning disability.

Our **integrated and joined up approach** will be demonstrated by working jointly with the South Devon and Torbay Clinical Commissioning Group and the Torbay and South Devon NHS Foundation Trust to deliver new models of care which will move resources from urgent and emergency settings to community and primary care delivery. This will include the creation of Local Multi-Agency Teams and integrated personal health, care and support plans.

There will be strong partnerships across organisations, a strategic commissioning vision, market assessment and facilitation, analysis of need, demand, performance and population.

Policy Framework

- Joint Health and Wellbeing Strategy (incorporating the Children's and Young People's Plan)
- Housing Strategy (incorporating the Homelessness Strategy and Housing Allocations Policy)
- Plans and Strategies which together comprise the Development Plan (incorporating the Port Master Plan)
- Strategic Agreement between Torbay and South Devon NHS Foundation Trust, Torbay Council and Torbay and South Devon Clinical Commissioning Group

What we will focus on

Specific Actions	Responsibility	By when
Deliver the Living Well@Home development programme.	Director of Adult Services	December 2016
Ensure the right information and advice is available for individuals to make an informed choice about their care.	Director of Adult Services	April 2017
Introduce outcomes based commissioning for care homes and extra care housing and procurement.	Director of Adult Services	October 2016
Implement the accommodation, care and support strategy.	Director of Adult Services	April 2017
Oversee the impact of the Local Multi Agency Teams in the Torquay and Paignton/Brixham localities which will reduce demand for acute services and the teams will intervene earlier to prevent factors which may increase vulnerability in individuals.	Director of Adult Services	April 2017
Provide autism awareness training for all staff that come into contact with people with autism.	Director of Adult Services	April 2017
Provide specialist training on autism for key staff, such as GPs and community care assessors.	Director of Adult Services	Annually
Implement enablement conversations and ways of working to inform people of the options they have to help them achieve their goals.	Director of Adult Services	November 2016
Deliver of the Joint Improvement Plan for under-65s mental health care with Devon County Council, Devon Partnership Trust and Torbay and South Devon Clinical Commissioning Group (including addressing issues around the transition from Child and Adolescent Mental Health Services and exploring the potential for commissioning an all-age mental health service).	Director of Adult Services	April 2017
Engage as a beta development partner in the care portal to support integrated personal care planning and brokerage.	Director of Adult Services	November 2016
Implement the Housing Strategy including the homelessness prevention plan and the accommodation-based care and support plan.	Director of Adult Services	April 2017
Re-commission accommodation based and outreach support for single homeless and young peoples' homelessness support services and young parents service.	Director of Adult Services	June 2017
Implement the Devon protocol to support joint action on improving health through housing.	Director of Public Health	April 2017
Make better use of equipment, home improvements, grants and technology.	Director of Adult Services	April 2017

Specific Actions	Responsibility	By when
Deliver the Torbay Safeguarding Adults Board Annual Business Plans.	Torbay Safeguarding Adults Board	Annually

Agenda Item 21



Meeting: Council

Date: 11 May 2016

Wards Affected: All Wards

Report Title: Communication, Consultation and Engagement 2016 – 2020

Is the decision a key decision? Yes – Policy Framework

When does the decision need to be implemented? May 2016

Executive Lead Contact Details: Cllr Derek Mills, Deputy Mayor and Executive Lead for Corporate Services, Derek.Mills@torbay.gov.uk

Supporting Officer Contact Details: Anne-Marie Bond, Assistant Director Corporate and Business Services, 01803 207160, Anne-marie.bond@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The Council's existing Communication, Consultation and Engagement Strategy is out of date and has been reviewed and updated. Given the level of change to Council services, it is crucial the council sets out a set of principles within which it will carry out all engagement activity.
- 1.2 Setting out a clear strategy and principles within which we will communicate, consult and engage means that the Council approach to this activity should be more consistent and our communities know what they can expect from the Council.
- 1.3 The draft strategy has been subject to a six week consultation and was considered by the Council's Overview and Scrutiny Board. The Board's report to the Mayor is available on the Council's website at www.torbay.gov.uk/scrutiny. In accordance with Standing Order F4.4, the feedback and recommendations of the Board have been taken into account by the Mayor and an action plan has been developed to support the strategy which includes the points raised by the Board.
- 1.4 All consultation responses have been considered and the strategy has been amended in places to reflect the feedback received.

2. Reason for Proposal

- 2.1 Torbay Council's Communication, Consultation and Engagement Strategy is now out of date and needs to be updated.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Communication, Consultation and Engagement Strategy 2016 – 2020 set out in Appendix 2 to the submitted be approved.
- 3.2 That a Communication, Consultation and Engagement Working Party be established comprising five Members politically balanced with the following terms of reference:
 - To develop the approach for improving Members and officers working together to ensure that Members are aware of all engagement activity;
 - To develop approaches to ensure Members are equipped to promote and be involved in engagement activity; and
 - To develop a set of key performance indicators against which this strategy and the action plan can be measured.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Communication, Consultation and Engagement Strategy 2016 - 2020

Supporting Information and Impact Assessment

Service / Policy:	Communication, Consultation and Engagement Strategy 2016 - 2020
Executive Lead:	Cllr Derek Mills
Director / Assistant Director:	Anne-Marie Bond

Version:	2	Date:	April 2016	Author:	Jo Beer
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>To agree the Communication, Consultation and Engagement Strategy 2016 – 2020.</p>
2.	<p>What is the current situation?</p> <p>The Council's existing Communication, Consultation and Engagement Strategy is out of date and needs to be reviewed and updated. Given the level of change to Council services, it is crucial the council sets out a set of principles within which it will carry out all engagement activity.</p>
3.	<p>What options have been considered?</p> <p>The previous strategy has been reviewed and this updated strategy takes into account recent case law and changes to national guidance.</p>
4.	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>This strategy sets out a set of principles within which we will effectively engage with our communities to assist the Council in identifying any changes which may be required to local services to help us deliver on our Corporate Plan ambitions of a Prosperous and Healthy Torbay.</p> <p>Through this strategy we will use our resources in the most effective way to engage with our communities and join up with our partners, where appropriate to achieve value for money.</p>
5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <ul style="list-style-type: none"> • Local people – both generally and as users of specific services. • Partner organisations within the public, private, community and voluntary sectors.

	<ul style="list-style-type: none"> • Employees. • Tourists and visitors. • National opinion formers including MPs, ministers and organisations such as the Local Government Association. • Media organisations, including local, regional, national, digital and specialist.
6.	<p>How will you propose to consult?</p> <p>The draft strategy was published for a six week consultation period. The Council's Overview and Scrutiny Board considered the draft strategy at a meeting held on 13th April.</p>

Section 2: Implications and Impact Assessment	
7.	<p>What are the financial and legal implications?</p> <p>None</p>
8.	<p>What are the risks?</p> <p>There are no risks associated with this proposal, however, in the absence of a strategy, there is the potential risk that communication, consultation and engagement activity across the Council will be inconsistent.</p> <p>Having a clear set of principles within which we will carry out all engagement activity means that our communities will know what they can expect from the Council.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>We have considered the ambitions and aims of our Corporate Plan and other plans and policies, ensuring there is a link to our objectives.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>There was support for the need to have a strategy which sets out clear principles for how we will consult. There was feedback regarding some of the wording. The draft strategy was considered by the Overview and Scrutiny Board who</p>

	<p>also gave their feedback on the strategy. Their response included:</p> <ol style="list-style-type: none"> 1. There is currently a lack of capacity within Corporate Services to effectively deliver the proposed strategy and this has potentially serious implications for the reputation of the Council and puts the authority at the risk of legal challenge. 2. The Council should look to work with partner organisations to establish a protocol for joint communications and, where appropriate, consultation. 3. In order to better inform and engage with its residents, the Council should invest in its website and assess the costs of including additional communication material with items that are currently posted to households such as Council Tax bills. 4. The Strategy should include an aim or objective of seeking to engage with and empower the public and stakeholders in order to bring about positive change for the good of the community. 5. The Strategy should make clear that any consultation undertaken by the Council should be agreed by the Corporate Support team in order that the risk of potential legal challenge can be mitigated. 6. The Strategy should address how the Council, and Councillors in particular, can manage the public's expectations in terms of consultation and engagement. 7. Consideration should be given to have a limited number of key performance indicators to measure how engaged the public believe they are in the Council's business. 8. There should be a Customer Service Training Programme for all public facing officers. 9. The feasibility of having an online e-Viewpoint Panel through a dedicated website and via social media should be explored. 10. The Strategy should include an action plan so that its effectiveness can be monitored.
<p>12.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>The wording of the strategy has been amended in places following consultation feedback.</p> <p>Based on the feedback of the Overview and Scrutiny Board an action plan has been included as part of the strategy which includes the points raised by the Board.</p>

Equality Impacts

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

	poverty issues and deprivation)	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	There is no differential impact of this strategy
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	None identified
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None identified

March 2016

Draft Communication, Consultation and Engagement Strategy

2016 - 2020

1 Contents

2	Introduction	3
3	Our stakeholders	3
4	Aims and Objectives.....	4
4.1	Aim	4
4.2	Objectives	4
5	Definitions of Communication, Consultation and Engagement.....	5
6	Our duties.....	6
7	Principles for communication, consultation and engagement.....	7
8	Action Plan	9
9	Feedback	10

2 Introduction

Torbay Council is committed to delivering open and effective communication, consultation and engagement. They are fundamental to ensuring our success and underpin the work of the entire council.

Regular and reliable information gives residents and other stakeholders an opportunity to play an active role by influencing decisions, shaping the future of services and helps them to understand the decisions that are taken. It supports the work of councillors, strengthens staff understanding about what is required of them and promotes stronger working relationships with our partners. All of this plays a central role in achieving our Corporate Plan ambition for a prosperous and healthy Torbay.

Torbay Council is committed to using reducing resources to best effect, reducing demand through prevention and innovation and taking a joined up and integrated approach. We need to continue to ensure that our communities and stakeholders are involved in the decision making process and are given the opportunity to help find solutions through high quality consultation and engagement. It is also crucial that we communicate the challenges, decisions and future changes in the most effective, inclusive and timely ways possible.

This strategy will guide how we will communicate, consult and engage with all our stakeholders over the next four years.

3 Our stakeholders

Torbay Council has to communicate, consult and engage with a wide range of stakeholders:

- Local people – both generally and as users of specific services.
- Partner organisations within the public, private, community and voluntary sectors, including Community Partnerships and the Community Development Trust as a conduit to access the wider community.
- Employees.
- Tourists and visitors.
- National opinion formers including MPs, MEPs, ministers and organisations such as the Local Government Association and central government departments.
- Media organisations, including local, regional, national, digital and specialist.

4 Aims and Objectives

4.1 Aim

Torbay Council is committed to ensuring open and effective communication, consultation and engagement. We want to ensure that people are given the opportunity to play an active role by influencing decisions and shaping the future of services which may affect them.

The aim of this Communication, Consultation and Engagement Strategy is to set out the principles within which Torbay Council will communicate and involve local people across Torbay. This strategy sets out to engage and empower our communities and stakeholders in order to bring about positive change for the good of the whole community.

In engaging with our residents and all stakeholders, we hope to give people a better sense of ownership of the services and activities available to them. Through effective engagement with our communities we also aim to identify any changes which may be required to local services and deliver on our Corporate Plan ambitions of a prosperous and healthy Torbay.

4.2 Objectives

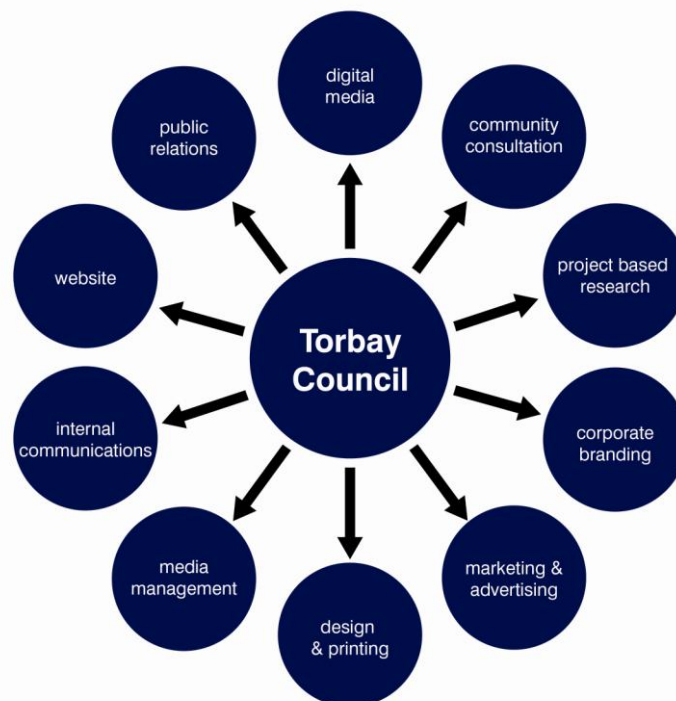
In order to meet these aims we will deliver the following objectives:

- Be open and transparent when communicating with all stakeholders.
- Ensure all communication is two way – listen to stakeholders and communicate back the actions we have taken.
- Use a range of communication methods and channels to provide our stakeholders with information about council activities in order to signpost residents and other stakeholders to the right services and, where appropriate, help them to resolve their own issues to reduce demand on council services.
- Engage and communicate with our communities and stakeholders in a timely way so they are informed and are able to have their say on local decision making issues.
- Be realistic about our limitations and the need for the council to use reducing resources to best effect.
- Use an integrated and joined up approach, both within the council and with our partners, to achieve value for money, to avoid consultation fatigue and to ensure messages are consistent.
- Provide good internal communication, consultation and engagement to improve employee morale, increase performance and to enable staff to understand and demonstrate the council's core values.

5 Definitions of Communication, Consultation and Engagement

Communication, is generally defined as ‘the imparting or exchanging of information by speaking, writing or using some other medium’ and the ‘successful conveying or sharing of ideas and feelings’.

Torbay Council uses different methods of communication based on target audiences – both internal and external.



Consultation is defined as the process of ‘dialogue between individuals or groups, based upon a genuine exchange of views, with the objective of influencing decisions, policies or programmes of action’. It can involve:

- Passing information and receiving comments.
- Seeking opinions on options before a decision is reached.
- Seeking to involve local people, communities, businesses, voluntary sector organisations and other organisations in important decisions which have an impact on them.
- Listening and learning from local people, communities and other stakeholders.

Engagement can generally be described as ‘developing and sustaining a relationship between public bodies and community groups to help them both understand and act on the needs or issues that the community and work towards a common vision’. Communities, in this sense, can mean groups of people with similar needs or aspirations such as the users of a particular service.

6 Our duties

The duty to inform, consult or involve is set out within the Local Government Act 1999 and Local Government and Public Involvement in Health Act 2007.

In exercising the general duty under the Local Government Act 1998, local authorities must 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'

In deciding how to fulfil the general duty the local authority must have 'due regard' for any guidance issued by the Secretary of State and should consult with the following:

- Any person or representatives who are liable to pay any tax, precept or levy in respect of the authority.
- Any person or representatives who are liable to pay non-domestic rates in respect of any area within which the authority carries out functions.
- Any person or representatives who use or are likely to use services provided by the authority.
- Any person or representatives appearing to the authority to have any interest in any area within which the authority carries out functions.

The Government's **Code of Recommended Practice on Local Authority Publicity** provides guidance on the content, style, distribution and cost of local authority publicity.

It states that publicity by local authorities should be based on the following seven principles:

- Lawful - comply with the Advertising Standards Authority's Advertising Codes.
- Cost effective - value for money.
- Objective - politically impartial.
- Even-handed - can address matters of political controversy in a fair manner, but the publicity should not affect support for a single councillor or group.
- Appropriate - refrain from retaining the services of lobbyists. The frequency of council newsletters should be no more than quarterly.
- Have regard to equality and diversity - publicity to positively influence public behaviour and attitudes in relation to issues such as safety and health can be used.
- Issued with care during periods of heightened sensitivity - e.g. elections and referendums.

7 Principles for communication, consultation and engagement

To ensure Torbay Council meets its duties as well as the aims and objectives within this policy, all communication, consultation and engagement activity will be developed in line with the following guiding principles:

All consultation activity must be agreed by the Corporate Support Team prior to publication to ensure that the consultation meets these principles.

Clear and concise: We will use plain English and avoid jargon and acronyms in all our communications to ensure messages and purposes are clear, understandable and accessible. When consulting we will only ask questions which are necessary and easy to understand.

Purpose: All our activity will have a clear and defined purpose, linked to our Corporate Plan. We will only consult or carry out marketing and public relations activity if there is an identified objective. Consultation and engagement will be used to influence local decision making.

Timely: All communication, consultation and engagement activity will, when possible, be planned in advance so consistent messages can be used at the right time, in the right way with the right people. We will openly inform, engage, discuss and consult with stakeholders at the earliest possible opportunity, ideally when proposals are being developed or when information is confirmed and becomes available. Due consideration will be given on the lead up to any elections or referendums to whether it is appropriate to launch new campaigns and consultation or engagement activity.

Proportionate timescales: The length of time for consultation and engagement activity will be judged against the nature and impact of the proposal / issue being consulted upon. We will ensure that sufficient time is given for respondents to consider any information provided and that there is sufficient time for them to provide an informed response.

Targeted: We will ensure that all our communications and consultations are targeted at the right stakeholder groups so they are effective and use resources in the best possible way. Where proposals, events or services affect specific individuals or groups, these stakeholders will be made aware of the activity so they can find out more, have their say or become involved. Consultation activity, in particular, will be tailored to meet the needs and preferences of different groups of people across Torbay, ensuring accessibility for all.

Relevant information: We will provide enough information, or signpost stakeholders to where they can obtain more information, to ensure that informed choices can be made. This could include how to access a particular service or how to resolve an issue. It could also relate to specific proposals and include information about how the options have been considered and details of any assessments of costs, benefits and impacts which have been carried out.

Feedback: We will ensure that any internal or external feedback will be conscientiously taken into account and will be considered in any final decision making. With regard to consultations, the results will be used to inform the development of relevant impact assessments. We will publish the results of consultation and engagement activity within eight weeks of the activity, stating how many responses were received and how they have been used in formulating the recommendation.

Forward thinking: We will actively explore and assess how we can best use new technology and other new communication channels to reach and engage as many people as possible.

Corporate identity and style guidelines: All communications involving the council will meet our corporate identity guidelines. This is to protect the brand identity, to maintain the council's professional image and to ensure all council activity is consistent and accountable. This includes use of the Torbay Council logo, images and our house presentation style.

Partnership agreements: As we embrace a stronger integrated and joined up approach it is important that all partners agree in advance how any partnership activity will be carried out and communicated. This is to ensure there are consistent messages and that all communication and engagement protocols and corporate identity guidelines are met.

Responsibility: We acknowledge that communication is a two way process and is the responsibility of everyone. Council employees, elected members and all stakeholders have a role to play in open, timely and effective communication, consultation and engagement with each other.

Monitoring and evaluation: Given the important emphasis on using our resources to best effect, the way in which we communicate, consult and engage should be inclusive and effective. Monitoring and evaluating activity, where possible, will identify if we have met defined goals, areas that need exploring further and activity which can be improved.

8 Action Plan

	Action	Responsible Lead	Indicative Timescale	Progress
1.	As outlined within the LGA Corporate Peer Challenge Action Plan - develop and agree a joint protocol for communication, consultation and engagement activity across the Strategic Partnership Forum.	Assistant Director Corporate and Business Services	November 2016	
2.	Review how communication, consultation and engagement activity is delivered across the council, to consider if the existing structure and resources will support the council in delivering the aims and objectives of this strategy.	Assistant Director Corporate and Business Services	September 2016	
3.	Review the ways in which we currently communicate and engage with our residents and partners to ensure we are making the best use of digital means including our own website and social media.	Communications Manager	December 2016	
4.	Identify mechanisms to ensure elected members are informed about communication, consultation and engagement activity across Torbay. Ensuring they are equipped to engage with their communities and encourage their feedback.	Communications Manager / PPR Manager	October 2016	
5.	Identify a mechanism through which elected members can feedback to the council issues / matters of concern for their communities ensuring this can be tracked centrally and monitored.	PPR Manager	October 2016	
6.	Review the current use and future feasibility of the Council's Viewpoint Panel.	PPR Manager	October 2016	
7.	Review the existing policy regarding the communication standards the Council expects from staff when dealing with customers.	Senior Leadership Team	December 2016	
8.	Review current training programme for all front facing staff.	Senior Leadership Team	March 2017	

9 Feedback

Torbay Council welcomes your comments and suggestions on our Communication, Consultation and Engagement Strategy, and will use any feedback we receive to help further develop this strategy.

Please email consultation@torbay.gov.uk or contact us by mail or telephone:

Torbay Council
Corporate Support
Town Hall
Torquay
TQ1 3DR

Telephone: 01803 207227



Meeting: Council

Date: 11 May 2016

Wards Affected: All Wards

Report Title: Equality Objectives 2016 – 2020

Is the decision a key decision? Yes – Policy Framework

When does the decision need to be implemented? May 2016

Executive Lead Contact Details: Cllr Derek Mills, Deputy Mayor and Executive Lead for Corporate Services

Supporting Officer Contact Details: Anne-Marie Bond, Assistant Director Corporate and Business Services, 01803 207160, Anne-marie.bond@torbay.gov.uk

1. Proposal and Introduction

1.1 The Public Sector Equality Duty which came into force in April 2011 places a requirement on all public bodies to publish one or more objective(s) that they think they should achieve in order to meet the General Duty. The General Duty requires us to:

- **Eliminate unlawful discrimination**, harassment, victimisation and other conduct prohibited by the Act
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share, and
- **Foster good relations** between people who share a protected characteristic and people who do not share it.

1.2 We are required to publish our objectives every four years.

1.3 The Equality Objectives have been subject to a six week consultation period.

2. Reason for Proposal

2.1 Torbay Council published Equality Objectives in 2011 and is now required to review these and publish an updated set.

3. Recommendation(s) / Proposed Decision

3.1 That the Equality Objectives 2016 to 2020 as set out at Appendix 2 to the submitted report be approved.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Equality Objectives 2016 – 2020

Supporting Information and Impact Assessment

Service / Policy:	Equality Objectives 2016 – 2020
Executive Lead:	Cllr Derek Mills
Director / Assistant Director:	Anne-Marie Bond

Version:	2	Date:	April 2016	Author:	Jo Beer
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>The Council has a duty to publish Equality Objectives demonstrating what we need to achieve to meet the Public Sector Equality Duty (PSED).</p>
2.	<p>What is the current situation?</p> <p>The PSED which came into force in April 2011 requires all public bodies to publish one or more objective(s) that they think they should achieve in order to meet the General Duty. The General Duty requires us to:</p> <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act • Advance equality of opportunity between people who share a protected characteristic and people who do not share, and • Foster good relations between people who share a protected characteristic and people who do not share it. <p>We are required to publish our objectives every four years.</p>
3.	<p>What options have been considered?</p> <p>Objectives were published in 2011 and have now been reviewed and updated taking into account our Corporate Plan and other plans and policies.</p>
4.	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>The Equality Objectives will support the delivery of the Corporate Plan and the associated delivery plans.</p>

5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <ul style="list-style-type: none"> • All communities across Torbay • Staff • Partners • Key stakeholder groups.
6.	<p>How will you propose to consult?</p> <p>The draft objectives were published online for a six week consultation period until 21st April.</p>

Section 2: Implications and Impact Assessment	
7.	<p>What are the financial and legal implications?</p> <p>None</p>
8.	<p>What are the risks?</p> <p>Failure to comply with the Public Sector Equality Duty Failure to support our communities and staff appropriately and meet their needs.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not Applicable</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>We have considered and reviewed Equality objectives from other local authorities. We have considered the ambitions and aims of our Corporate Plan and other plans and policies, ensuring there is a link to our objectives. We have taken into account the findings from our Joint Strategic Needs Assessment which clearly sets out the inequalities faced by some communities.</p>

<p>11.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>Feedback from the consultation focused on the need to ensure that contractors / organisations providing services on our behalf also adhere to the same standards and objectives.</p>
<p>12.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>No amendments made to the proposal or recommendation. The Equality Objectives have been updated to reflect that we expect the same standards from our contractors / organisations providing council services.</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	<p>That services will be flexible to ensure all people are able to access council services and they are free from discrimination.</p> <p>Through requiring impact assessments to be completed, the needs of our communities will be taken into account in decision making.</p>		
	People with caring Responsibilities			
	People with a disability			
	Women or men			
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			
	Religion or belief (including lack of belief)			
	People who are lesbian, gay or bisexual			
	People who are transgendered			
	People who are in a marriage or civil partnership			
	Women who are pregnant / on maternity leave			
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			

14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	None
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None

March 2016

Equality Objectives

2016 – 2020 Supporting the Equality Duty

1 Contents

2	Introduction	3
3	Objectives	4
4	Feedback	5

2 Introduction

The Public Sector Equality Duty which came into force in April 2011 requires all public bodies to publish one or more objective(s) that they think they should achieve in order to meet the General Duty. The General Duty requires us to:

- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share, and
- Foster good relations between people who share a protected characteristic and people who do not share it.

We are required to publish our objectives every four years.

In developing our objectives we have considered our current Corporate Plan, our Core Values and our draft Communication, Consultation and Engagement Strategy as well as other existing policies. These objectives are built around existing key outcomes and activities identified in these plans and policies.

The Council expects that organisations delivering services on our behalf will adhere to the same equality standards and objectives.

The Council will produce an annual report demonstrating how we are meeting these objectives, this will be published in January every year.

3 Objectives

Objective 1

Ensure that all people are treated fairly when accessing Council services.

Through Torbay Council's staff Core Values we are committed to being forward thinking, people orientated and adaptable – always with integrity. Equality of opportunity requires us to ensure our services are flexible enough to meet the diverse needs of our communities and to make reasonable adjustments to give everyone the access they need.

- We will continue to ensure that our services are accessible and free from discrimination.
- We will treat everyone with respect.
- We will encourage customer feedback and ensure that everyone has the opportunity to do so.

Objective 2

Ensuring that the diverse needs of our communities are taken into account in decision making.

Through our Communication, Consultation and Engagement Strategy, Torbay Council is committed to delivering open and effective communication, consultation and engagement and ensuring that the feedback is conscientiously taken into account in final decision making.

- Communication, consultation and engagement will be targeted to ensure that where proposals may affect specific communities; these communities are given the opportunity to have their say.
- Impact Assessments will continue to be undertaken in relation to service change and will be used to fully consider the potential impact of proposed decisions on the community.

Objective 3

Reducing inequalities across Torbay.

Delivering on our Corporate Plan ambitions to achieve a prosperous and healthy Torbay by addressing the significant challenges and inequalities faced by our communities.

- Work with our partners to ensure our communities are supported across the life course.
- Ensuring that all children are given the best start in life and families are supported.
- Addressing and tackling lifestyles and economic issues which lead to inequality and poor health.
- Ensuring that older people age well and are physically, mentally and socially active.

Objective 4

Supporting the diverse needs of our workforce.

Our staff are one of our biggest assets and our employees come from a wide range of backgrounds with a variety of skills and knowledge. We are committed to supporting our staff and enabling them to provide the best possible service to our customers.

- Through our Core Values we will always be approachable, calm and respectful
- Create an environment where we act professionally and treat everyone with respect
- Ensuring that policies and initiatives are in place so our staff can feel safe at work and carry out their duties without feeling bullied or discriminated against.

4 Feedback

Torbay Council welcomes your comments and suggestions on our Equality Objectives and will use any feedback we receive to help further develop these objectives.

Please email equality@torbay.gov.uk or contact us by mail or telephone.

Torbay Council

Corporate Support

Room 137

Town Hall

Torquay

TQ1 3DR

Telephone: 01803 207227



Meeting: Council

Date: 11 May 2016

Wards Affected: All Wards

Report Title: Community Infrastructure Levy (CIL)

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Mark King, Executive Lead for Planning, Transport and Housing (07873254117 – mark.king@torbay.gov.uk)

Supporting Officer Contact Details: David Pickhaver, Senior Strategy and Project Officer, (01803 208815 – david.pickhaver@torbay.gov.uk)

1. Proposal and Introduction

- 1.1 This report sets out progress on preparing a Community Infrastructure Levy (CIL) and recommends that Torbay's proposed CIL Draft Charging Schedule (DCS) is submitted to the Planning Inspectorate for examination. The CIL proposals were the subject of public consultation in 2012, 2015 and 2016. The CIL Proposals have been amended following Mayor's Executive Group on 3rd March 2015, Policy Development Group on 9th March 2015 and a further review of viability by officers.
- 1.2 It is recommended that the Council levies CIL on some residential developments, and larger out of town centre retail developments, as set out in Section 2 below and Appendix 1. Other uses, such as employment and tourism would be zero rated. This approach retains S106 Obligations as the main way of funding infrastructure associated with major development in Future Growth Areas as defined in the Adopted Torbay Local Plan.
- 1.3 Following Submission, the Council's CIL charging schedule will be examined by an independent examiner (Planning Inspector). The Council is required to advertise the CIL examination and anyone who wishes is entitled to present evidence to the Examination. Following the CIL Examination, the inspector will recommend whether CIL can be introduced, including the need for changes. Following receipt of the Inspector's Report, CIL will need to be adopted by full Council.

2. Reason for Proposal

2.1 CIL is a levy on new floor space created by development. It is regulated by the Community Infrastructure Levy regulations 2010 (as amended). CIL must be set having regard to viability and cannot be used as a planning tool to influence the location of development. Regulation 14.1 (as amended) of the CIL Regulations requires charging authorities “to strike the appropriate balance between desirability of funding infrastructure through a CIL and the potential effects of imposing a CIL on their area”.

2.2 Torbay’s Draft Charging Schedule is supported by various viability studies and has been the subject of three public consultations. Details of these are set out in Appendix 1.

2.11 The Revised Draft Charging Schedule (as modified following consultation) sets the following rates for residential CIL. Charging Zones are set on the basis of broad viability.

Zone	Site size (£ per sq m)		
	1-3 dwellings	4-14 dwellings	15+ Dwellings
1. Built up areas within top 20% deprivation (Community Investment Areas+)*	Zero	£30	£30
2. Elsewhere in the built up area**	£30	£70	£70
3. Outside the built up area**	£70	£70	£140
4. Future Growth Area	£70	£70	Zero- S106 Obligations will be used to secure infrastructure funding.

Direct site impacts of development will be dealt with through planning conditions of S106/S278 agreements where necessary.

* Based on the lower super output areas within the top 20% deprived areas in the Indices of Deprivation 2015.

**The built up area is defined as the area not designated as Countryside area (Local Plan Policy C1) or Undeveloped Coast (Local Plan policy C2).

2.12 The Revised Draft Charging Schedule charges retail and food and drink developments (i.e. Uses Classes A1, A3, A4, and A5) of more than 300sq m in out of town centre locations CIL at the rate of £120 per sq m. This is based on likely viability and in this context The Willows is treated as an out of centre location.

2.13 CIL will be used on the South Devon Highway, for which there is a funding gap of nearly £20 million. It is also proposed to use CIL to offset the recreational impact of development upon the South Hams SAC (at Berry Head) arising from smaller developments. A “neighbourhood portion” of 15% of CIL, rising to 25% where Neighbourhood Plans have been made (i.e. adopted) must be spent in the area in which development arises. Further details are set out in Appendix 1.

3 Recommendation(s) / Proposed Decision

- 3.1 That the Community Infrastructure Levy (CIL) Revised Draft Charging Schedule (with Modifications set out in Appendix 2 to the submitted report) be submitted to the Planning Inspectorate for independent examination in accordance with Regulation 19 of the CIL Regulations 2010 (as amended).
- 3.2 That the Executive Head of Business Services, in consultation with the Executive Lead for Planning, Transport and Housing, be given delegated authority to agree further minor modifications to CIL as deemed necessary to secure a recommendation for approval by the Independent Examiner.
- 3.3 That it be noted that following receipt of the Independent Examiner's Report, the Community Infrastructure Levy (CIL) Charging Schedule must be agreed by the Council.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Draft Community Infrastructure Levy Charging Schedule (including proposed Modifications).

Appendix 3: CIL Residential Charging Zones Map

Appendix 4: CIL Commercial Charging Zones Map

Appendix 5: Consultation statement and summary of representations.

Background Documents

Torbay Local Plan 2012-30 A landscape for success.

<http://www.torbay.gov.uk/newlocalplan>

Torbay CIL Viability Study –Economic Viability Update. Peter Brett Associates January 2016.

<http://www.torbay.gov.uk/index/yourservices/planning/strategicplanning/evidencebase.htm>

Community Infrastructure Regulations 2010 (as amended)

(National) Planning Practice Guidance Section ID 25

<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/>

Agenda Item 23

Appendix 1

Appendix 1: Supporting Information and Impact Assessment

Service / Policy:	Spatial Planning
Executive Lead:	Mark King, Executive Lead for Planning, Transport and Housing
Director / Assistant Director:	Ann-Marie Bond

Version:	1.2	Date:	27 April 2015	Author:	David Pickhaver
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Abbreviations	
CIL	Community Infrastructure Levy
CIL Regs	The Community Infrastructure Regulations 2010 (as amended)
DCS	Draft Charging Schedule
PDCS	Preliminary Draft Charging Schedule
RDCS	Revised Draft Charging Schedule (i.e. the version that was consulted on 19 th March to 29 th April 2016)

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>The report recommends submitting the Council's Community Infrastructure Levy Draft Charging Schedule (DCS) (with proposed modifications) for examination.</p> <p>This will be carried out in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).</p> <p>The Draft CIL has been the subject of consultation and an updated viability assessment (most recently the Torbay CIL Viability Study, PBA January 2016).</p> <p>The CIL proposals were discussed by Mayor's Executive Group on 3rd March 2015 and Policy Development Group on 9th March 2015. Members asked officers to reconsider CIL and particularly to ensure that it did not threaten smaller developers in lower value areas of Torbay; but also ensuring that higher value development contributes towards infrastructure. The Revised Draft Charging Schedule amends CIL to incorporate issues raised by Members.</p> <p>This approach retains S106 Obligations as the main way of funding infrastructure needed for larger developments within planned Future Growth Areas. Whilst s106 Obligations are subject to restrictions (e.g. no more than five S106 contributions can be used to fund a project), they are considered to be a more simple and effective way of securing infrastructure contributions from Future Growth Areas. Where highways works are required, the Council will seek contributions via S278 Highways Agreements where possible</p>
2.	<p>What is the current situation?</p> <p>Currently the Council relies solely on S106 Obligations and S278 Highways Agreements to secure developer contributions. These work relatively well for larger developments, where the need for strategic infrastructure can be identified. However S106 agreements can slow down decision making on smaller applications.</p> <p>Moreover no more than 5 Obligations may be pooled for any given infrastructure</p>

	<p>project, which limits the usability of small S106 contributions. There is an expectation from Government that CIL will be used, rather than “tariff style” s106 obligations</p>
<p>3.</p>	<p>What options have been considered?</p> <p>The evolution of Torbay’s CIL</p> <p>The Preliminary Draft Charging Schedule (PDCS) was the subject of consultation between 9 December 2011- 6 Feb 2012 and consulted on an across the board residential charge of 100 per sq m. This resulted in significant objections from the development industry, particularly on viability grounds.</p> <p>The first Draft Charging Schedule (DCS) was consulted on between 9 February - 23 March 2015. This made changes to CIL in response to comments on the PDCS. The DCS set a CIL of £70 for residential sites of 1-14 dwellings. There was very limited objection from the development industry.</p> <p>However CIL must be based on an up to date development plan and it has therefore been necessary to wait for the Local Plan to be adopted before progressing Torbay CIL to formal Examination. Representations made on the CIL consultations, and how the Council has responded to them are set out at Appendix 5 to this Report.</p> <p>The Local Plan was adopted by Council on 10th December 2015, and an updated CIL Viability Study was published in January 2016, which allows for CIL to be progressed.</p> <p>The CIL proposals were discussed by Mayor’s Executive Group on 3rd March 2016 and Policy Development Group on 9th March 2016. Members asked officers to reconsider CIL and particularly to ensure that it did not threaten smaller developers in lower value areas of Torbay; but also ensuring that higher value development contributes towards infrastructure.</p> <p>This resulted in a revised Draft Charging Schedule. Because this introduced additional Charging zones from the document previously consulted upon, the Revised Draft Charging Schedule has been consulted on again, between 18th March-29th April 2016.</p> <p>A number of minor Modifications have been made to the CIL Charging Schedule in response to the consultation. These include treating undeveloped coast as being outside the built up area, and levying CIL on smaller sites within Future Growth Areas (i.e. using S106 obligations purely for larger planning applications in Future Growth Areas).</p> <p>Any additional modifications may need to reported at Council by the Executive Lead for Planning transport and housing. A schedule of proposed Modifications to the Revised Draft Charging Schedule is set out at Appendix 4.</p> <p>The current proposal for submission (technically the Draft Charging Schedule with proposed Modifications)</p> <p>These Modifications to the DCS based on viability advice in the PBA Viability Study. As noted, CIL must be based on viability evidence and cannot be used as a policy making tool.</p> <p>To implement CIL, it must be demonstrated that there is a funding gap that cannot be funded through means such as general Council spending. Most areas, including Torbay, have no problem demonstrating an infrastructure funding gap. The Torbay Infrastructure Delivery Study (Baker Assocs/Roger Tym 2012) identified a total</p>

funding shortfall of £158 million to provide all the Infrastructure needed to deliver the Torbay Local Plan. The South Devon Link Road (£20 million)) alone represents a significant funding gap.

Development viability tends to be the most contentious factor in CIL Examinations. Accordingly an updated viability assessment was commissioned from Peter Brett Associates (published January 2016). This updated earlier assessments carried out in 2012 and 2014. This indicates that most residential development and larger out of centre retail stores are likely to be viable with a CIL.

Current Proposal

The proposed approach to CIL intends to continue using S106 Obligations for larger developments (of 15+ dwellings) within Future growth Areas. A variable CIL rate of between zero and £140 per sqre metre is proposed for other residential development, as indicted in the main report.

It is proposed to charge CIL at £120 per sq m for out of town centre retail/food and drink uses of more than 300 sq m. This includes The Willows. All other uses, including employment, tourism, care homes, extra care units etc would be zero rated for CIL.

It is estimated that this will raise between around £150-£170K per year when CIL is implemented, based on past completions of CIL Chargeable development and likely future development on smaller sites.

The proposed “hybrid” approach is considered to offer the best solution for Torbay in securing contributions from smaller developments, whilst allowing infrastructure requirements needed by larger developments on strategic sites to be secured through S106/S278 Agreements. This approach is also considered to be the simplest approach for developers.

What will CIL Pay for?

Charging Authorities are required to identify infrastructure items that they intend to fund in whole or part through CIL on a “Regulation 123 List”.

It is recommended that The Regulation 123 List should be kept short, as infrastructure items on it cannot be funded through S106 contributions. However CIL is not subject to pooling restrictions so a large infrastructure item such as the South Devon Highway is a suitable project for CIL funding.

The CIL Regulations restrict the use of s106 obligations and prohibit “double dipping” i.e. prevent both s106 (or s278) and CIL monies being used to fund the same infrastructure. They also prevent pooling of more than five s106 Obligations for infrastructure items. However CIL does not cover affordable housing which is still sought through s106 obligations (and not subject to pooling restrictions).

The Regulation 123 list should be reviewed on an annual basis and may be amended speedily , so long as this is advertised.

A “neighbourhood portion” of 15% of CIL must be spent in the area where development arises. Where a neighbourhood plan has been made (i.e. adopted following referendum) the portion rises to 25%. In Brixham Town Council area the neighbourhood portion is passed to the Town Council. Elsewhere in the area, the money is held by Torbay Council but spent locally with community engagement on how it is spent. The neighbourhood portion of CIL is stipulated by Regulation 59A of

the CIL Regs.

Other Options not recommended

A number of other options have been considered but are not recommended.

i) Continue to rely on S106/S278 Obligations.

This approach is possible. However it will be increasingly difficult to achieve infrastructure contributions from smaller developments due to Pooling restrictions on s106 agreements. From April 2015 no more than five obligations can be pooled for a single infrastructure item.

In addition S106 obligations can legally only be sought where they are:

- (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.

Inspectors are increasingly unwilling to support S106 obligations to mitigate the cumulative impacts arising from small developments.

Requiring smaller developments to enter into s106 Agreements or Unilateral Undertakings can be onerous for smaller developers and can slow down the planning process.

Conversely, larger developments usually require a s106 agreement to deal with affordable housing and other issues. It is easier to identify the infrastructure needs and mitigation measures needed by larger developments, and pooling of S106 obligations is less likely to be a problem.

ii) Charge CIL for larger developments as well as smaller ones.

The Viability Assessment indicates that sites of 15+ dwellings could achieve a CIL of up to £142 per sq m (around £10,000 for a family house). Depending on development levels this could earn up to an additional £1 million CIL per year (based on 100 CIL chargeable dwellings are completed per year on large sites). 15% of this (25% when Neighbourhood Plans are made) would need to go to the neighbourhood portion, i.e. spent in the area where development arises in consultation with the local community.

Paignton neighbourhood Forum have argued that charging only smaller developments CIL will create a disincentive to urban regeneration by rendering greenfield sites disproportionately profitable. However, it is proposed to charge larger developments S106 obligations to ensure that they meet the cost of infrastructure needed by development.

Seeking a CIL on larger sites within Future growth Areas would mean that all infrastructure that is not directly necessary to making the site acceptable in narrow terms would need to be funded through CIL. On this basis matters such as education, sustainable transport, employment, off site biodiversity, recreation etc would need to be included on the Regulation 123 List. Because of restrictions on "double dipping" such matters could not be funded through S106 obligations.

The directly link between infrastructure needed by a development and how CIL is allocated would be lost. Negotiating it through S106 Obligations retains the link and is likely to be more effective in delivering infrastructure needed on strategic sites (i.e. large sites within Future Growth Areas).

The calculation of CIL on larger developments is also likely to be complicated and

onerous for developers, whilst large schemes are still likely to require Legal Agreements (e.g. for affordable housing), which would further complicate the development management process.

The CIL Viability Study 2016 and the Torbay Whole Plan Viability assessment carried out in 2014 assessed the deliverability of the Local Plan taking into account affordable housing and other policy costs such as space standards. Therefore, levying a CIL should not *in theory* result in a reduction in affordable housing. (Affordable housing is in any event largely exempt from paying CIL). However, in practice, affordable housing is often negotiated down as part of a wider package of S106 requirements. CIL is less easy to negotiate, so in practice levying CIL on larger sites is highly likely to result in reduced affordable housing provision because of viability reasons.

Consideration of CIL rates in Neighbouring Authorities

Torbay's CIL rate needs to be based upon viability within Torbay. However Neighbouring CIL rates are an indicator of what may be achievable, after taking into account differences in house prices, local demand etc.

The table below sets out neighbouring authorities' CIL rates.

Area	Residential CIL (£per sq m)	Retail CIL	Exceptional circumstances relief advertised	Instalments up to
Teignbridge	£70 Newton Abbot etc £125 Teignmouth £150 SW Exeter £200 Rural areas	£150 outside town centres	No	Up to 2 years
Exeter	£100 (for development approved in 2016)	£154.62 outside City centre.	No	Up to 2 years
South Hams	No CIL	-	-	-
Plymouth	£30 (zero in central zone)	£100	No (but may offer in the future)	Up to 2 years
Mid Devon (DCS) original CIL not implemented	£60/40/0 large sites £100/0 small sites Zero charge on strategic sites	£100 and £0 zones	No ?	300 days
Bristol	£70/£50	£120	No	18 months

Around 12 Charging Authorities in the South and South West charge different rates of residential CIL by size of development. The closest comparison is Mid Devon which has republished its DCS (Feb 2015) which charges a zero rate of CIL on strategic sites. Stroud (Gloucestershire) has a similar approach.

<p>4.</p>	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>CIL provides infrastructure funding to support growth in Torbay. The hybrid approach is intended to minimise any negative impacts on the delivery industry and allows for matters such as affordable housing to be sought through S106 Obligations. It thereby uses resources to best effect.</p> <p>It is proposed to use CIL to fund the Council's expenditure on the South Devon Highway. These costs would otherwise need to be paid for from the Council's budget. It is also proposed to use an element of CIL to alleviate recreational pressure on Berry Head.</p>
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>The development industry – particularly house builders – will be most affected by CIL. The wider community is also affected as a proportion of CIL (15% rising to 25% when Neighbourhood Plans are made) must be spent in the area in which development arises.</p> <p>CIL was consulted on between December 2011-February 2012 and February –March 2015 and again in March- April 2016. Whilst these were open to anyone to comment; developers, agents and other organisations on Spatial Planning's database were specifically notified. There were objections from house builders to the first consultation, which resulted in a reduction of CIL (from £100 per sq m to £70 in the PDCS). A summary of representations received is set out in appendix 5.</p> <p>Development viability has been tested on several occasions, most recently in the Torbay CIL Viability Study (PBA January 2016). A previous but related study, the Torbay Local Plan Viability Report (PBA 2014) tested the viability of the policies in the Local Plan.</p> <p>CIL will be the subject of public examination by an independent examiner (Planning Inspector). Any person asking to be heard before the examiner at the examination must be heard in public.</p>
<p>6.</p>	<p>How will you propose to consult?</p> <p>See above. Regulation 19(3) of the CIL Regs requires that the CIL Draft Charging Schedule and modifications be made available at Council offices, online etc and that persons consulted on the Draft Charging Schedule be notified of its submission. This notification will need to be carried out before the DCS is submitted for examination.</p> <p>Any person asking to be heard before the examiner at the examination must be heard in public.</p>

Section 2: Implications and Impact Assessment

7. What are the financial and legal implications?

CIL is governed by the CIL Regulations 2010 (as amended).

There are costs to the Authority in developing a CIL. The Planning Inspectorate charges £993 +VAT for each day (7.4 hours) the examiner spends on the examination plus subsistence expenses. This is likely to be around £15-£20K.

The Council must appoint a **Programme Officer**, at the time of submission. He or she will probably need to be in post, mainly for about 1 day a week, basis for about 6 months.

It is also likely that the Council will need to employ Peter Brett as an expert witness on viability. At August 2015 PBA quoted £5,000 to prepare and appear as an Expert Witness at the CIL Examination.

Regulation 61 of the CIL Regs allows up to 5% of CIL to be spent on administrative expenses of setting up, examining and managing the Levy.

8. What are the risks?

The main risk of CIL is that it could harm development viability and thereby the delivery of new development. The CIL has been viability tested and the proposed basic rate (£70) is below the maximum that PBA advise could be achieved (£78). Seeking a lower (or zero) rate in areas of deprivation is likely to minimise the impact on less viable areas and smaller house builders. Development outside the built up area is likely to be more viable and the rate for larger developments has been set based on PBA's evidence. There may need to be some additional testing of smaller developments outside the built up area.

Negotiating larger developments in Future Growth Areas through S106 will ensure that the delivery of larger developments (and the Local Plan strategy) is not undermined by viability issues. There is opportunity to negotiate S106 Obligations to ensure that the infrastructure needs arising from development are met. The Council requires an independent viability assessment from such developments where viability is challenged by developers.

Setting a higher CIL, and particular charging CIL on larger developments, would raise more money. Dependent upon development levels, this could be about £1 million a year (based on 100 CIL Chargeable dwellings per year).

The Council is proposing to offer discretionary exceptional circumstances relief, which will act as a "safety net" to ensure that CIL does not prejudice the delivery of sustainable development.

CIL is not set in stone and may be reviewed. However there are clearly consultation and examination costs associated with reviewing CIL.

There is a temptation to include additional items on the CIL Regulation 123 list.

	<p>However this would preclude such items being funded through S106 Obligations. South Devon Link Road will more than cover expected CIL revenues. It is considered more appropriate to keep most infrastructure directly required by new development as a S106 item. The Regulation 123 List may be amended quickly should the need arise.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>See above. The CIL regulations require the appointment of an independent examiner and specify the required evidence, consultation arrangements and examination procedure.</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>CIL must be based on an up to date development plan. The Adopted Torbay Local Plan 2012-30, and much of the evidence base supporting it is relevant.</p> <p>There must be an infrastructure funding gap. The Infrastructure Delivery Study (Baker associates/Roger Tym and Partners 2012) is relevant. However, a significant infrastructure funding gap exists taking into account just the South Devon Link Road</p> <p>CIL should not be set at a level that would undermine development viability. The Torbay CIL Viability Study Economic Viability Study (PBA 2016) sets out an up to date assessment of development viability. See also the discussion above.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>See separate schedules of representations (Appendix 5). The main issue to arise at the first stage of consultation (on the PDCS) related to development viability. The proposed CIL has been reduced in line with evidence (see above).</p> <p>Several bodies sought an element of CIL for their specific areas of interest (Natural England, Sport England, and Neighbourhood Forums). However, there is a danger that this would prevent such items being sought through S106 Obligations. The Regulation 123 List is already oversubscribed with the South Devon Highway and expanding it further could prove counter-productive in terms of achieving infrastructure for these projects. The exception to this is mitigating the impact of small developments in the Brixham Peninsula on the Special Area of Conservation, which was requested by Natural England.</p> <p>There were a number of objections to earlier consultations on behalf of supermarkets. Sainsbury's objected to treatment of The Willows as an out of centre location and thus being CIL liable. However the viability evidence indicates that new retail floor space at The Willows would be viable to pay CIL.</p> <p>Please note that the consultation on the Revised Draft Charging Schedule expires on 29th April, and therefore any representations received after the deadline for Council will need to be reported verbally by the Executive Lead for Planning, Transport and Housing. However, CIL has already been subject of extensive</p>

	consultation, which have gone beyond the requirements of the CIL Regulations.
12.	<p>Amendments to Proposal / Mitigating Actions</p> <p>As noted, development viability is likely to be the main consideration at CIL Examination. CIL has been amended significantly since the first consultation in 2012, to address concerns raised by consultees and Members. There are intended to safeguard the viability of development, and to reflect as accurately as possible different viability rates likely to exist in Torbay. It is also proposed to seek off site mitigation of SAC impacts arising from small development from CIL, in order to address concerns raised by Natural England and others).</p> <p>A number of further minor modifications have been made to the CIL Revised Draft Charging Schedule to more accurately define the land outside the built up area (i.e. it should include the undeveloped coast and countryside area). In addition it is recommended to modify the Revised Draft Charging schedule to seek CIL on developments of 1-14 dwellings in Future Growth Areas. Whilst in theory most developments in these areas should be on sites of more than 15 dwellings; seeking CIL on smaller sites will ensure that an element of value is captured should housebuilders seek to infill areas to increase numbers after the main permission has been granted.</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	The education needs arising from developments will be sought as S106 Obligations. Affordable housing, and extra care units are zero rated for CIL		
	People with caring Responsibilities			No direct impact. Policy H6 of the Adopted Local Plan seeks S106 obligations from developments that give rise to health care need. This operates separately from CIL.
	People with a disability			Policy H6 of the Local Plan requires 5% of new homes on sites of 50+ dwellings to be built to Building Regulations M4(2) accessibility standard. This operates separately from CIL but will have an impact on development viability. Negotiating larger schemes through planning obligations will allow such costs to be taken into account when negotiating developments.
	Women or men			No direct impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			It is not proposed to seek CIL on caravans for travelling people. (See Policy H5 of the Local Plan for criteria that would apply in considering any proposals that

			may arise).
Religion or belief (including lack of belief)			It is not intended to seek CIL from Class D1 uses, including places of worship.
People who are lesbian, gay or bisexual			No direct impact
People who are transgendered			No direct impact
People who are in a marriage or civil partnership			No direct impact
Women who are pregnant / on maternity leave			No direct impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)	<p>CIL provides funding to support development in Torbay and provides additional benefits to existing communities. The Regulation 123 List proposes to use CIL on the South Devon Highway which will help improve economic prosperity and reduce deprivation in Torbay.</p> <p>It is proposed to seek a lower rate of CIL on small developments- either zero or £30. Whilst this is to take account of lower viability in these areas; it should also incentivise regeneration of such areas.</p>	<p>There is a trade off between CIL and affordable housing. Whilst the viability testing of CIL has taken into account the Local Plan's affordable housing requirements, a high rate of CIL will reduce the scope to seek affordable housing in practice.</p> <p>The Draft Charging Schedule's proposal to negotiate S106 Obligations from larger developments will minimise the conflict between CIL and affordable housing.</p>	

		Offering discretionary relief will also ensure that affordable housing can be prioritised where appropriate.	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		No direct impact. Policy SC1 of the Adopted Local Plan deals with health impacts of developments. These may be dealt with via S106 Obligations if necessary to make developments acceptable in planning terms.
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	CIL is intended to help fund the cumulative impacts of developments upon infrastructure needs. The South Devon Link Road, and cumulative effects of small development upon the South Hams SAC are identified as CIL items. \	
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	As above.	

Torbay Council

Community Infrastructure Levy

Revised Draft Charging Schedule

Incorporating proposed Modifications

April 2016

Community Infrastructure Levy: Revised Draft Charging Schedule

Contents

1. Introduction and Background
2. Next steps
3. Where to find out more
4. The Torbay Infrastructure Delivery Study and Viability Evidence
5. The CIL and the new Torbay Local Plan 2012-30 – A landscape for success.
6. Who Pays CIL?
7. Social Housing and Self Build Housing Exemptions
8. Torbay's Proposed Approach to CIL: Residential Development
 - Figure 1: Residential Charging Zone 1: Urban areas within 20% most deprived SOAs (Excluding Future Growth Areas).
 - Figure 2: Residential Charging Zone 2: Urban areas outside 20% most deprived SOAs.
 - Figure 3: Residential Charging Zone 3: Outside the built up area (i.e. within the Countryside Area).
 - Figure 4: Residential Charging Zone 4: within Future Growth Areas
9. Torbay's Proposed Approach to CIL: Commercial Development
 - Figure 5 Commercial and Non-Residential Development
10. CIL and S106 Developer Contributions Policy
11. CIL chargeable residential development and S106 Obligations
12. Residential developments in Future Growth Areas and S106 Obligations
13. Non-residential development and S106 Obligations
14. Calculating the chargeable amount of CIL
15. "Assumed Liability" and Commencement Notices
16. Instalments Policy
17. Exceptional Circumstances Relief Policy
18. State Aid

19 Draft "Regulation 123" List of Key Infrastructure projects proposed to receive CIL

Appendix 1 Charging Zones Maps

Residential Charging Zone 1: Urban areas within 20% most deprived SOAs (excluding Future Growth Areas).

Residential Charging Zone 2: Outside 20% most deprived SOAs, and within the built up area

Residential Charging Zone 3: Outside the built up area (i.e. within the Countryside Area)

Residential Charging Zone 4: within Future Growth Areas

Commercial and Non-Residential Development: Zone C1 Town Centres, St Marychurch and Preston District Centres. Zone C2 out- of-town centre, including The Willows District Centre.

Torbay Community Infrastructure Levy: Revised Draft Charging Schedule

1. Introduction and Background.

This is Torbay's Revised Draft Charging Schedule for the Community Infrastructure Levy (CIL).

The document has been revised in response to representations made on the Preliminary Draft Charging Schedule (PDCS), consultation that took place between December 2011 and February 2012, and the Draft Charging Schedule (DCS) which took place between February and March 2015, as well as subsequent viability evidence.

Representations are sought on this Revised Draft Charging Schedule between Friday 18th March – Friday 29th April. There is no need to repeat representations previously made on the Preliminary or Draft Charging Schedules, as these will be reported to the Independent Examiner conducting the CIL Examination.

Community Infrastructure Levy is a tax levied on development of more than 100 sq m of floorspace, or new-build dwellings. It is intended to help fund the infrastructure needed to support growth in Torbay. It is regulated by the Community Infrastructure Levy Regulations 2010 (as amended).

The Council is intending to charge CIL on residential developments within four charging zones:

- Areas in the built-up area within 20% most deprived area (as indicated in the Indices of Deprivation 2015).
- Elsewhere in the built-up area
- Outside the built-up area
- Future Growth Areas

The built-up area is defined by the area outside Policy C1 "Countryside and rural economy" [or Policy C2 Undeveloped coast](#) areas in the Adopted Torbay Local Plan 2012-30.

Residential schemes [of 15 or more dwellings](#) within Future Growth Areas (as proposed in the Adopted Torbay Local Plan 2012-30) will not be charged CIL. The Council will continue to negotiate S106 Obligations to cover the infrastructure needed to support their development as well as affordable housing.

It is intended to seek CIL on larger out-of- town/district centre retail developments.

All charging zones are based on the viability of development within the zones. Whilst [strategic](#) sites within Future Growth Areas are likely to be viable with CIL, it is considered that S106/S278 Agreements are a more effective mechanism for providing the infrastructure required by development in these areas.

2. Next Steps

This revised Schedule and any Modifications to it will be submitted to, and considered by, an Independent Examiner (such as the Planning Inspectorate). He or she may approve it, reject it or approve it with modifications.

Following receipt of the Examiner's Report, CIL needs to be adopted by Torbay Council.

3. Where to Find Out More

More detailed advice on CIL and the relevant Regulations (with amendments) can be found on the Planning Advisory Service website:

<http://www.pas.gov.uk/community-infrastructure-levy>

The government's online Planning Practice Guidance, Part 25 contains detailed advice on CIL and links to relevant Regulations:

<http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>

Other details about CIL can be found on the Planning Portal's CIL page:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

4. The Torbay Infrastructure Delivery Study and Viability Evidence

Under the CIL Regulations (2010 as amended - most recently in 2015), Charging Authorities are required to publish a charging schedule of CIL rates and to identify items of infrastructure they wish to fund through CIL. Charging Authorities should assess the impact of CIL on viability and set it at a level that will not jeopardise development.

Regulation 14 (1) of the CIL Regulations (as amended) indicates that: *"In setting rates (including differential rates) in a charging schedule a charging authority must strike an appropriate balance between:*

a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and

(b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area".

Torbay Council is the Charging Authority for the Torbay Local Plan area.

Detailed information on the need for infrastructure, estimated funding gaps, and the assessment of viability are contained in the Torbay Infrastructure Delivery Study (Baker Associates/Roger Tym and Partners 2011, Chapter 8). This is published on the Council's website at:

<http://www.torbay.gov.uk/index/yourservices/planning/strategicplanning/evidencebase.htm>

The Viability assessment in this document informed the rates set out in the PDCS (December 2011).

There have been two subsequent viability reports prepared to advise the Council on the viability of development and the scope to seek contributions from developers. The Torbay Local Plan Viability Testing –Economic Viability Report (PBA 2014) was a “whole plan” viability assessment of the policies in the (then) emerging Torbay Local Plan. This assessment informed the DCS (February 2015).

The most recent viability assessment is the **Torbay CIL Viability Study Economic Viability Report (Peter Brett Associates, January 2016)**. This was carried out when the Local Plan Inspector’s Report had been received (October 2015) and the Local Plan with Modifications was nearing adoption. It assessed the scope to levy CIL taking into account the policy requirements (including affordable housing and space standards) in the Adopted Torbay Local Plan 2012-30.

The 2016 Report is published on the Council’s website at:

<http://www.torbay.gov.uk/index/yourservices/planning/strategicplanning/local-viability-report-16.pdf>

The updated viability report advised that viability had reduced slightly for smaller residential schemes, extra care units and retail development. This advice is reflected in the CIL rates recommended in this Revised Schedule. The Viability Update also advised that residential developments of more than 4 dwellings had sufficient headroom to pay CIL of £78 per sq m. The Draft Charging Schedule has not increased the rate above £70 previously consulted upon for sites within the built up area, in order to avoid undue burdens being placed upon smaller developments.

Following further consideration of viability evidence, it was considered appropriate to charge a lower CIL rate in areas of lower housing viability. The 20% most deprived Lower Super Output Areas (LSOAs) in the Indices of Deprivation 2015 are taken as an indicator of areas of lower viability.

5. The CIL and the new Torbay Local Plan 2012-30 - A landscape for success.

CIL is intended to help provide infrastructure needed to deliver growth and should normally be worked up and tested alongside the Local Plan. A key comment on the CIL Preliminary Draft Charging Schedule consultation in 2012 was that CIL would be premature until the new Local Plan is adopted.

The new “Torbay Local Plan 2012-30 and beyond: A landscape for success” was adopted by Council on 10th December 2015.

This consultation is not about growth levels or potential sites for development. However it is clear that Torbay will experience an infrastructure funding gap. In particular the South Devon Highway (formerly South Devon Link Road) is a key element in improving Torbay’s economic prospects. This was opened in December 2015, but the bulk of the £20 million borrowed by the Council to help fund it remains to be raised.

6. Who pays CIL?

CIL applies to developments that create more than 100 sq m gross internal floorspace of new development, minus the floorspace of any demolished buildings (so long as these have been in lawful use for at least 6 months out of the last three

years). New-build houses or flats are also liable to CIL even if less than 100 sq m, unless built by a “self-builder” and an exemption is obtained.

CIL only applies to places where people usually go, so does not cover buildings such as electricity sub-stations or plant room.

Social housing (as defined in the CIL Regulations) is exempt, as are charities so long as the development is used for charitable purposes. CIL is not collected if it would be less than £50.

Note that CIL is payable on qualifying developments whether they require express planning permission or are permitted under the General Permitted Development Order (as amended), Prior Approval, Local Development Orders (LDOs) etc.

CIL will be used to help fund major infrastructure projects set out in the key infrastructure projects list (“Regulation 123” List). Should other infrastructure needs arise that require CIL funding, the Council will publish a revised Regulation 123 List.

A “neighbourhood portion” of CIL must be spent in the neighbourhood in which CIL arises. When Neighbourhood Plans have been “made” (i.e. adopted following approval at a local referendum), this will be 25%. The proportion will be 15% until Neighbourhood Plans are approved at referendum.

In the case of Brixham, the money will be passed directly to the Town Council. For the “unparished” parts of Torbay (i.e. everywhere except Brixham Town Council area), the Council will hold the money and spend it on matters agreed with the local communities. This will be used to support the infrastructure priorities identified by Community Partnerships and Neighbourhood Forums.

7. Social housing and Self-Build Housing Exemptions

Social housing (as defined in Regulation 49 of the CIL Regulations (as amended)) and self-build/custom-build housing have a mandatory exemption from CIL.

Self-build/custom-build housing is defined in the CIL Regulations (as inserted in 2014). Section 54 of the CIL Regulations (Amendment) 2014 sets out procedures that must be followed in order for self-build exemption to apply. ***Exemption can only be claimed before development is commenced.***

8. Torbay’s Proposed Approach to CIL: Residential Development

The Revised Draft Charging Schedule sets out four residential Charging Zones:

- 1) Built-up areas with lower development viability due to deprivation.** Residential developments of 1-3 dwellings within areas of deprivation (Charging Zone 1) will not be charged CIL (i.e. they will be zero rated). Larger sites will be charged CIL. This zone is defined as Lower Super Output Areas (LSOAs) within the built-up area which are within the 20% most deprived LSOAs in England in the Indices of Deprivation 2015. S106 Obligations will be sought to address site acceptability matters, and to make development legal in terms of its impact on Habitats Regulations matters etc.

- 2) **Elsewhere in the built-up area.** Residential development will be charged CIL. The built up area is defined as areas outside the Policy C1 “Countryside and rural economy” area or Policy C2 “Undeveloped coast area” in the Adopted Torbay Local plan 2012-30, that are not within Zone 1 or a Future Growth Area.
- 3) **Outside the built-up area.** Residential development will be charged CIL. This applies to areas within the Policy C1 “Countryside and rural economy” area or Undeveloped coast area within Policy C2.
- 4) **Future Growth Areas** as defined by Adopted Local Plan Policy SS2 and related Strategic Development Policies. This includes the small parts of Future Growth Areas that are within deprived LSOAs. ~~These~~ Sites of 15 or more dwellings will be zero-rated for CIL, but S106/S278 Agreements will be sought to provide infrastructure and affordable housing in these areas. CIL will be sought proposals of 1-14 dwellings at £70 per sq m.

Strategic development within Future Growth Areas will require strategic infrastructure serving the development. ~~Such sites~~ Most applications in Future Growth Areas are likely to be larger in scale, so S106 pooling restrictions are less likely to prevent the delivery of key infrastructure. In addition, S106 Obligations are likely to be required for affordable housing on these sites.

The Council's residential charging zones for CIL are set out in Figures 1-4 below.

Figure 1: Residential Charging Zone 1: Built-up areas within the 20% most deprived LSOAs (excluding Future Growth Areas).

CIL Revised Draft Charging Schedule and relationship to S106 Obligations: Residential Development (Use Classes C3, C4 and Sui Generis Hostel. See Note 1)

	S106	CIL
Developments of 1-3 net new dwellings	Zero, except for direct site acceptability matters. (Including access, direct highway works, flooding and biodiversity, matters to make development acceptable in terms of Habitats Regulations and other legal matters).	Zero
Developments of 4 -14 net new dwellings.	Zero, except for direct site acceptability matters (see above). Note that affordable housing may be sought on greenfield sites of 3 or more dwellings (see Note 2).	£30 per sq m of chargeable floorspace.
Developments of 15+ net new dwellings.	Zero, except for direct site acceptability matters (see above). Note that affordable housing is sought on sites of 15+ dwellings (see Note 2)	£30 per sq m of chargeable floorspace

Figure 2: Residential Charging Zone 2: Outside 20% Most Deprived LSOAs, and within the Built Up Area (see Note 3)

CIL Revised Draft Charging Schedule and relationship to S106 Obligations: Residential Development (Use Classes C3, C4 and Sui Generis Hostel) See note 1.

	S106	CIL
Developments of 1-3 net new dwellings	<p>Zero, except for direct site acceptability matters. (Including access, direct highway works, flooding and biodiversity, matters to make development acceptable in terms of Habitats Regulations and other legal matters).</p> <p>Note that affordable housing is sought on greenfield sites of 3 or more dwellings (see Note 2).</p>	£30 per sq m of chargeable floor space.
Developments of 4 -14 net new dwellings.	<p>Zero, except for direct site acceptability matters (see above).</p> <p>Affordable housing on greenfield sites, usually by contribution on sites of fewer than 10 dwellings (see note 2).</p>	£70 per sq m of chargeable floor space.
Developments of 15+ net new dwellings (excluding Future Growth Areas)	<p>Zero, except for direct site acceptability matters (see above).</p> <p>Affordable housing is sought on sites of 15 plus dwellings. See Note 2.</p>	£70 per sq m of chargeable floor space.

Figure 3: Residential Charging Zone 3: Outside the Built Up Area (i.e. within the Countryside Area or Undeveloped Coast).

CIL Revised Draft Charging Schedule and relationship to S106 Obligations: Residential Development (Use Classes C3, C4 and Sui Generis Hostel (see note 1)).

	S106	CIL
Developments of 1-3 net new dwellings	<p>Zero, except for direct site acceptability matters. (Including access, direct highway works, flooding and biodiversity, matters to make development acceptable in terms of Habitats Regulations and other legal matters).</p> <p>Note that affordable housing is sought on greenfield sites of 3 or more dwellings (see note 2).</p>	£70 per sq m of chargeable floor space.
Developments of 4 -14 net new dwellings	<p>Zero, except for direct site acceptability matters (see above).</p> <p>Affordable housing on greenfield sites, usually by contribution on sites of fewer than 10 dwellings (see note 2).</p>	£70 per sq m of chargeable floor space.
Developments of 15+ net new dwellings (excluding Future Growth Areas)	<p>Zero, except for direct site acceptability matters (see above).</p> <p>Affordable housing is sought on sites of 15 plus dwellings (see note 2).</p>	£140 per sq m of chargeable floor space.

Figure 4: Residential Charging Zone 4: within Future Growth Areas

CIL Revised Draft Charging Schedule and relationship to S106 Obligations: Residential Development (Use Classes C3, C4 and Sui Generis Hostel) See note 1.

	S106	CIL
<u>Developments of 1-14 net new dwellings</u>	<p><u>Zero, except for direct site acceptability matters (see above).</u></p> <p><u>Note that affordable housing is sought on greenfield sites of 3 or more dwellings (see note 2).</u></p>	<u>£70 per sq m of chargeable floor space.</u>
Developments within Future Growth Areas (Local Plan Policy SS2)	<p>S106 Contributions to cover infrastructure needed to make development sustainable. Likely to include:</p> <ul style="list-style-type: none"> • Direct site acceptability matters. • Affordable Housing (see Note 2). • Sustainable development contributions necessary to make the development acceptable in planning terms. 	Zero

Notes to Residential Charging Schedule tables

Note 1: Residential includes dwellings within Use Classes C3 and C4 and sui generis Houses in Multiple Occupation. It includes sheltered housing, where extra care is **not** provided. Extra care housing and student halls of residence will be zero rated for CIL, so long as secured for such use through condition or legal agreement.

Social Housing, as defined by Regulation 49-50 of the CIL Regulations, is exempt from CIL where the requirements of the CIL Regulations have been met.

Self-build and custom-build housing are exempt from CIL so long as an exemption is claimed before the commencement of development. See PPG 25-141-20140612.

Charitable institutions, e.g. churches are exempt from CIL, so long as the development is used primarily for charitable purposes. (See Regulations 43-44 of the CIL Regulations).

Note 2: Affordable housing requirements are set out in Policy H2 of the Adopted Torbay Local Plan 2012-30. An element of affordable housing is sought on greenfield sites of 3 or more dwellings and brownfield sites of 15 or more dwellings. However, this may be reduced to zero in areas of deprivation, where this would encourage investment.

Note 3 Outside the built up area is defined as areas within the Countryside and the rural economy area (Policy C1) or Undeveloped coast (Policy C2) in the Adopted Torbay Local Plan 2012-30. The built up area is defined as areas not so designated.

9. Torbay's Proposed Approach to CIL: Commercial Development

It is proposed to seek CIL on out-of-town centre retail and food and drink development of more than 300 sq m at £120 per sq m). This is a slightly lower rate to that set out in the Preliminary and first Draft Charging Schedules, and is based on the viability evidence noted above.

Where retail proposals are submitted as part of major mixed use developments, the Council may offer exceptional relief (as set out in Section 16 below) if this would secure a more sustainable and viable development, particularly where it would secure the early delivery of serviced employment land.

The Council's viability evidence (see above) indicates that town centre retail would not be viable with CIL. This viability position also applies to St Marychurch and Preston District Centres; but not The Willows District Centre, which operates as an out-of-town retail park.

The viability evidence indicates that other commercial/ employment uses would not be viable with a CIL.

Figure 5 sets out a draft CIL for commercial development. The Charging Zones Map are included at Appendix 1.

Figure 5 CIL Revised Draft Charging Schedule: Commercial and Non Residential Development		
Type of Development	Development Charging Zone	
	1) Town Centres, St Marychurch and Preston District Centres	2) Everywhere else (including The Willows District Centre).
Class A1 retail. less than 300 sq m	Nil	Nil
Class A1 retail over 300 sq m. (see Note 2).	Nil	£120 per sq m
Food and drink (Class A3, A4, A5) (see note 3).	Nil	£120 per sq m
Class A2 Financial and Professional services	Nil	Nil
Class B employment uses	Nil	Nil
Class D1 Non-residential institutions (see Note 3).	Nil	Nil
Class D2 Assembly and leisure/non residential institutions (see Note 3).	Nil	Nil
Class C1 Hotels	Nil	Nil
Class C2 and C2A Residential Institutions (see Note 4).	Nil	Nil
Note 1: Charitable institutions, e.g. churches are exempt from CIL, so long as the development is		

used primarily for charitable purposes. (See Regulations 43-44 of the CIL Regulations).

Note 2: Applies to all A1 retail uses including bulky retail.

Note 3: S106 contributions may be sought where a development has an effect on non-CIL chargeable matters, such as the night time economy; or where site specific mitigation measures are required such as for access.

Note 4: Care Homes are only taken to be non-self contained accommodation for persons who, by reason or age or infirmity, are in need of care. Extra care units are also zero- rated for CIL purposes. Sheltered or retirement dwellings which have their own bathroom and cooking facilities (i.e. are essentially self-contained), and are not extra care units, will be considered to be residential within Use Class C3.

10. CIL and S106 Obligations Policy

The Council will still make use of S106 Obligations alongside CIL in order to secure sustainable development. These must meet all of the following tests. They must be:

- a) Necessary to make development acceptable in planning terms.;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

After 6 April 2015, it was no longer permissible for more than five S106 obligations for infrastructure matters to be pooled (i.e. collected for one specific project). This does not apply to non- infrastructure items that are not fundable through CIL, such as affordable housing, training, or town centre management.

S106 Obligations may still be used to secure infrastructure, so long as they meet the above tests, and the Council has indicated that they do not intend to fund that item through CIL.

Full details of S106 Obligations will be set out in a revised Supplementary Planning Document. This will set out how planning obligations will be targeted on delivering the new Local Plan's growth strategy. It will provide more details on the implementation of affordable housing and green infrastructure. Particular attention is drawn to the need to alleviate flood risk and combined sewer overflows, and to protect priority species such as greater horseshoe bats and cirl buntings.

11. CIL Chargeable residential developments and S106 Obligations

CIL will be sought on residential developments outside Future Growth Areas (excluding sites of 1-3 dwellings in deprived SOAs), [and proposals of 1-14 dwellings within Future Growth Areas](#). On these sites S106 Obligations only will be sought where they are directly necessary to making development acceptable in terms of direct on- and off-site impact (e.g. access, drainage, biodiversity and flooding).

Where possible such matters will be addressed through planning conditions rather than S106 Obligations.

Note that an element of affordable housing is sought on greenfield sites of 3 or more dwellings, and brownfield sites of 15 or more dwellings, as set out in Policy H2 of the Adopted Torbay Local Plan.

12. Residential development in Future Growth Areas and S106 Obligations

S106 Obligations will be negotiated with developers to secure affordable housing and provide the infrastructure needed for larger residential, commercial and mixed use schemes within Future Growth Areas. This includes but is not necessarily limited to:

- Direct site acceptability matters (biodiversity, flood prevention, access etc). Affordable housing (as per Policy H2 of the Adopted Local Plan).
- Sustainable development contributions (education, lifelong learning, sustainable transport, green infrastructure, recreation, employment etc).

All such contributions will be subject to the tests of lawfulness (see above) and pooling restrictions, on infrastructure items. Where practicable to do so, S278 Highways agreements will be used to carry out improvement to the highway.

Further details will be set out in a revised Supplementary Planning Document.

13. Non- residential development and S106 Obligations

S106 Obligations may be sought from commercial and other non-residential developments, so long as they meet the tests above and are not items identified in the Regulation 123 List as being funded through CIL.

This includes direct site acceptability matters (access, biodiversity, flooding etc), and dealing with the traffic impacts of proposals through sustainable transport. S106 Obligations will be sought to address other impacts of non-residential proposals.

For example where a development has an impact on regulating the night time economy, it could be the subject of a S106 Obligation towards CCTV or town centre management.

Further details will be set out in a revised Supplementary Planning Document

14. Calculating the chargeable amount of CIL

CIL will be calculated by multiplying the CIL rate by chargeable floor area and an inflation measure as follows:

$CIL = CIL \text{ rate} \times \text{gross internal floor area} \times \text{inflation measure.}$

The inflation measure is calculated by the increase in the RICS' Building Cost Information Service all-in tender price index from the base year to the date when permission is granted.

15. "Assumed Liability" and Commencement Notices

Ultimate liability for CIL runs with the land; however the CIL Regulations encourage someone to assume liability to pay. It is expected that the developer will often "assume liability". Where developers have assumed liability, they are required to submit a commencement notice to the Council prior to starting development.

CIL becomes payable from the date that chargeable development is commenced. When planning permission is granted, the Council will issue a liability notice setting out the amount payable and the payments procedure, including instalments where the amount payable is more than £5,000 (see below).

Where no one has indicated that they "assume liability", and/or no commencement notice is submitted by the developer, 100% of CIL is payable within 60 days of commencement of development. This will be identified through the Council's monitoring process and an inflation measure (as above), and recovery cost, will be applied to late payment.

16. Instalments Policy

In order to make CIL more affordable, taking developers' cash flow into account, CIL may be paid by instalments as set out below.

Instalments only apply where liability for CIL has been assumed and a commencement notice issued before development commences. Where this is not the case, 100% of CIL becomes payable within 60 days of commencement.

- **Where CIL is less than £5,000:** 100% within 9 calendar months of commencement of development.
- **Where CIL is more than £5,000:**
 - 25% within 9 calendar months of commencement of development.
 - 25% within 18 calendar months of commencement of development.
 - 25% within 24 calendar months of commencement of development.
 - 25% within 30 calendar months of commencement of development.

CIL payable is linked to inflation using the RICS' Building Cost Information Services all-in tender price index of construction. Therefore earlier repayment of CIL Instalments is encouraged.

Note that in CIL terms, development is considered to have been commenced when any material operation begins on the land. Developers are required to submit a Commencement Notice before development commences. If they do not do this, the Council will not be able to offer payment by instalments or CIL Relief.

17. Exceptional Circumstances Relief Policy

CIL is not intended to be a negotiated item. The CIL Regulations grants mandatory relief for charities, self- build, social housing etc.

In order to avoid exceptional circumstances rendering development unviable, the Council will consider offering "exceptional circumstances relief" where:

- The chargeable development is being carried out pursuant to a planning permission that is subject to an enforceable s106 Obligation that makes the development acceptable in planning terms; and
- Evidence (in the form of an assessment of viability) is provided to demonstrate that paying the full levy would have an unacceptable impact on the development's economic viability; and
- The relief must not constitute notifiable state aid (see PPG paragraph 25-129), **unless** the development would otherwise be eligible for mandatory charitable relief.

As noted above, the Council will consider granting exceptional relief to retail elements of large mixed use schemes where this would secure a more sustainable and viable development, particularly the early delivery of " Use Class B" employment land (and the above criteria are met). Similarly, the Council will consider granting exceptional relief where developments would assist in the delivery of town centre masterplans or early delivery of (Class B) employment. The criteria noted above must apply (i.e. there must be a s106 Obligation in place and a viability assessment

has been carried out to indicated that the impact of CIL would render development unviable.

Independent assessments of viability should be carried out at the applicant's expense.

Further details of the Council's arrangements for assessing viability will be set out in a new Supplementary Planning Document dealing with developer contributions.

CIL relief must be sought before the commencement of development. This applies to both mandatory and discretionary relief.

Payments in kind of land or infrastructure may be accepted in lieu of cash payment of CIL where they will assist with the delivery of items on the Regulation 123 list *and* comply with the legal requirements (currently set out in regulation 73A of the CIL Regulations).

18. State Aid

The proposed CIL rates are derived from the supporting viability evidence and strike an appropriate balance between the desirability of funding infrastructure to support development in Torbay while ensuring that the rates do not prevent development from coming forward. The proposed basis for charging CIL in Torbay is based on viability evidence and no competitive advantages are identified for any development type or organisation which would give rise to any implications with regard to State Aid.

19. Review of CIL

The Council will keep CIL rates under review. If there are significant changes to the viability of development, CIL will be revised in accordance with the process set out in the CIL Regulations.

20. Draft “Regulation 123” List of Key Infrastructure Projects proposed to receive CIL

It is intended to use CIL to help fund the following items set out in the draft Regulation 123 List below. Accordingly, S106 Obligations will no longer be sought towards these items. The Council will publish a revised Regulation 123 List should other matters arise that need to be funded through CIL.

CIL Critical Infrastructure Item	Total Cost	Funding Shortfall
South Devon Highway	£130m	£20 Million
<p>Impacts on South Hams Special Area of Conservation (Berry Head to Sharkham Point, Brixham) arising from:</p> <ul style="list-style-type: none"> Recreational impacts on limestone grassland; <u>and</u> The need to increase resilience of the greater horseshoe bat colony through enhancements and monitoring of roosts and habitats; <p><u>arising from developments that have paid CIL chargeable developments outside Future Growth Areas.</u></p> <p><u>An element of CIL spending will be prioritised to address off site SAC matters from developments that have paid CIL.</u></p>	<p>£2m</p> <p><u>Including a need to ring fence £20,000 per annum to contribute towards addressing likely significant effects on the SAC</u></p>	£2m

Appendix 1 Charging Zones Maps

Map 1. Residential Charging Zones

Zone 1: Urban areas within the 20% most deprived SOAs (Excluding Future Growth Areas).

Zone 2: Outside 20% most deprived SOAs, and within the Built-Up-Area

Zone 3: Outside the Built Up Area (i.e. within the Countryside Area)








Zone 4: Future Growth Areas

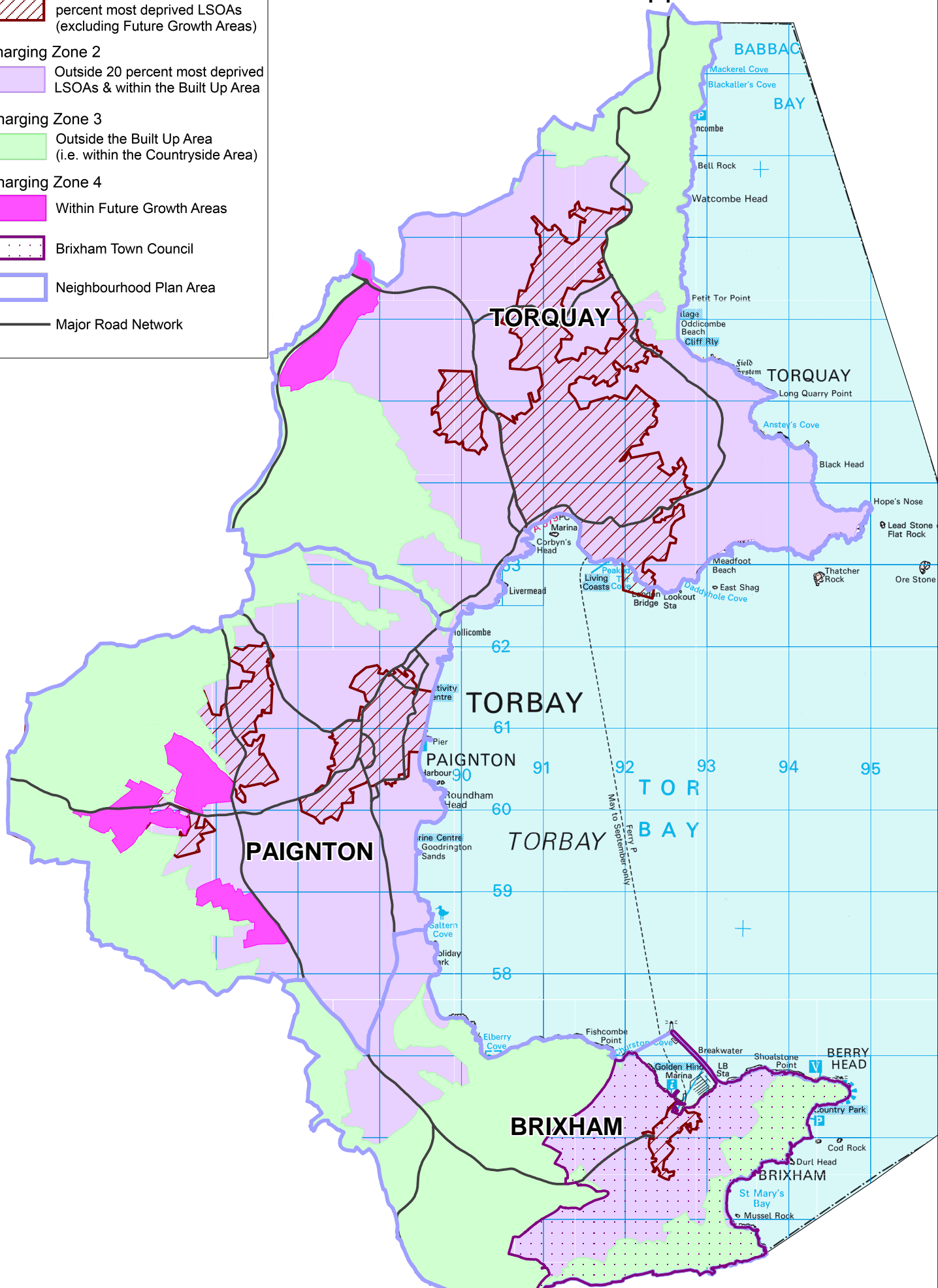
Map 2. Commercial Development Charging Zones:

Zone C1 Town Centres, St Marychurch and Preston District Centres.


Zone C2 out-of-town centre and The Willows District Centre.


Torbay CIL Residential Charging Zones


- Charging Zone 1
 Urban areas within the 20 percent most deprived LSOAs (excluding Future Growth Areas)
- Charging Zone 2
 Outside 20 percent most deprived LSOAs & within the Built Up Area
- Charging Zone 3
 Outside the Built Up Area (i.e. within the Countryside Area)
- Charging Zone 4
 Within Future Growth Areas
-  Brixham Town Council
-  Neighbourhood Plan Area
-  Major Road Network





Agenda Item 23 Appendix 4 Torbay CIL Commercial Charging Zones

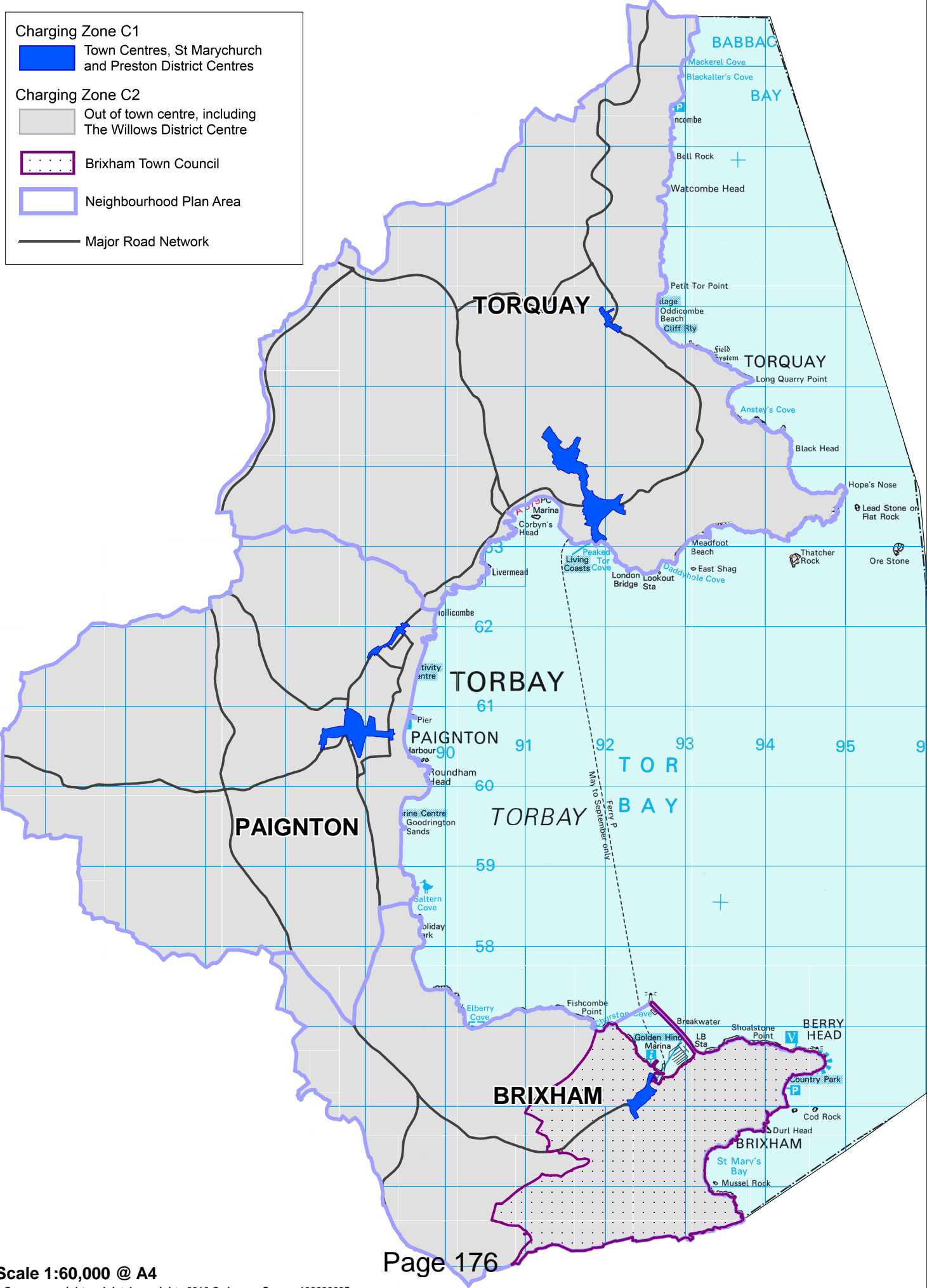
Charging Zone C1
 Town Centres, St Marychurch and Preston District Centres

Charging Zone C2
 Out of town centre, including The Willows District Centre

 Brixham Town Council

 Neighbourhood Plan Area

 Major Road Network



Community Infrastructure Levy Regulations 2010 (As Amended)

Consultation Statement and Torbay Council's response to representations made on the Preliminary, Draft and Revised Draft Charging Schedules.

Page 177

Torbay Council March 2016

Torbay Council CIL Consultation Statement.

Community Infrastructure Levy (CIL) is governed by the CIL Regulations 2010 (as amended). These require the publication of a Preliminary Draft Charging Schedule (PDCS) followed by a Draft Charging Schedule (DCS). Following consultation on the DCS, the CIL is submitted to the Secretary of State for examination by an independent examiner. Torbay's CIL is currently at the Submission stage. The Council undertook additional consultation of a Revised Draft Charging Schedule between 18th March- 29 April 2016.

The Preliminary Draft Charging Schedule (PDCS) was the subject of consultation between 9th December 2011 and 6 February 2012. Thirteen organizations, developers or individuals made representations.

The main issues raised in the PDCS consultation were as follows:

- The CIL should be based upon an up to date development plan.
- CIL at the proposed rate of £100 per sq m was too high and would harm viability
- Impact of CIL upon affordable housing
- Detailed comments on CIL viability and the need to test the impact of all Local Plan policies upon viability.
- The need to define the relationship between CIL and S106 Obligations.
- The development industry supported instalments policies but argued that they should be based on completions rather than being time limited.
- Exceptional Circumstances relief should be given.
- The “meaningful proportion” of CIL spent locally should be as high as possible.
- Objections to varying CIL rates for retail uses-should be set by use class.
- Objections to treating The Willows as an out of centre area.

The representations to the PDCS, and the Council's response are set out in full below. The Council accepted that CIL should be based on an up to date development plan and that the Draft Charging Schedule (DCS) should be postponed until the Torbay Local Plan was closer to adoption. In addition further viability testing of the impact of the emerging Local Plan policies upon viability was carried out (PBA 2014).

Because of the potential conflict between CIL and delivering affordable housing on larger sites, the DCS adopted an approach of seeking CIL on smaller sites (up to 15 dwellings) and S106 obligations on larger sites.

The Draft Charging Schedule (DCS) was published for consultation between 9th February - 23rd March 2015. Eleven organisations or developers made representations on the DCS. These are summarized in detail at appendix 2 along with the Council's response.

The main issues raised at the DCS were as follows:

- Need to ensure that impacts of development upon the Berry Head SAC are satisfactorily mitigated.
- The Council should be aware of pooling restrictions on S106 Obligations
- Need to further update viability evidence following changes to CIL Regulations
- Need to indicate expected revenue from CIL
- Concern from Neighbourhood Forums that levying CIL on smaller sites could be a disincentive to brownfield developments.
- Objection to treating The Willows separately from other district centres.
- Define circumstances when Exceptional relief should be given.

Fewer representations were made on the DCS regarding the viability of CIL. However the Council considered that it would be appropriate to update its viability evidence to assess the impact of policies in the adopted Local Plan (PBA 2016).

Following the DCS and updated viability evidence, a number of **Modifications** were proposed to the DSC. These are set out in full in the Appendix to the DCS. In summary the changes are as follows:

- Exclude sites of 1-3 dwellings from CIL.
- Continue to seek CIL on sites of 4-14 dwellings. The headline residential rate was kept at £70 per sq m, which is slightly below the rate advised by PBA as being achievable (£78)
- Continue to seek s106 obligations to achieve infrastructure on larger sites (15+ dwellings).
- Reduce the rate of out of centre retail CIL from £150 per sq m to £120 based on viability evidence.
- Note that extra care accommodation is zero rated for CIL, based on viability evidence.

These Modifications reduce the impact of CIL upon development based on updated viability evidence. On this basis, the Council's view is that there is no need (or indeed provision within the CIL Regulations) to re consult upon CIL.

The CIL Regulations require the Submission of CIL to be advertised and interested parties to be notified of the CIL examination. Anyone who wishes to is entitled to appear at the CIL examination.

The Revised Draft Charging Schedule (RDCS) was published for consultation between 18th March- 29 April 2016. It followed Member requests to reconsider charging zones to minimise impact on less viable small developments, whilst ensure that more viable development higher value areas contributes fairly to CIL.

Paignton and Torquay neighbourhood Forums objected to the exclusion of sites within Future Growth Areas and the effect of this upon the neighbourhood portion of CIL. In addition Paignton Neighbourhood Forum argued that it would give out of town greenfield sites an advantage over brownfield sites.

Note that the consultation period had not expired by the report deadline for Council. On this basis later representations will be reported to Council by the Executive lead for Planning, Transport and Housing.

However it is recommended that two Modifications are made to the RDCS at submission:

- Include the undeveloped coast (Policy C2 of the Adopted Local Plan) as being land defined as being outside the built up area. Such areas are likely to have higher land values than land in the built up area.
- Seek CIL on developments of 1-14 dwellings within Future Growth Areas. (Larger sites of 15+ dwellings would still contribute to infrastructure via s106 Obligations).
- An element of CIL will need to be ring fenced where this is necessary to address Habitats Regulations requirements. It is assessed that this ring fenced element would be about £20k per year

Note that consultation on the RDCS runs until 29 April 2016, and late comments (and any resulting Modifications) will need to be reported to Council by the Executive lead for Planning, Transport and Housing.

Torbay Council Response to the Community Infrastructure Levy Preliminary Draft Charging Schedule by Person/Organisation. May 2015

This section sets out the Council's summary of the consultation responses to the Community Infrastructure Levy Preliminary Draft Charging Schedule and Regulation 123 List of projects that were intended to receive Funding, together with the Council's response.

These were the subject of public consultation between 9th December 2011 and Monday 6th February 2012. This document lists responses by the organization/person who made comments. The representations informed the content of the Draft Charging Schedule (DCS), which was published for consultation in February –March 2015.

The Torbay CIL Viability Study was published in January 2016. A number of Modifications to the CIL are proposed in response to this updated viability evidence. These changes exclude sites of 1-3 dwellings from CIL and reduce the rate of CIL for retail developments (to £120 per sq m). The Council's response reflects the position at February 2016 (i.e. the proposed Modifications to the Draft CIL).

CIL Preliminary Draft Charging Schedule: Summary of responses and comments received			
No.	Person/Organisation	Summary of representations made	LPA Response
1	National Farmers Union (Emma Woodhouse).	CIL should not apply to agricultural buildings.	<p>Noted. CIL would not apply to buildings used for agriculture, as (1) They may not be places where people usually go. (2) There would be no uplift above agricultural values.</p> <p>Whilst CIL may be charged on farm shops and other non-agricultural uses on farms subject to viability, such uses are unlikely to be more than 300 sq m.</p>
2	Woodacre Constructions Ltd - Andrew Robson	Object – Would harm viability of small house builders.	<p>Concern noted. There are advantages of seeking CIL from small developers in terms of reducing the need for s106 Obligations.</p> <p>Note that the 2016 Viability update recommended a zero rate of CIL for sites of 1-3 dwellings and the submission version of the Draft Charging scheduler has been modified accordingly.</p>
3	Tetlow King for South West Housing Associations and Registered Providers	(1) Object that £100 per sq m CIL would reduce Affordable Housing provision.	<p>Noted – there is a trade off between high CIL and affordable housing. This is a choice that Members need to decide upon. There are pressing infrastructure priorities as well as a need for affordable housing.</p> <p>Adopting a hybrid approach of charging CIL on smaller sites (instead of S106 contributions) and using s106 Obligations on larger sites will reduce the conflict between CIL and affordable housing.</p>

Page 182

3	Tetlow King for South West Housing Associations and Registered Providers (cont)	(2) Support instalments Policy – should be based on occupation (not completion).	Support for instalments noted. Disagree that it should be based on occupation as this would remove an incentive to complete developments.
3	Tetlow King for South West Housing Associations and Registered Providers (cont)	4) Do not support affordable housing being provided through CIL: There would be no ring fencing. Better to keep as on-site provision through S106 Agreements.	Noted. Agree that it would raise practical difficulties to use CIL for on-site provision of affordable housing. Affordable housing is expressly excluded from CIL.
4	PCL Planning for Strategic Land Partnerships & Mr Burrows.	CIL was devised during buoyant years. Essential that CIL is set at a rate that reflects economic hard times. Critical that CIL reflects viability.	<p>Agree. However the Infrastructure Delivery Study's viability modelling was carried out during the downturn (201, 2014 and January 2016).</p> <p>The submission draft Charging Schedule is supported by an up to date Viability assessment and sets a rate slightly below the maximum rate recommended as achievable.</p>
4	PCL Planning for Strategic Land Partnerships & Mr Burrows (cont).	£100 per sq m is too high.	The Draft Charging schedule revised the figure downwards to £70 per sq m
4	PCL Planning for Strategic Land Partnerships & Mr Burrows (cont).	CIL consultation is premature – it cannot precede the Core Strategy.	<p>Noted. CIL must be based on an up to date development plan. Therefore development of CIL was postponed until the Torbay Local Plan 2012-30 was adopted.</p> <p>Paragraph 175 of the NPPF states that “Where practical, CIL charges should be worked up and tested alongside the Local Plan”. Preparation of the CIL including consultation on the DCS was able to proceed in parallel with the Local Plan.</p>

4	PCL Planning for Strategic Land Partnerships & Mr Burrows (cont).	<p>Support Phasing and Instalment Policy.</p> <p>Instalments should be based on completion, <u>not</u> time.</p>	<p>Support for instalments noted. Disagree that it should be based on occupation as this would remove an incentive to complete developments.</p>
4	PCL Planning for Strategic Land Partnerships & Mr Burrows (cont).	<p>Support principle of viability testing but have detailed objections to methodology in Peter Brett and Associates viability study:</p> <ul style="list-style-type: none"> -Object that benchmark values in viability report are too high. -Landowners will not accept residual values in viability report. -CIL viability study does not take abnormal costs into account. - Viability study based on charging up the margin of viability. CLG Guidance indicates that CIL should not be set right up to the margins of viability. (CLG 2010, para 29 P10). - Government Policy is that Councils should encourage development and minimise barriers to growth e.g. By setting low CIL rates. -Benchmark value for acceptable return is too low. Do not reflect historic transactions or level of risk in 	<p>Part agree. The PBA viability study considered a range of sites and took account off differing costs. However, agree that it tested viability close to the margin and CIL Guidance/NPPF indicates that CIL should be set at a level to incentivise development.</p> <p>In the current climate there is some justification that Banks will require more than 18-20% return in order to lend. This supports the case for a lower interim CIL until the market picks up.</p> <p>Subsequent to the PDCS, viability has been reassessed by updates in 2014 and early 2016. The 2016 Viability Update assesses that a maximum CIL of £78 per sq m would be achievable (65.5% of total headroom).</p> <p>The DCS proposes a charge of £70, which is 58.8% of available headroom for sites of 4-14 dwellings.</p>

		<p>current climate.</p> <p>-Object to use of notional sites – better to assess actual sites.</p> <p>Developer return of 18-20% is too low. 25% or more is the accepted trigger for developer returns in most situations”.</p> <p>Evidence provided of returns per developers.</p>	
4	PCL Planning for Strategic Land Partnerships & Mr Burrows (cont).	CIL levels sought (at £100 per sq m) will reduce levels of affordable housing delivered.	Noted – see Tetlow King’s comments above. Negotiating large sites through S106 will
4	PCL Planning for Strategic Land Partnerships & Mr Burrows (cont).	CIL Charging Schedule should clarify what CIL is expected to cover and what other cumulative impacts it does not, i.e. S106 Contributions.	<p>Issue noted. Whilst the Viability assessments have factored in the Council’s affordable housing requirement, it is noted that a high CIL is likely to be at the expense of affordable housing.</p> <p>The Council’s preferred approach in the Draft Charging Schedule is to negotiate larger sites through S106 Obligations, which will allow affordable housing to be given due priority.</p>
4	PCL Planning for Strategic Land Partnerships & Mr Burrows (cont).	Current use of S106 contributions exceeds CIL Regs and is unlawful.	<p>Noted – but disagree that current use of S106 is unlawful. Update 3 to the Planning Contributions SPD seeks to ensure that the CIL Regs tests of lawfulness/NPPF paragraph 204 are met.</p> <p>The approach in the DCS of seeking S106 obligations for larger sites will avoid most instances of pooling restrictions.</p>

4	PCL Planning for Strategic Land Partnerships & Mr Burrows (cont).	Object that other cumulative costs have not been modelled e.g. lifetime homes, code for Sustainable Homes. These may be introduced by Core Strategy.	Noted but disagree- the PBA viability assessment does consider Code for Sustainable Homes and affordable housing. The Viability assessment has been updated to consider the impact of the whole plan upon viability.
4	PCL Planning for Strategic Land Partnerships & Mr Burrows (cont).	Need for more consultation with the development industry.	Noted- there will be further consultation at Draft Charging Schedule stage.
4	PCL Planning for Strategic Land Partnerships & Mr Burrows (cont).	Geographic breakdown needs to be clearly defined on the basis of viability (Great Portland Estate Case)	<p>Noted. There is a trade off between simplicity and seeking to maximise revenue from CIL.</p> <p>Whilst a geographical breakdown for residential would be possible, it would be complicated and viability banding may be somewhat arbitrary given that higher and lower value areas are often closely juxtapositioned.</p> <p>There are higher value areas in Torbay, such as Wellswood and Churston, the amount of development these areas is likely to be relatively limited due to environmental constraints. Any larger schemes that may come forward would be negotiated through S106.</p> <p>Earlier viability assessments (including PBA's 2014 Study) suggested that Brixham was a lower viability area than Torquay and Paignton. However, the 2016 study did not find this.</p>
4	PCL Planning for Strategic Land Partnerships & Mr Burrows (cont).	Recommend a low "interim tariff" e.g. 3 years based on low delivery rates.	<p>Noted. CIL can be reviewed at regular intervals, but amending it would require the Council to comply with the process in the CIL Regulations.</p> <p>Whilst there will always be uncertainty (not least due to international factors), there is more certainty in Torbay in early 2016 due to adoption of the Local Plan and opening of the South Devon Link Road. Therefore, other things being equal, viability should not</p>

			deteriorate- and should improve- in Torbay over the next few years.
5	NLP for Cavanna Homes	Development contributions should mitigate impact of development – but should not undermine viability.	Noted- see above
5	NLP for Cavanna Homes	CIL Proposals, when added to S106 requirements may compromise development viability.	Noted- see above. Viability has been reassessed on a Whole Plan Viability basis. The headline CIL ate has been reduced to £70 per sq m for sites of 4-14 dwellings.
5	NLP for Cavanna Homes	Not sufficiently clear what will be CIL and what will be sought from S106.	Noted. Clarify relation between S106 and CIL. The DCS proposes to limit CIL to smaller sites (subsequently modified to sites of 4-14 dwellings following consultation on the DCS and updated viability evidence). Such sites will not be charged “tariff style” S106 Obligations. The infrastructure needs from larger sites will be sought through S106 Obligations, having regard to the Tests of Lawfulness and pooling restrictions.
Page 187	NLP for Cavanna Homes	Not clear whether CIL will be sought on affordable housing.	CIL Regs currently indicate that affordable housing should be addressed through S106. A Government announcement on whether affordable housing should be funded through CIL.
5	NLP for Cavanna Homes	Object to CIL of £100 per sq m. Will undermine development viability (Particularly if other S106 contributions are sought).	Noted. The headline rate has been reduced to £70 per sq m following updated viability evidence.
5	NLP for Cavanna Homes	Support an Instalment Policy – should reflect/be triggered by completion, <u>not</u> time period.	Issue noted. See above. There is a case for a time trigger as it should help expedite development. Needs to be sufficiently generous to take build out rates into account. The DCS proposes to limit CIL to residential developments of 4-14 dwellings and larger out of centre retail. This should reduce the need

			for complicated phasing arrangements.
5	NLP for Cavanna Homes	'Meaningful proportion' allocated locally needs to be properly accounted for. Local projects should be accounted for in an infrastructure delivery study.	Issue noted. However, the Neighbourhood Portion is intended to be spent in consultation with local neighbourhoods and match priorities expressed by local communities (PPG 25-073-20140612)
5	NLP for Cavanna Homes	Charging schedule should give exceptional circumstances relief.	<p>Noted. CIL Regs stipulate that relief is exceptional and that CIL is not negotiable in the same way as S106 contributions. There are clear conditions that need to be met for CIL relief to apply.</p> <p>The DCS introduced a discretionary Exceptional Relief Policy. It is considered that this could play a useful role in ensuring CIL does not undermine urban regeneration objectives or the role of enabling retail development intended to secure benefits such as the early delivery of (B class) employment.</p>
5	NLP for Cavanna Homes	CIL is premature until a core strategy is adopted.	<p>Issue noted- see above. CILL must be based on an up to date development plan.</p> <p>Based on representations received the Council opted to delay Submission of CIL until the Torbay Local Plan 2012-30 was adopted (December 2015), and updated viability evidence had been carried out (PBA 2016).</p>

Page 189

6	Jeremy Cavanna For Cavanna Homes	<p>Object that CIL is being used to pay for past failure to provide infrastructure CIL should relate to infrastructure needed to meet development needs.</p> <p>Council should revise Reg 123 list to relate to development infrastructure needed by it.</p>	<p>CIL is based on delivering infrastructure required to deliver the Adopted Local Plan (2012-30). Infrastructure such as the SDLR is needed to support the future development and prosperity of Torbay.</p> <p>There is not a requirement for CIL to be used for infrastructure needed to make development acceptable in planning terms (c.f. CIL Regulation 122 Tests for S106 Obligations). Nevertheless the items on the regulation 123 List are closely related to meeting the needs arising from development in Torbay.</p>
6	Jeremy Cavanna For Cavanna Homes	<p>Town Centre uses should contribute to infrastructure costs.</p> <p>Extension of hospital will impact on infrastructure, but will not pay CIL.</p> <p>Non-residential uses are not charged CIL e.g. Employment and leisure.</p>	<p>CIL rates must have regard to development viability. Town centre uses, (NHS) hospitals etc not viable.</p> <p>Where highway, drainage etc infrastructure is directly necessary to making such development work, it can be secured through planning conditions, S278 or S106 Agreements.</p>
6	Jeremy Cavanna For Cavanna Homes	<p>Object that CIL will undermine viability. CIL proposal would render Yannons Farm non viable.</p>	<p>Issue noted. Viability at Yannons Farm is a useful comparison. However the area has at 2016 largely been developed or secured planning permission. It is therefore unlikely to be affected by CIL.</p> <p>The DCS does not in any event not cover large sites in Future Growth Areas. The infrastructure needs arising from such areas are sought through S106 Obligations, conditions and S278 highways agreements.</p>
6	Jeremy Cavanna For Cavanna Homes	<p>CIL should be re-designed to make it cost neutral viz a viz S106.</p>	<p>There is no requirement in the CIL Regs for CIL to be revenue neutral in relation to S106. Instead it should be strike the appropriate balance between the desirability of funding the infrastructure gap to support the development of the area from CIL and the potential effects (taken as a whole) of the imposition of CIL upon the economic viability of development across the area. (Regulation 14 of the CIL Regs (as</p>

			amended)).
6	Jeremy Cavanna For Cavanna Homes	Alternative infrastructure funding mechanisms suggested – Council tax surcharge, New Homes Bonus, Prudential Borrowing.	Noted. Council tax is a separate issue. NHB and prudential borrowing are other ways of funding investment, but do not obviate the need for a CIL.
7	Northern Trust	CIL of £100 per sq m is too high – will harm development viability. Suggest £75 per Sq m.	Noted- see above.
7	Northern Trust	Need to clarify additional impact of S106.	Noted- see above.
Page 190	Northern Trust	<p>Viability evidence is too optimistic:</p> <ul style="list-style-type: none"> -Reasonable uplift factor of 1.5 us too low. Needs to be higher. -Insufficient weight given to other costs that impact on development. -Affordable housing assumptions of 55% OMV are too high. Modelling should assume that affordable homes are sold at build cost. -Code for sustainable homes and other requirements will affect viability. 	<p>Issues noted- see above. Subsequent to the PDCS, the Local Plan has subject to a Whole Plan Viability Assessment and subsequent viability assessment (PBA 2014 and 2016 respectively). These considered all Local plan Policy impacts on viability.</p> <p>CIL has been reduced in line with PBA's findings.</p>
	Northern Trust	There is a need for flexibility in CIL.	Noted. Once set CIL is relatively fixed due to the requirements of the CIL Regs. However it can be amended if viability changes significantly.

7	Northern Trust	Support instalments policy should be based on completion/occupation not time based. Suggest 25% quartiles.	Noted- see above. The DCS proposes levying CIL on smaller developments (and out of centre retail) which should reduce the need for phasing.
7	Northern Trust	“Meaningful proportion” should be 25% to provide local incentives.	Noted: The neighbourhood portion has now been set by Reg 59 at 15% or 25% where a neighbourhood Plan has been Made. Guidance on it is set out in PPG 25-072-20140612.
7	Northern Trust	Object to use of CIL for affordable housing – would affect viability and ability to negotiate on-site provision.	Noted- see above
8	WYG Planning, for Sainsbury’s	Object that different rates between different retail uses are proposed. Object to using floor space threshold.	It is considered that these issues have now largely been clarified. It is agreed that different CIL rates must be based on viability and not policy preferences. The Council’s Viability evidence indicates that there is greater headroom for larger retail uses in out of centre locations to pay CIL.
8	WYG Planning, for Sainsbury’s	£150 per sq m is too high Suggests nil rate for retail development.	Disagree that rate should be zero as out-of –centre retail is potentially viable. Based on PBA’s latest Torbay CIL Viability Study (January 2016) the retail CIL has been modified downwards to £120 per sq m.
8	WYG Planning, for Sainsbury’s	Object that CIL isn’t directly related to development.	CIL does not need to relate directly to development in the same way as S106. However it does support infrastructure needed to support growth in its wider sense.
8	WYG Planning, for Sainsbury’s	Viability assessment was carried out at a difficult stage in the economic cycle.	Agree – It has been updated twice since the PDCS (most recently in January 2016

9	Amythest Property (Mark Scoot)	Object to retail CIL. Should not charge for retail developments over 300 sq m in district or local centre.	<p>The need to ensure that CIL is based on viability, not policy preference is noted.</p> <p>The Economic Viability Report supports levying a CIL on larger out of centre retail developments (para 7.2.3- 8).</p>
9	Amythest Property (Mark Scoot)	£150 per sq m is too high.	See above. It is proposed to modify the DCS to £120 per sq m in line with the most recent Viability Report (January 2016).
9	Amythest Property (Mark Scoot)	Instalments should be phased for 2 years after store opening.	Need to consider instalments are noted, but 2 years after store opening is too lenient. Large supermarkets are unlikely to face same cash flow problems as housing development.
10	Stephen Ashworth, SNR Denton	Need to base CIL differentials on viability evidence. Failure to do so could result in State Aid.	Noted-need to base differential rates on viability.
9	Stephen Ashworth, SNR Denton	CIL should be set at a level which does not prejudice affordable housing deliver – parliamentary commitments made to this effect.	<p>Noted. Paragraphs 50 and 175 of the NPPF are also relevant.</p> <p>The DCS proposes to use CIL on smaller sites (subsequently modified to 4-14 dwellings in the DCS). Affordable housing and other infrastructure requirements needed by larger developments will be sought through S106.</p>
10	Stephen Ashworth, SNR Denton	Need to introduce mechanism where works are provided in kind. I.e. how the financial value of these are calculated.	<p>Noted. In-kind works would usually be a S278/S106 matter (i.e. they are site mitigation matter). In general CIL would be sought in addition to these. However, there may be exceptional circumstances where the Council considers that the delivery of S106 matters is a more pressing priority than CIL.</p> <p>The DCS proposes to seek CIL on smaller sites, which will minimise the instances where payment “in kind” is relevant.</p>

10	Stephen Ashworth, SNR Denton	S106 contributions may still need to be sought.	Noted. The DCS (and modifications) clarify where s106 will continue to be used. .
10	Stephen Ashworth, SNR Denton	Need to review existing consents when a CIL is proposed in order to avoid re-applications being made to avoid CIL	Noted and agree. There will inevitably be an overlap between CIL and outstanding S106 payments.
11	Paignton Community Partnership – David Watts	Need to keep CIL level under review to it can be revised if economic circumstances or Neighbourhood Planning Change.	Noted and agree. See above.
12	Brixham Town Council - Brian Harland	Support CIL. Request 80% of CIL to be spent in the area in which development arises.	The neighbourhood portion has now been set by Reg 59 at 15% or 25% where a neighbourhood Plan has been Made. Guidance on it is set out in PPG 25-072-20140612 Setting a higher level would undermine CILs role in contributing to items on the Reg123 List.
13	Linden Homes (Galliford Try Group).	Have modelled impact of CIL based upon draft Core Strategy and Infrastructure Study assessment s of viability, including an assessment of 30% affordable housing. This has indicated that £100 per sq m CIL would not be viable. Recommends that around £35 per sq m would be the correct level based upon 30% affordable housing.	Noted-see above. The Whole Plan Viability Assessment and CIL Viability Study (PBA 2014 and 2016) assess viability against the policy requirements in the Local Plan and against current viability circumstances.

13	Linden Homes (Galliford Try Group).	Instalment policy proposed is too restrictive- should be based on occupation of given units/ agreed phases and not on time triggers.	See above. There is a case to revise instalments policy. However making it time-triggered provides an incentive to completed developments. Occupation triggers provide less incentive. Seeking CIL only on smaller sites will reduce the need for a complex instalments policy.
13	Linden Homes (Galliford Try Group).	Meaningful proportion should be as high as possible in order to provide a local incentive to developments. CIL could be ring fenced for local schools and highway improvements.	The neighbourhood portion has now been set by Reg 59 at 15% or 25% where a neighbourhood Plan has been Made. Guidance on it is set out in PPG 25-072-20140612. Setting a higher level would undermine CILs role in contributing to items on the Reg123 List.
Page 194	Linden Homes (Galliford Try Group).	There are practical difficulties with achieving on-site delivery of affordable housing through CIL. Negotiating affordable housing through S106 allows fluctuations in value to be taken into account.	Noted and agree See above.

Torbay Council Response to the Community Infrastructure Levy Draft Charging Schedule.

This section sets out the Council's summary of the consultation responses to the Community Infrastructure Levy Draft Charging Schedule and Regulation 123 List of projects that were intended to receive Funding, together with the Council's response. These were the subject of public consultation between Monday 9th February and Monday 23rd March 2015.

This document lists responses by the organization/person who made comments.

Torbay Council Response to the Community Infrastructure Levy Draft Charging Schedule.

ID	Person /Organisation Consultee	Email contact details	Summary of Representations Made	LPA Response
	Environment Agency	Shaun.pritchard@environment-agency.gov.uk	Consider including flood defenses on Paignton seafront on the Reg 123 list of CIL items.	The Council considers that such impacts should be considered as direct site acceptability matters and where necessary dealt with through conditions or S106 Obligations.
Page 196	Natural England	Laura.horner@naturalengland.org.uk	See concerns raised about recreational impact on Berry Head and South Hams Special Area of Conservation in relation to the Submission Local Plan. Pooling limitations on S106 will mean that relatively large number of smaller developments in Brixham Peninsula will not contribute towards impact on Berry Head. Use of Planning Contributions SPD to secure funding for biodiversity would not be an acceptable method of ensuring certainty of funding.	<p>See responses to Natural England on the Submission Local Plan. Policies SS8, SDB1, NC1 et al have been significantly modified to accommodate biodiversity protection and mitigation.</p> <p>It is not considered that CIL will offer greater certainty of funding for Berry Head than s106, especially as a large proportion of smaller development will be zero rated for CIL (not new floor space, self-build, affordable housing etc).</p> <p>£85,000 is being negotiated for Berry Head recreation impact from development at Wall Park. This is likely to be significantly more than CIL would achieve (and could not be sought if Berry Head recreation impact were treated as a CIL item).</p> <p>Whilst the restrictions on pooling are noted, these would not preclude sub-division of biodiversity mitigation measures into discrete green infrastructure projects.</p> <p>In response to Natural England's comments it is recommended that the impacts of small developments upon the South Hams SAC arising from small developments is added to the Regulation 123 List.</p> <p>Note that impacts from larger developments will be sought as a S106 item. Paragraph 118(1) of the NPPF will also apply to all development .</p>

Torbay Council Response to the Community Infrastructure Levy Draft Charging Schedule.

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	Sport England	Gary.Parsons@sportengland.org	<p>Supports developer contributions towards recreation projects. Support the general approach to use S106 for sports related matters unless there is a specific project identified.</p> <p>The Council should be aware of pooling restrictions and the need to comply with the tests of lawfulness on S106 Obligations.</p>	<p>Support for general approach is noted.</p> <p>The Council considers that the impacts of larger development can be addressed through on site provision or 106 and are unlikely to amount to more than 5 obligations per infrastructure item.</p>
Page 197	The Theatres Trust	Ross.pritchard@theatres.org.uk	<p>The Theatres Trust supports the exclusion of D1 and D2 from the CIL as these uses often do not generate sufficient income streams to cover their costs. And are very unlikely to be built by the private sector if CIL is charged.</p> <p>However it should be noted that similar uses such as theatres are sui generis not D2. It may be easier to list 'All other uses – Nil rate'</p>	<p>Agree. Clarify that theatres will be zero rated for CIL.</p>
	Paignton Neighbourhood Forum	dwdw@paigntonneighbourhoodforum.org.uk	<p>Levying CIL only on smaller sites would appear to be at odds with principle of encouraging development on smaller brownfield sites.</p> <p>More detail should be provided on how much CIL is likely to generate and how this will affect money already allocated for the South Devon Link Road.</p> <p>There is no evidence that CIL will generate sufficient funds to meet infrastructure requirements in the Local Plan and no reference to an Infrastructure Delivery Plan needed to deal with foul water disposal etc</p>	<p>Differential CIL rates must be based on viability considerations and cannot be used as a policy tool to influence development.</p> <p>Note that more detail should be produced (to inform the CIL examination) about how much CIL could raise and its relationship to infrastructure delivery. This will be a closely related matter to the forthcoming Developer Contributions Supplementary Planning Document.</p> <p>CIL is unlikely to raise sufficient money to cover the outstanding cost of the South Devon Link Road and the relocation Torbay School. So there is unlikely to be a significant displacement of funds that would be available for other capital projects.</p>

Torbay Council Response to the Community Infrastructure Levy Draft Charging Schedule.

ID	Person /Organisation Consultee	Email contact details	Summary of Representations Made	LPA Response
	Brixham Neighbourhood Forum	chair@cgbpartnership.co.uk	<p>issues.</p> <p>Unclear how 25% neighbourhood proportion arising in Churston (a non parished area) will be spent in a democratically accountable manner.</p> <p>Levying CIL only on smaller sites would appear to be at odds with principle of encouraging development on smaller brownfield sites.</p> <p>How would funds earmarked for South Devon Link Road be redistributed if CIL helps fund it.</p>	<p>Any CIL arising from un-parished areas will need to be held by Torbay Council and spent in the area in which development arises.</p> <p>When Neighbourhood Plans (which are in conformity with the new Local Plan) are "made" it is envisaged that the Forums would be able to allocate the neighbourhood proportion (25%) of CIL.</p>
Page 198	South West Housing Association and Registered Providers Planning Consortium (Tetlow King on behalf of)	all@tetlow-king.co.uk	<p>CIL should not undermine the provision of affordable housing.</p> <p>Welcome that additional viability assessment work has been carried out. The changes to affordable housing/S106 tariffs in the PPG post date the viability testing.</p> <p>Evidence of previous S106/ affordable housing being achieved would enable viability to be better assessed.</p> <p>An estimate of how much CIL would raise will help assess whether the infrastructure funding gap can be bridged. In particular 25% of CIL will need to go to the neighbourhood proportion when Neighbourhood Plans are "made".</p> <p>There appears to be scope to increase scope of CIL on smaller sites where the burden of affordable housing has been</p>	<p>Noted. The Draft Charging Schedule has been based on the PBA Whole Plan Viability Assessment, which found that affordable housing requirements have a major impact upon viability and the scope for CIL. This is a main reason for setting CIL only on sites which fall below the minimum threshold for CIL.</p> <p>The need to estimate what CIL could raise is noted.</p> <p>Extra Care Schemes: The Viability Update (January 2016) confirms that Extra Care Units will not be viable with CIL, and therefore should be zero rated.</p> <p>The Council does not consider that this applies to sheltered housing schemes, which have more in common with general housing and in the vast majority of cases will be above the threshold that the DCS has set for CIL. Such schemes will be negotiated on the basis of S106 Obligations to meet affordable housing and /or other infrastructure needed to make development acceptable in planning terms (see Policy H6 of the adopted Local Plan 2012-30).</p>

Torbay Council Response to the Community Infrastructure Levy Draft Charging Schedule.

ID	Person /Organisation Consultee	Email contact details	Summary of Representations Made	LPA Response
			<p>lifted.</p> <p>Extra care schemes have not been viability tested. The additional costs and communal areas is likely to render them unviable for CIL</p> <p>Clarify CIL exemption on small sites and affordable housing</p>	<p>The CIL regulation set out exemptions from CIL for social housing (as defined in the Regs) and Self Build housing.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 199</p>	<p>Sainsbury's' Supermarkets LTD WYG on behalf of</p>	<p>rachel.robinson2@wyg.com]</p>	<p>Object to treating The Willows District centre as a different charging zone to other in-centre stores. It should be zero-rated for CIL as per other district centres.</p> <p>“Exceptional Relief” for major mixed use developments should be defined more precisely.</p>	<p>The Retail Update (2013) indicates that The Willows has a higher viability to other centres and operates essentially as an out of town retail park. There are therefore viability reasons for charging CIL on development within it.</p> <p>Notwithstanding this, The Willows District Centre is largely developed out, and opportunities for further expansion are relatively limited.</p> <p>The DCS offers Exceptional Relief. If it would help to deliver larger mixed use schemes or early delivery of employment. This is intended to apply to larger mixed use schemes where the delivery of lower value uses (employment, affordable housing, green infrastructure etc) can be secured through retail enabling development, and its delivery ensured by a legal agreement.</p> <p>Note that updated viability evidence indicates that CIL charged on out of centre retail should be reduced to £120 per sq m and it is proposed to modify the Draft Charging Schedule accordingly.</p>
	<p>Gladman Developments</p>	<p>P.Dutton@gladman.co.uk</p>	<p>What appears to be a generalised letter setting out a range of helpful best practice advice to Council's preparing a CIL</p> <p>CIL needs to be related to infrastructure needed to meet the Local Plan (having</p>	<p>Advice is noted. It is considered that the Council has taken this advice into account in drafting the CIL DCS</p>

Torbay Council Response to the Community Infrastructure Levy Draft Charging Schedule.

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			<p>regard to other funding streams). Differential CIL rates must not harm viability and must be based on viability considerations alone. They should make provision for provision in-kind (e.g. land) and set an instalments policy to facilitate development.</p>	
	Cavanna Homes	MNewman@cavannahomes.co.uk	<p>No comments other than to point out a typo in the Introduction (Clarify that CIL is not charged on developments of 15+ dwellings).</p>	<p>Noted. Correct typo accordingly.</p>
Page 200	Sandland LTD	jsandland@msn.com	<p>CIL will harm viability levels and hold back development if based on “silly” square metre fees.</p>	<p>Concern noted, but does not present any particular evidence as to why Draft Charging Schedule proposals will undermine viability.</p> <p>Subsequent to this consultation, the Council has updated its viability evidence (PBA2016) that confirms that sites of 1-3 dwellings should be zero rated for CIL. Modify Charging Schedule accordingly.</p>
	Nigel Bennetto	nbennetto@blueyonder.co.uk	<p>Recommend that CIL is not proceeded with as it could harm the housing market. Previous land tax schemes have not worked and there is ongoing political uncertainty over CIL</p>	<p>Concern noted, but does not present any particular evidence as to why Draft Charging Schedule proposals will undermine viability.</p> <p>Subsequent to this consultation, the Council has updated its viability evidence (PBA2016) that confirms that sites of 1-3 dwellings should be zero rated for CIL. Modify Charging Schedule accordingly.</p>

Torbay Council Response to the Community Infrastructure Levy Revised Draft Charging Schedule. (Additional comments to be verbally reported by the Executive lead for Planning, transport and Housing)

Person/Organisation	Email contact details	Summary of Representations Made	LPA Response
Torbay Coast and Countryside trust	Heather Carstens [heather@countryside-trust.org.uk]	CIL contributions should be ring fenced to meet legal requirements under the Habitat and Species Regulations	Based on previous assessment, about £20,000 per year would need to be ring fenced.
Sport England	Gary.parsons@sportengland.org	CIL should be used to contribute towards sport and recreation.	Note that this was debated at DCS stage. Whilst CIL could be used to fund sport and recreation; this would mean that S106 Obligations could not be used. The Reg123 List
Torquay Neighbourhood Forum	Lanscombe House [lanscombehouse@aol.com]	<p>Recommend a charge of £30-50 for sites of 1-3 dwellings in the Countryside area.</p> <p>The neighbourhood portion should be increased, in recognition that S106 and not CIL is being used for major developments in Future Growth Areas. Plan. On this basis it is argued that 100% of CIL should be spent on local projects identified as needed to deliver the Neighbourhood Plan.</p>	<p>Note comments about smaller sites outside the built up area. These are not supported by viability evidence. However, the issue is noted and CIL could be reduced for smaller sites outside the built up area should viability evidence indicate that this is necessary. This would require a Modification to the CIL.</p> <p>It is noted that the Council is offering discretionary exceptional circumstances relief that should overcome viability issues.</p> <p>The Neighbourhood portion is set out in the CIL regulations (59A). Increasing the neighbourhood portion would jeopardize funding of key infrastructure.</p>
Paignton Neighbourhood Forum		<p>Object to exclusion of sites within Future Growth Areas from CIL. Viability evidence indicates that they could afford to pay CIL. Charging a zero rate of CIL will give an advantage to greenfield sites over urban regeneration.</p> <p>Major developments also benefit from key infrastructure such as the South Devon Link Road.</p>	<p>Seeking infrastructure contributions from strategic sites through S106 rather than CIL is not intended to advantage such sites, but is intended to aid the negotiation of infrastructure provision on strategic sites.</p> <p>Impact on town centres from discretionary relief issue is noted. This would be part of determination</p>

Page 201

Torbay Council Response to the Community Infrastructure Levy Revised Draft Charging Schedule. (Additional comments to be verbally reported by the Executive lead for Planning, transport and Housing)

Person/Organisation	Email contact details	Summary of Representations Made	LPA Response
		<p>Suggest a charge of £70 per sq m.</p> <p>Exceptional relief should not be given to out of centre retail if it harms the vitality and viability of town centres.</p>	<p>of a planning application. However a note can be added to the RDCS to clarify this.</p>
<p>Persimmon Homes</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 202</p>		<p>The council should set out how it intends to review the Reg123 List.</p> <p>A review mechanism should be put in place to assess the impact of starter homes.</p> <p>The Zoning maps should be printed at a larger scale.</p> <p>Object to instalments policy being time based (rather than at stages of development). Approach implies land banking, which house builders do not engage in.</p>	<p>Regulation 59 of the CIL Regulations indicates that CIL must be used to support the development of an area, but makes no stipulation about how these are identified. Reg 123 (4)(a) indicate that CIL infrastructure to be funded through CIL should be published the Charging Authority's website.</p> <p>Agree to print the CIL charging zones at a larger scale.</p> <p>It is considered that instalments based on commencement will incentivise earlier delivery of development. The instalment periods are more generous than neighbouring authorities, and is unlikely to apply to larger developments which will be negotiated through S106.</p>