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Tuesday, 15 September 2015

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 24 September 2015** commencing at **5.30 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
Executive Director of Finance and Operations

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

Working for a healthy, prosperous and happy Bay

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

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Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

To confirm as a correct record the minutes of the meeting of the Council held on 23 July 2015.

(Pages 5 - 28)

4. **Declarations of interests**

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

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

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

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

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

5. **Communications**

To receive any communications or announcements from the Chairman, the Mayor, the Overview and Scrutiny Co-ordinator or the Executive Director of Operations and Finance.

6. **Petition**

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

- (a) Stop housing discrimination against homeless people with pets
(Mayoral Decision)

(Page 29)

Approximately 70 electronic signatures from residents and people who work or study in Torbay.

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|-----|---|-------------------|
| 7. | Members' questions
To respond to the submitted questions asked under Standing Order A13. | (Page 30) |
| 8. | Notice of motion - Tackling Housing Need and Poor Quality Housing in Torbay (Mayoral Decision)
To consider the attached motion, notice of which has been given in accordance with Standing Order A14 by the members indicated. | (Pages 31 - 32) |
| 9. | Joint Commissioning Team - Rationalisation of Statutory Roles
To consider the submitted report on the above. | (Page 33) |
| 10. | Corporate Plan 2015-19
To consider the submitted report setting out the Council's draft Corporate Plan for 2015-2019. | (Pages 34 - 53) |
| 11. | Referendum on Future Forms of Governance
To consider the submitted report on the different forms of governance and the outcome of a consultation exercise to enable the Council to determine which form of governance will be included in a referendum. | (Pages 54 - 77) |
| 12. | Review of Policy Framework Documents
To consider the submitted report on the outcome of the review of the Council's Policy Framework documents. | (Pages 78 - 93) |
| 13. | Proposed Amendments to the Audit Committee Terms of Reference
To consider the submitted report on proposed changes to the Audit Committee's Terms of Reference. | (Pages 94 - 97) |
| 14. | Treasury Management Outturn 2014/2015
To consider the submitted report on the above. | (Pages 98 - 111) |
| 15. | Capital Investment Plan Update - 2015/16 Quarter 1
To consider the first Capital Investment Plan monitoring report for 2015/16 under the Authority's agreed budget monitoring procedures which provides high-level information on capital expenditure and funding for the year compared with the latest budget position as reported to Council in February 2015 and the recommendations from the Overview and Scrutiny Board set out in the submitted report. | (Pages 112 - 127) |
| 16. | Devolution Update
To consider a report on the work of the Devolution Working Party. | (Pages 128 - 145) |
| 17. | Clinical Governance Framework (Mayoral Decision)
To consider the submitted report setting out the Public Health Clinical Governance Framework. | (Pages 146 - 166) |
| 18. | Corporate Parenting Strategy (Mayoral Decision)
To consider the Corporate Parents annual report. | (Pages 167 - 229) |

- 19. Revenue Budget Monitoring 2015/16 - Quarter One (Mayoral Decision)** (Pages 230 - 237)
To note the contents of the submitted Revenue Budget monitoring report.
- 20. Adoption Activity Report (Mayoral Decision)** (Pages 238 - 246)
To note the submitted annual report on adoption agency activity.
- 21. Composition and Constitution of Executive and Delegation of Executive Functions** (Pages 247 - 252)
To receive details on the composition and constitution of the Mayor's Executive for 2015/2016, together with the record of delegations of Executive functions.
- 22. Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency** (Pages 253 - 255)
To note the schedule of Executive decisions to which the call-in procedure does not apply as set out in the submitted report.

Note

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



Minutes of the Council

23 July 2015

-: 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, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Stockman, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

25 Opening of meeting

The meeting was opened with a prayer.

26 Apologies for absence

Apologies for absence were received from Councillors Kingscote, Pentney, Stocks and Stringer.

27 Minutes

The Minutes of the Annual Council and Adjourned Annual Council meetings held on 1 June 2015 were confirmed as a correct record and signed by the Chairman.

28 Declarations of interests

Councillor Tyerman declared a non-pecuniary interest in Minute 42 as he is a Director of the Trust.

29 Communications

The Chairman thanked those who attended his civic dinner and was pleased to announce that the event had raised over £1,000 for the Chairman's charities.

30 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 (Capital Investment Plan Update) to be considered before Item 10 (Integrated Care Organisation).

31 Members' questions

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

Verbal responses were provided at the meeting. Councillor Mills responded to Question 3 as the Mayor had an interest in the matter and the Mayor responded to Question 6 as it related to the budget. Supplementary questions were then asked and answered in respect of the questions.

32 Notice of Motion - Devolution

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

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

There has recently been a great deal of interest in the promise of powers and greater financial freedoms for English Local Authorities through Devolution.

Devolution can provide;

- **Fiscal Powers** – greater freedom for local authorities to share incentives and raise a greater proportion of revenue through local taxation, plus a call to establish a system of place based, multi annual financial settlements giving local authorities a stable platform on which to secure improved outcomes for residents and communities;
- **Governance Arrangements** – new models of joint governance that ensure effective accountability and the delivery of outcomes in local areas; and
- **Powers and Duties** – HM Government can consider specific proposals on a range of devolution options that promote local decision making, increase local accountability and give greater funding certainty without the need for structural or organisational change.

It is known that all of the other authorities in the area have already commenced such discussions with each other, and in some circumstances with central government. Torbay Council has extreme budgetary challenges ahead, and cannot afford to be left behind. It is critical that all members are involved in progressing the devolution agenda, as any decision will ultimately be a matter for Full Council.

Therefore, this Council resolves:

That a politically balanced Devolution Working Party be established, comprising of seven members (political balance to include the Mayor and the three Group Leaders), tasked with exploring the opportunities for devolution,

and report back to the Council meeting in September 2015, on their progress, and any recommendations.

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

33 Notice of Motion - Constitution Amendment: Forward Plan Timescales

Members considered a motion in relation to timescales for Council key decisions published on the Forward Plan, notice of which was given in accordance with Standing Order A14.

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

The Mayor and the Council are required to publish forthcoming key (major) decisions in a Forward Plan. The current timescales for key decisions to be published in the Forward Plan is the statutory minimum of twenty eight days and the Forward Plan is published monthly. However it is considered that these timescales do not allow for a strategic and planned approach, which results in a reactive approach when making key decisions.

Therefore the Council resolves:

that the Monitoring Officer be requested to amend the Constitution to require Council key decisions to be included in the Forward Plan normally at least three months prior to the decision being made, with any request for a reduced period of entry to be determined by the Executive Director, in consultation with the Overview and Scrutiny Co-ordinator.

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

34 Notice of Motion - Referendum on Future Forms of Governance

Members considered a motion in relation to the future governance arrangements of the Council, notice of which was given in accordance with Standing Order A14.

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

Whilst recognising that the current mayoral system of governance cannot be changed until 2019, there is a ground swell of opinion that the Council should review its current mayoral system of governance, from both the community and a number of elected members on the Council. The referendum can only specify one alternative system of governance (either a move to a Leader and Cabinet or a move to a Committee system). This motion is presented at an early stage to determine that a referendum should be held and to enable full consultation as to which alternative system should be included in the referendum, with a view to holding a referendum to coincide with the Police and Crime Commissioner Election in 2016. Holding the referendum on the same date as the Police and Crime Commissioner Election will save money and lead to a higher turnout.

Therefore, this Council resolves:

- (i) That the holding of a referendum on the Council's governance arrangements be approved and that the Council's Returning Officer be requested to seek to combine this with the Police and Crime Commissioner (PCC) elections in 2016. The matter of timings to return to Council for a decision if it is not possible to combine with the PCC election.
- (ii) That the Assistant Director (Corporate and Business Services) undertake a public consultation on the different types of governance, in consultation with the Mayor and Group Leaders, as to the form and content of the consultation.
- (iii) That the Assistant Director (Corporate and Business Services) provides a full report to Council in September 2015 on the different forms of governance, their operation elsewhere and the outcome of the consultation exercise (referred to in (ii) above) to enable the Council to determine which form of governance will be included in the referendum.

An amendment was proposed by Councillor King and seconded by Councillor Excell (shown in bold text):

Whilst recognising that the current mayoral system of governance cannot be changed until 2019, there is a ground swell of opinion that the Council should review its current mayoral system of governance from both the community and a number of elected members of the Council.

We also need to take into account:

- **the new political landscape and the Government's Policy for greater powers to larger authorities with elected mayors;**
- **the current work of the Mayor and his Executive in consultation with counterparts across Devon and Cornwall; and**
- **further guidance from central government.**

The referendum can only specify one alternative system of governance (either a move to a leader and cabinet or a move to a committee system **from the current elected mayor system**). This motion is presented at an early stage to determine that a referendum should be held and to enable full consultation as to which ~~alternative~~ system should be included in the referendum, ~~with a view to holding a referendum to coincide with the Police and Crime Commissioner Election in 2016. Holding the referendum on the same date as the Police and Crime Commissioner Election will save money and lead to a higher turnout.~~

Therefore, this Council resolves:

- (i) that the holding of a referendum on the Council's governance arrangements be approved and that the Council's Returning Officer be requested to seek to combine this with the Police and Crime Commissioner (PCC) elections in 2016. The matter of timings to return to Council for a decision if it is not possible to combine with the PCC election, **given the need for the Mayor and his Executive to explore the issues identified above;**
- (ii) that the Assistant Director (Corporate and Business Services) undertake a public consultation on the different types of governance, in consultation with the Mayor and Group Leaders, as to the form and content of the consultation; and
- (iii) that the Assistant Director (Corporate and Business Services) provides **a full an interim** report to Council in September 2015 on the **different forms of governance, their operation elsewhere and the outcome of the consultation exercise (referred to in (ii) above) to enable the Council to determine which form of governance will be included in progress together with a firm date for Council to sign off the arrangements** for the referendum.

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: the Mayor, Councillors Amil, Excell, Haddock, King, Lang, Manning, Mills, Morris, Parrott and Stubbley (11); Against: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Lewis, Morey, O'Dwyer, Robson, Stockman, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (20); Abstain: Councillors Brooks and Hill (2); and Absent: Councillors Kingscote, Pentney, Stringer and Stocks (4). Therefore, the amendment was declared lost.

In accordance with Standing Order A19.4, a recorded vote was then taken on the original motion. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Lewis, Morey, O'Dwyer, Parrott, Robson, Stockman, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (21); Abstain: the Mayor, Councillors Amil, Brooks, Excell, Haddock, Hill, King, Lang, Manning, Mills, Morris and Stubbley (12); and Absent: Councillors Kingscote, Pentney, Stringer and Stocks (4). Therefore, the motion was declared carried.

35 Notice of Motion - Review of Council's Policy Framework

Members considered a motion in relation to a review of the Council's Policy Framework, notice of which was given in accordance with Standing Order A14.

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

the Council sets the Policy Framework which includes the major plans and strategies of the Council. It is noted that the current Policy Framework, as

set out in Article 4 of the Constitution, has not be reviewed for some time and a number of the plans and strategies contained in the Framework are out of date or no longer required, plus a number of other major plans/strategies are not included in the Policy Framework.

Therefore the Council resolves:

- (i) that the Executive Director of Operations and Finance undertakes a review of the Council's Policy Framework and presents his findings to the Council meeting in September 2015. The review to include recommendations for additional plans/strategies and removal of any plans/strategies which are no longer required, together with timescales against each policy for Council's approval; and
- (ii) that the Executive Director of Operations and Finance be requested to give priority to reviewing the Housing Strategy to enable it to be presented to the Council meeting in October 2015.

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

36 Notice of Motion - Right to Buy for Housing Association Tenants (Mayoral Decision)

Members considered a motion in relation to right to buy for housing association tenants, notice of which was given in accordance with Standing Order A14.

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

This Council notes:

the new Government's proposal to extend the Right to Buy to Housing Association tenants, to be paid for by selling off the most expensive Council Housing stock;

- with alarm the shortage of affordable rented homes in Torbay, having less than half the national average of Social housing in Torbay with 1921 households on Torbay council's Housing register and is very concerned that the current government plans risk making matters far worse.
- the recent LGA "First 100 Days" campaign which highlighted there are 1.7 million households on waiting lists for affordable housing across England and that more than 3.4 million adults between 20 and 34 live with their parents;
- that a recent opinion poll showed that just 16% of the public believed that extending Right to Buy to housing association tenants would be the most useful way of tackling the affordability crisis; the public's top choice was to help housing associations or councils to build more affordable homes, selected by 46% of the public; and

- the recent report from June 2015 which shows that there could be a funding gap of over £1 billion to pay for the scheme.

Council opposes the forced sell off of council housing to pay for this plan and is concerned that the Government also:

- Fails to address the situation for many local authorities which no longer have any housing stock to sell as they have transferred theirs to housing associations;
- Fails to address the situation in areas of high housing demand where there are often few suitable sites to build replacement social housing stock;
- Fails to recognise that this means housing associations will simply be trying to catch up with replacing homes rather than building affordable housing to give more people homes they need;
- Fails to recognise that this means that housing Associations will have their financial plans under mined; and
- Fails to recognise that the charity commission are likely to challenge the disposal of a charities assets at less than the market value.

Council notes that even the Conservative Mayor of London has said he did not want to see councils “deprived at a rapid rate of their housing stock” if more homes were not being built to replace them.

Council recognises the desire by many to own their own homes, and suggests that proposals put forward by the Liberal Democrats over a “Rent to Own” model and Shared Ownership housing would represent a better way of reaching this goal.

Council also notes that there are existing routes for housing association tenants to own their own properties – some Housing Association tenants already have the Right to Acquire.

Council resolves:

- to work with other neighbouring authorities and housing associations to oppose the current government proposals; and
- to write to our two MPs for Torbay Unitary Authority asking to support the Council’s position; to speak up in parliament for more social housing and not less and to push for a genuine “one for one” replacement but not at the cost of losing more social housing.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor.

The Mayor advised that that he rejected the motion as he supported the Government’s new policies on right to buy.

37 Notice of Motion - Fair Funding for Devon and Cornwall Police (Mayoral Decision)

Members considered a motion in relation to funding for Devon and Cornwall Police, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Doggett and seconded by Councillor Darling (M):

This Council notes that:

The current Home Office funding formula systematically disadvantages Devon and Cornwall with its inbuilt bias favoring metropolitan areas.

Further spending cuts are inevitable over the life of this Parliament and Devon & Cornwall constabulary will continue to be hit harder than other forces if this is not addressed.

The existing funding formula does not recognise the additional policing burdens created by:

- Having the largest number of tourist visitors of any force area in the country.
- The rurality and associated levels of deprivation, particularly in Cornwall, Plymouth and Torbay areas.
- High levels of vulnerability resulting from higher levels of mental health issues, an elderly population and low income families.
- Little account taken of our relatively high levels of violent crime, sexual offences and public order offences.
- Additional burdens created by having the longest length of coastline with numerous ports and harbours associated with human trafficking, slavery and illegal movement of goods.

Beyond the police funding formula issues, Government only provides 61% of total funding for policing whereas the national average is 68%. If Devon and Cornwall were simply to be funded to the national average we would require an additional £12m to be added to our budget.

Devon and Cornwall Police resources are stretched to the limit and the unfairness of the national allocation of funds is creating significant additional problems.

Community Policing is at risk if this funding crisis is not resolved.

The Home Office is due to consult on a new funding formula in the coming months.

In light of the above, this Council agrees to:

Write to the two MP's that represent the Torbay Unitary Authority, the Secretary of State for Communities and Local Government and the Home Secretary, advising of the concerns raised in this motion.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor.

The Mayor advised that he had already addressed this issue by writing to the Police and Crime Commissioner, Tony Hogg, giving support to the campaign and asking for support in return for Torbay.

38 Corporate Plan 2015-19

The Council considered the draft Corporate Plan 2015-2019 on the strategic ambitions for the Council and the principles within which the Council will operate. It was noted the Plan was designed to provide an overarching framework for the ambitions of the Council. A revised officer recommendation was circulated at the meeting.

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

- (i) that the Corporate Plan 2015-2019 set out in Appendix 3 (page 142 'Corporate Plan on a Page') to the submitted report be approved; and
- (ii) that the Council notes that the Corporate Plan Delivery Plans will be prepared and presented to Council for approval.

During the debate and in accordance with Standing Order A16.9, the Mayor withdrew his motion with the consent of Councillor Lang (seconder) and therefore this item was withdrawn.

39 Adult Social Care - Local Account and Multi-agency Safeguarding Report

Members considered the submitted report setting out the fourth Local Account for Adult Social Care. The Local Account highlighted what had been achieved for local people in relation to adult social care, details of the multi agency approach to adult safeguarding, the level of performance for the last financial year and commitment to future service delivery.

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

that, subject to any additional recommendations from the Mayor and Group Leaders and to the inclusion of the commentary from the Overview and Scrutiny Board, the Local Account set out in Appendix 1 to the submitted report, which sets out performance for 2014-2015 and sets out intentions for the Annual Strategic Agreement for services for 2016-17 be approved and

that the multi agency safeguarding annual report set out in Appendix 2 to the submitted report be approved.

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

(Note: During consideration of Minute 39, Councillor Morris left the meeting with the consent of the Chairman.)

40 Capital Investment Plan Update (Outturn 2014/2015) - Subject to Audit

Members considered the submitted report on the Capital Investment Plan and outturn position for the Council's capital expenditure and income. The Plan delivered investment in new and existing assets of the Council and was a key part of the delivery of the Council's outcomes.

It was proposed by the Mayor and seconded by Councillor Mills:

- (i) that the outturn position for the Council's Capital expenditure and income for 2014/15 be noted;
- (ii) that the action taken by the Chief Finance Officer, under the Officer Scheme of Delegation, to carry forward the unspent budgets for expenditure or work in progress (together with their funding) from 2014/15 to 2015/16 be noted;
- (iii) that the funding of the capital investment plan for 2014/15 as outlined in paragraph 7.1 of the submitted report be noted;
- (iv) that the allocation of £1.020m of the 2015/16 Disabled Facilities Grant, part of the Better Care Fund, to support Disabled Facilities Grants to vulnerable adults and Council re allocates £0.4m of unspent prior years Disabled Facilities Grant to support Infrastructure works be approved. (paragraph 6.19 of the submitted report); and
- (v) that the allocation of £0.461m of the 2015/16 Adult Social Care capital grant, part of the Better Care Fund, to support Adult Social Care expenditure be approved (para 6.25 of the submitted report).

An amendment (shown in bold text) was proposed by Councillor Darling and seconded by Councillor Carter:

- (iv) that the allocation of £1.020m of the 2015/16 Disabled Facilities Grant, part of the Better Care Fund, to support Disabled Facilities Grants to vulnerable adults **be approved;** and Council **defers reallocation of reallocates** £0.4m of unspent prior years Disabled Facilities Grant to support Infrastructure works **until a report is submitted to the Overview and Scrutiny Board, by October 2015, on the pressures facing Disabled Facilities Grants and whether this money should be held in a Disabled Facilities Grant Reserve**

~~or used to support Infrastructure works~~ be approved. (para 6.19);
and

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

The substantive motion (the original motion with the amended paragraph (iv)) was then before Members for consideration.

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

41 Integrated Care Organisation Funding

The Council considered the submitted report on arrangements for financial support for the Integrated Care Organisation (ICO) to enable the integration to be approved by the National Health Service for commencement on 1 October 2015. A revised officer recommendation was circulated at the meeting.

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

- (i) that the purchase of the outstanding social care debt held by Torbay and Southern Devon NHS and Social Care Provider Trust be approved, subject to:
 - (a) the Director of Adult Social Services, in consultation with the Executive Lead for Adults, Mayor and Group Leaders, being authorised to agree satisfactory safeguards to include those covered in paragraph 4.7 to the submitted report with South Devon Healthcare NHS Foundation Trust in relation to the collection of the outstanding social care debt; and
 - (b) the Integrated Care Organisation (ICO) being approved by the NHS in a timely manner and the risk share commencing from 1 October 2015; and
- (ii) that, subject to (i) above and the approval of the Capital Investment Plan Update (Outturn 2014/15) recommendation 2.7 (to be considered as a separate report on this agenda), the allocation of £461,000 to the Adult Social Care capital grant be allocated to the ICO to support the investment in integration with the expectation that the ICO will generate efficiencies and savings in future years.

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

42 Torbay Youth Trust Guarantee

Following the approval of the creation of a Youth Trust, the Council considered a request to approve two guarantees in relation to the transfer of Council staff to the new Youth Trust under TUPE regulations, as set out in the submitted report.

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

- (i) that Torbay Council provides a guarantee to the Local Government Pension Fund in respect of pensions exclusively for the Torbay Youth Trust relating to the staff identified to transfer to the Trust under TUPE regulations for a period of ten years; and
- (ii) that Torbay Council funds the exit costs exclusively of any of the Torbay Council Youth Trust TUPE staff for a period of ten years where they are the direct result of Council imposed budget savings.

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

(Note: Prior to consideration of Minute 42, Councillor Tyerman declared his non-pecuniary interest, details of which are contained in Minute 28.)

43 The English Riviera Tourism Company (ERTC) and the proposed Torbay Retail and Tourism Business Improvement District (TRTBID)

Members considered the submitted report on the decisions required in relation to the English Riviera Tourism Company (ERTC) (a wholly owned company of the Council) if the Torbay Retail and Tourism Business Improvement District (TRTBID) resulted in a successful ballot in October/November 2015.

It was noted a business plan for the TRTBID had been prepared to assist those taking part in the ballot with their decision on how to vote. The business plan made a number of assumptions in respect of the ERTC and therefore the Council's decisions were required at this stage so it's intentions in respect of the future of the ERTC could be included in the business plan should there be a 'Yes' vote.

It was proposed by Councillor Haddock and seconded by Councillor Amil:

- (i) that, in the event of a 'Yes' vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID) the Executive Director of Operations and Finance, in consultation with the Executive Lead for Business, be instructed to:
 - a) decommission the provision of Destination Tourism Marketing and Visitor Information Services from 1 April 2016, wind up the English Riviera Tourism Company (ERTC) and arrange for the transfer of Destination Tourism Marketing and Visitor Information Services to the new TRTBID Company;
 - b) immediately establish a TRTBID/ERTC Project Transition Board, comprising two Senior Officers, the Executive Lead for Business and two members from the Conservative Group and one member from the Liberal Democrat and Independent Groups, so that the Council's income and assets are properly considered in respect of the ERTC and the Torbay Town Centres Company (TTCC); and that the intellectual property rights of the English Riviera brand are safeguarded;

- c) allow the ERTC/TRTBID Project Transition Board to establish and facilitate the terms upon which the official ERTC brands and logos will transfer, under license, to the new TRTBID Company;
 - d) provide Council support to facilitate the transfer of appropriate ERTC staff (including those in the Local Government Pension Scheme) to the new TRTBID Company;
 - e) negotiate and sign the TRTBID Operating Agreement on behalf of the Council; and
 - f) make an appropriate charge to the TRTBID Company each year for the duration of the TRTBID (5 years) to cover the Council's costs associated with collection of the TRTBID levy;
- (ii) that, in the event of a 'Yes' vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID) the Council agrees to:
- a) allocate sufficient funds to meet the TRTBID levy liability, for any applicable Council owned properties, for the term of the TRTBID (5 years);
 - b) provide a cash advance facility to the TRTBID Company, which will be returned once the TRTBID levy payments are received;
 - c) delegate the approval of pension liability arrangements, including a possible guarantee, to the Chief Financial Officer in consultation with the Mayor and the Assistant Director of Corporate and Business Services;
 - d) request that the Overview and Scrutiny Board keep an oversight of how well the new TRTBID Company is meeting its aims and objectives, especially in relation to the functions, which had previously been undertaken by the ERTC and any performance issues arising from the formal Operating Agreement; and
 - e) recognise that the new TRTBID Company will take over responsibility for operating as the official Destination Marketing Organisation (DMO) for Torbay; and
- (iii) that in the event of a 'No' vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID) the Executive Head of Business Services, in consultation with the Executive Lead for Business, the Executive Lead for Tourism and the Board of the

English Riviera Tourism Company (ERTC), be asked to provide a report to Council, on or before 10 December 2015, setting out the options for the future of the ERTC, given the expected pressure on the Council's budget in future years; and

- (iv) that post ballot, the Torbay Economic Development Company Limited (TEDC), working with the Executive Head of Business Services, be instructed to prepare and consult with industry stakeholders on a new Tourism Strategy, to be approved by the Council and for this to form part of the development of the Council's Economic Strategy.

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

44 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 13 (Call-in Establishment of Policy Development Groups Report of the Overview and Scrutiny Board) to be considered at the end of the meeting.

45 Provisional Revenue Outturn 2014/2015 - Subject to External Audit

The Council considered the submitted report on the provisional revenue outturn for 2014/2015 which provided a summary of the Council's expenditure throughout the financial year and recommendations on the use of any uncommitted resources. It was noted that the submitted report had been updated to respond to the comments made by the Overview and Scrutiny Board.

It was proposed by the Mayor and seconded by Councillor Mills:

that it be recommended to the Council that:

- (i) a sum of £0.253m is approved as carry forward into 2015/16 to the Crisis Support Fund to support vulnerable members of the community;
- (ii) the revenue underspend of £14,000 is transferred to the Council's general fund reserve; and
- (iii) Members to note that the transfers outlined in (i) to (ii) are subject to the final audit of the Council's accounts.

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

46 Composition and Constitution of Executive and Delegation of Executive Functions

Members noted the submitted report which provided details of changes made by the Mayor to his Executive as set out in the revised report circulated on 17 July 2015.

47 Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency

Members noted the submitted report setting out the executive decision taken (the awarding of a contract for youth homelessness accommodation and support services supported lodgings) to which the call-in procedure did not apply.

48 Urgent Decisions Taken by the Executive Director of Operations and Finance

Members noted the submitted report which provided details of urgent decisions taken by the Chief Executive in respect of: the appointment of the Health and Wellbeing board; and the relocation of Mayfield Special School's Post 16 provision and to increase the school's admission number.

49 Pier Point Restaurant New Lease to Allow Investment (Mayoral Decision)

The Council considered the following recommendation to the Mayor:

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

that the Council enters into an Agreement for Lease to allow the existing tenants of the Pier Point Restaurant to carry out works to extend the ground floor and to create a first floor to the existing restaurant premises and, upon completion of these works, to grant a 125 year lease to the existing tenants on terms previously agreed with the Mayor, Chief Executive of the Torbay Development Agency and the Council's Chief Accountant.

During the debate and in accordance with Standing Order A16.11(viii), it was proposed by Councillor Stockman and seconded by Councillor Darling:

that the press and public be formally excluded from the meeting on the grounds of the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended)

On being put to the vote, the procedural motion was declared carried. The press and public were then excluded from the meeting.

On being put to the vote the original motion was declared lost.

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

50 Environmental Crime Enforcement Pilot (Mayoral Decision)

At this juncture the meeting had lasted four hours. In accordance with Standing Order A11.2, the Monitoring Officer advised that the remaining business on the agenda needed to be transacted at this meeting and the meeting continued.

The Council made the following recommendation to the Mayor:

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

That the Mayor be recommended:

- (i) that a preferred bidder be appointed, following the outcome of a competitive tendering process, in order to commence the environmental crime enforcement pilot project outlined in the submitted report; and
- (ii) that the Assistant Director (Community and Customer Services) be given delegated authority, in consultation with the Executive Lead for Community Safety, to progress the appointment of a preferred bidder to undertake the environmental crime enforcement pilot project.

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

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

51 Care Trust Properties (Mayoral Decision)

The Council made the following recommendation to the Mayor:

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

- (i) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for Hollacombe Community Resource Centre (CRC);
- (ii) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for St Edmunds Centre;
- (iii) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on

acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for Bay Tree House;

- (vi) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for St Kilda's Residential Care Home;
- (v) to note that the Council has the option of providing a grant to cover all or part of the market rent for the properties set out in (i) to (iv) above which will be dealt with as per the Council's Constitution and reviewed annually; and
- (vi) that, in turn, Sandwell Community Caring Trust be granted a two year (less three days) excluded sub-lease from 1 December 2015 on acceptable terms with the inclusion of a tenant rolling 6-month break clause for St Kilda's Residential Care Home. In the event that the Trust exercise a break option the sub-lease is to terminate on a co-terminus basis with the head lease.

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

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

52 Call-in Establishment of Policy Development Groups Report of the Overview and Scrutiny Board

At its meeting held on 22 June 2015, the Overview and Scrutiny Board considered the Notice of Call-in of the decision of the Mayor on the establishment of two Policy Development Groups and their working arrangements, together with a decision-making route for policy development. The Board resolved that the decision of the Mayor be referred to Council for consideration. The Council considered the submitted report on the findings of the Overview and Scrutiny Board regarding the Mayor's decision. A copy of the Mayor's Record of Decision and appendices was circulated prior to the meeting.

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

that, having considered the proposal within the report "The principles of overview and scrutiny in Torbay", the following amendments to the Operational Guidance for the Policy Development Groups be made:

- a. an Executive Lead and an Overview and Scrutiny Lead should fulfill the roles of Chairman and Vice-chairman of the Policy Development Groups;

- b. the Policy Development Groups should carry out their work both in private and in public according to the nature of the issue being considered with the presumption that they conduct as much of their work as possible in public;
- c. the Work Programme (and therefore the agendas) for the Policy Development Groups to be determined in consultation with the Mayor, Executive Leads, Overview and Scrutiny Leads and the Executive Director ensuring that there is a focus on those issues of critical importance to the Council moving forward. The Chairman and Vice-Chairman of the Policy Development Group will each have the right to include items on the agenda;
- d. the Chairman and Vice-Chairman of the Policy Development Group will jointly have the authority to “sign-off” reports from the Group prior to the reports being forwarded to the Mayor (or appropriate decision maker);
- e. items going through Route 2 to be agreed by the Executive Director in consultation with the Mayor, Executive Leads and the Overview and Scrutiny Co-ordinator; and
- f. the Members able to vote at the Policy Development Group will be the Chairman, Vice-chairman and the five members nominated in accordance with political balance.

The Council believe that these amendments make a package of measures which will make the Policy Development Groups more effective enabling inclusion of all of the members of the Council in policy development.

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

At the invitation of the Chairwoman, the Mayor indicated he would respond to the resolution of the Council within ten working days.

Chairman

Record of Decisions

Pier Point Restaurant, Torbay Road, Torquay (Mayoral Decision)

Decision Taker

Mayor on 23 July 2015

Decision

That the Council enters into an Agreement for Lease to allow the existing tenants of the Pier Point Restaurant to carry out works to extend the ground floor and to create a first floor to the existing restaurant premises and, upon completion of these works, to grant a 125 year lease to the existing tenants on terms previously agreed with the Mayor, Chief Executive of the Torbay Development Agency and the Council's Chief Accountant.

Reason for the Decision

To improve the appearance and design of Pier Point Restaurant, enhance the built environment along the busy seafront and Torbay Road and improve the restaurant offer for residents and visitors.

Implementation

This decision will come into force and may be implemented on 5 August 2015 unless the call-in procedure is triggered (as set out in Standard Orders in relation to Overview and Scrutiny).

Information

The submitted report set out details in respect of the existing tenants of the Pier Point Restaurant wishing to invest in their business and extend the ground floor and add a first floor at their own cost. In order to secure the funding to cover these extensive works they require a longer lease of 125 years.

They have a 40 year protected lease of the premises, with 34 years remaining and an automatic right to a new lease afterwards, unless the Council is able to satisfy certain grounds and recover possession. As such, the tenants are the only people that can carry out this work and this investment until their lease expires and the Council is able to recover possession of the premises.

The Mayor considered the matter following debate at the Council meeting on 23 July and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

To reject the request from the existing tenants.

Is this a Key Decision?

Yes – Reference Number: I019823

Does the call-in procedure apply?

Yes

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

None

Published

28 July 2015

Record of Decisions

Environmental Crime Enforcement Pilot (Mayoral Decision)

Decision Taker

Mayor on 23 July 2015

Decision

- (i) that a preferred bidder be appointed, following the outcome of a competitive tendering process, in order to commence the environmental crime enforcement pilot project outlined in the submitted report; and
- (ii) that the Assistant Director (Community and Customer Services) be given delegated authority, in consultation with the Executive Lead for Community Safety, to progress the appointment of a preferred bidder to undertake the environmental crime enforcement pilot project.

Reason for the Decision

The community are concerned about the level of dog fouling and littering across Torbay. The public want to see a more visible presence to act as a deterrent for this type of environmental crime. This pilot provides the opportunity to increase visibility, increase enforcement and re-educate the wider public of the negative impact that dog fouling and littering has on the community.

Implementation

This decision will come into force and may be implemented on 5 August 2015 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report set out a proposal for an environmental crime enforcement pilot to build upon the work undertaken by officers to maintain the cleanliness of the local environment and street scene throughout Torbay. The pilot will provide additional capacity to issue Fixed Penalty Notices for littering and dog fouling offences.

The Mayor considered the recommendations of the Council made on 23 July 2015 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

The proposed pilot will be evaluated and may offer future opportunities for the Community Safety Team as an alternative method of delivery of some of their regulatory activities.

If this Enforcement Pilot is not pursued then the current status quo will remain, with no additional enforcement activity being undertaken.

Is this a Key Decision?

Yes – Reference Number: I020176

Does the call-in procedure apply?

Yes

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

None

Published

28 July 2015

Record of Decisions

Care Trust Properties Leases (Mayoral Decision)

Decision Taker

Mayor on 23 July 2015

Decision

- (i) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for Hollacombe Community Resource Centre (CRC);
- (ii) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for St Edmunds Centre;
- (iii) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for Bay Tree House;
- (iv) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for St Kilda's Residential Care Home;
- (v) to note that the Council has the option of providing a grant to cover all or part of the market rent for the properties set out in (i) to (iv) above which will be dealt with as per the Councils constitution and reviewed annually; and
- (vi) that, in turn, Sandwell Community Caring Trust be granted a two year (less three days) excluded sub-lease from 1 December 2015 on acceptable terms with the inclusion of a tenant rolling 6-month break clause for St Kilda's Residential Care Home. In the event that the Trust exercise a break option the sub-lease is to terminate on a co-terminus basis with the head lease.

Reason for the Decision

To provide the Torbay and Southern Devon Health and Care NHS Trust two years to further develop their services and explore alternative options for service delivery of the services provided through these four properties.

Implementation

This decision will come into force and may be implemented on 5 August 2015 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report set out details in respect of four properties leased to the Torbay and Southern Devon Health and Care NHS Trust (the 'Trust') which will expire on 1 December 2015. The leases will terminate automatically, without notice and at the end of the term the Trust must give up possession in each instance.

If there is no documentation in place at expiry of the leases, but the Council consents to the continued occupation, then the basis of occupation would be an implied tenancy at will. It is therefore proposed to extend the four leases for two years to give the Trust time to develop alternative options for the sites.

The Mayor considered the recommendations of the Council made on 23 July and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

Yes – Reference Number: I019787

Does the call-in procedure apply?

Yes

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

None

Published

28 July 2015

Petition - Stop housing discrimination against homeless people with pets (Mayoral Decision)

Approximately 70 electronic signatures

Dear Mayor Oliver,

Many homeless people keep dogs for security as well as comfort. Currently only 9% of hostels for homeless people in the UK are dog-friendly, meaning that many dog owners are denied access to shelter and support, simply because they have a dog. Likewise, rules on dog ownership for council housing or housing association tenants vary from place to place, with many councils forcing people to give up their pets to rescue centres or remain homeless.

It is NOT okay to tell people they cannot have emergency housing because they have pets. It is NOT okay to leave them in cold with these pets. It's callous. It's discriminatory. This would NEVER happen to someone with kids. To thousands of people, their pets ARE their kids. People like Hillary Barrows in Canterbury have had to live in their cars in minus degree weather because they could not have emergency help because of their dogs. You must understand the importance of pets to the homeless, the bond, the love that is exchanged. Do not take that away from them and make them suffer.

Please tell me, what is our council's position on this issue? Does our council provide emergency housing for people with dogs? Do we provide council housing for people with dogs? If so, what percentage of our emergency and council housing allows dogs? And what quantity of our emergency accommodation and council houses allow dogs?

Agenda Item 7

Meeting of the Council

Thursday, 24 September 2015

Questions Under Standing Order A13

Question (1) by Councillor Darling (S) to the Executive Lead for Adults and Children (Councillor Parrott)	Can you please explain why the 5 year Children's Services plan has changed to a 7 year plan?
Question (2) by Councillor Stringer to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	In light of the European wide refugee Crisis what actions have you taken to review what assistance Torbay Council and its public sector partners in South Devon can offer to help in this appalling situation and how Torbay Council may be able to facilitate help from either individuals or communities to help at this time of great need.
Question (3) by Councillor Darling (S) to the Executive Lead for Community Services (Councillor Excell)	I understand that the Council have experienced technical problems in introducing a 20 MPH zone outside Barton Academy. In light of this would the Council consider extending the 20 MPH zone to include the local shops on Barton Hill road? This may help overcome the technical problems officers are experiencing?
Question (4) by Councillor Darling (M) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	The Former B & Q building continues to be a blot on the landscape in the heart of Torre. What approaches have officers made to the new owner to encourage redevelopment of this site?

Council 24 September 2015

**Notice of Motion - Tackling Housing Need and Poor Quality Housing in Torbay
(Mayoral Decision)**

This Council notes that Torbay faces the following housing challenges:

- One of the lowest levels of social housing stock in the Country for an urban authority at 7% of the local housing stock.
- A low wage economy with high property prices excluding many local people from the housing market.
- A higher than average private rented market resulting in a minority of poor quality rented accommodation which results in anti social behaviour and some criminal activity.
- 1921 households on Torbay Council's housing register.

This Council notes that part of the solution could be establishing a Private Sector Leasing Scheme.

It is common practice amongst local authorities for them to develop Private Sector Leasing Schemes. However, the scale and range of each scheme varies widely.

Such schemes can consider either self contained accommodation or a combination of self contained properties and shared accommodation.

A private sector leasing scheme means that the Council would lease accommodation from landlords on a long term basis (circa 5 years), the Council would issue non-secure tenancies and then manage the property for the duration of the term. (A different arrangement through licences would need to operate in shared accommodation).

The Council's objectives for developing such a scheme would include:

- To contribute to dealing with the housing supply issue in Torbay;
- Tackling waiting lists for social housing and homelessness;
- Deal with the impacts of welfare reforms;
- Improve property conditions and management standards;
- Shift the reliance on social sector to meet the needs for affordable housing;
- To generate a financial return to the Council; and
- To ensure a mix of housing, in terms of type, size and tenure, best matched to the needs of Torbay;

There is a real opportunity for Torbay to deliver quality, well located and managed Private Rented sector stock to those in need, who will have the reassurance that their landlord is reputable and providing a good quality service.

By developing a private sector leasing scheme the Council will secure a place in the local housing market.

This Council agrees in principle for the Assistant Director – Community and Customer Services to compile a business plan for a private sector leasing scheme

based upon the ability to use up to £10m of prudential borrowing or appropriate capital funding. That the Assistant Director – Community and Customer Services demonstrates what could be achieved by the investment of either £2m, £5m or up to 10m to be presented to a future Council meeting.

Proposer Councillor Stocks
Seconded Councillor Darling (M)

Joint Commissioning Team - Rationalisation of Statutory Roles

Document to follow.

Agenda Item 10



Meeting: Council

Date: 24 September 2015

Wards Affected: All

Report Title: Corporate Plan 2015-2019

Is the decision a key decision? Yes

When does the decision need to be implemented? 24th September 2015

Executive Lead Contact Details: Mayor Oliver, Executive Lead for Finance, Regeneration and Children, 01803 201201, mayor@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 Corporate Plan 2015-2019 prepared by the Mayor and the Executive sets out the strategic ambitions for the Council over the next four years and the principles within which the Council will operate.
- 1.2. The Plan as drafted is designed to provide an overarching framework for the ambitions of the Council. It is not intended to provide targeted actions against which the performance of the Council can be judged.
- 1.3. Once this Plan is approved, Corporate Plan 'delivery plans' will be formulated which will underpin this overarching plan, and these will be presented to Council for approval in February 2016.
- 1.2. The Corporate Plan acknowledges the financial challenge the Council faces and sets principles as to how to achieve our ambitions within reducing resources.

2. Reason for Proposal

- 2.1 The Corporate Plan is a key document as part of the Council's policy framework setting out our strategic ambitions for the next four years.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Corporate Plan 2015-2019 set out in Appendix 2 to the submitted report be approved.

3.2 That the Council notes that the Corporate Plan Delivery Plans will be prepared and presented to Council for approval along with the budget in February 2016.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Draft Corporate Plan 2015-2019

Appendix 3: Summary of Consultation Results

Supporting Information and Impact Assessment – Corporate Plan

Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>The Corporate Plan 2015-2019 is the Council’s key strategic planning document setting out the overarching ambitions for the next four years – this document has been prepared by the Mayor and the Executive. This proposal is to approve the Corporate Plan 2015-2019 and note that the Corporate Plan Delivery Plans will be prepared and presented to Council for approval.</p>
2.	<p>What is the current situation?</p> <p>Set against the significant challenge of expected reductions in funding, the Corporate Plan identifies two ambitions for a prosperous and healthy Torbay and three principles within which the Council will operate, namely:</p> <ul style="list-style-type: none"> • Using reducing resources to best effect • Reduce demand through prevention and innovation • Integrated and joined approach. <p>While there is no statutory requirement to have a Corporate Plan, being clear about our ambitions gives the Council, our staff, partners and the community a clear understanding of what we seek to achieve and how to prioritise our spending.</p> <p>The Corporate Plan identifies the need to explore new and innovative ways to deliver services, as well as the need to integrate with our partners to maximise value for money and deliver the best possible outcomes for our communities.</p> <p>The Council will be developing long term ‘Corporate Delivery Plans’ which will underpin this Corporate Plan. There will be a delivery plan for each of the five targeted actions:</p> <ul style="list-style-type: none"> • Protecting all children and giving them the best start in life. • Working towards a prosperous Torbay. • Promoting healthy lifestyles across Torbay. • Ensuring Torbay remains an attractive and safe place to live and visit. • Protecting and supporting vulnerable adults. <p>These delivery plans will translate the Corporate Plan into practice and detail the priority projects and specific actions the Council will undertake to achieve</p>

	<p>our ambitions.</p> <p>They will be developed by the Council’s Senior Leadership Team and the Executive. In developing these plans, feedback from the consultation on the Corporate Plan will be taken into account especially where respondents have identified specific issues or projects they would like to see addressed..</p> <p>A Performance and Risk Management Framework will be developed to monitor our progress and delivery against the Corporate Plan and Delivery Plans. Performance information will be challenged on a regular basis by the Council’s Senior Leadership Team and presented to Overview and Scrutiny Board on a quarterly basis.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>The Corporate Plan has been developed based on discussions with the Mayor, Executive Leads and the Council’s Senior Leadership team on what the focus for the Council should be over the coming years.</p> <p>In adopting this Corporate Plan, the Council sets a clear vision for what it wants to achieve, and our staff, partners and the community understand what we are working towards.</p> <p>Without a Corporate Plan it becomes difficult to set a coherent direction of travel for the Council, given reducing resources.</p>
<p>4.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>The Corporate Plan will have an impact upon all members of the public as it sets a clear vision for what the Council wants to achieve so that our staff, partners and the community understand what we are working towards - therefore public consultation was required.</p> <p>Partner organizations were also consulted with.</p>
<p>5.</p>	<p>How did you consult?</p> <p>The Draft Corporate Plan 2015-2019 was subject to consultation with the public and our partner organisations. The consultation was promoted through social media to the public and was directly emailed to staff, elected members and partners including Devon and Cornwall Constabulary, Devon and Somerset Fire and Rescue Service, Torbay and Southern Devon Health and Care Trust, Clinical Commissioning Group and Torbay Business Forum.</p>

	<p>The consultation ran for a period of four weeks.</p>
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The Corporate Plan was also considered by the Councils Overview and Scrutiny Board.

Section 2: Implications and Impact Assessment	
6.	<p>What are the financial and legal implications?</p> <p>The Corporate Plan acknowledges the financial challenge the Council faces and sets principles as to how to achieve our ambitions within reducing resources.</p>
7.	<p>What are the risks?</p> <p>Without a Corporate Plan it becomes difficult to set a coherent direction of travel for the Council, given reducing resources.</p>
8.	<p>Public Services Value (Social Value) Act 2012</p> <p>This policy does not require the procurement of services.</p>
9.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>While there is no statutory requirement to have a Corporate Plan, being clear about our ambitions gives the Council, our staff, partners and the community a clear understanding of what we seek to achieve and how to prioritise our spending.</p>
10.	<p>What are key findings from the consultation you have carried out?</p> <p>Generally consultations on strategy documents do not receive high response rates and this consultation was no exception with 19 responses (one late response was received). The majority of these responses were received from members of the public and Torbay Council staff, with three partner organisations also responding.</p> <p>Overall, there was agreement with the ambitions, principles and targeted actions identified within the plan. Respondents agreed with the need to look after our residents and ensure we try to avoid through intervention. Comments and feedback related to creating revenue, and promoting tourism to ensure Torbay prospers.</p> <p>Within the survey responses there were specific suggestions for what else could be included; examples of these are outlined below:</p> <ul style="list-style-type: none"> • Ensuring tourism is promoted and protected. • Need to protect the environment and making the most of this asset. • Improving mental health for children and young people. • Ensuring local people have a opportunity to have their say in future

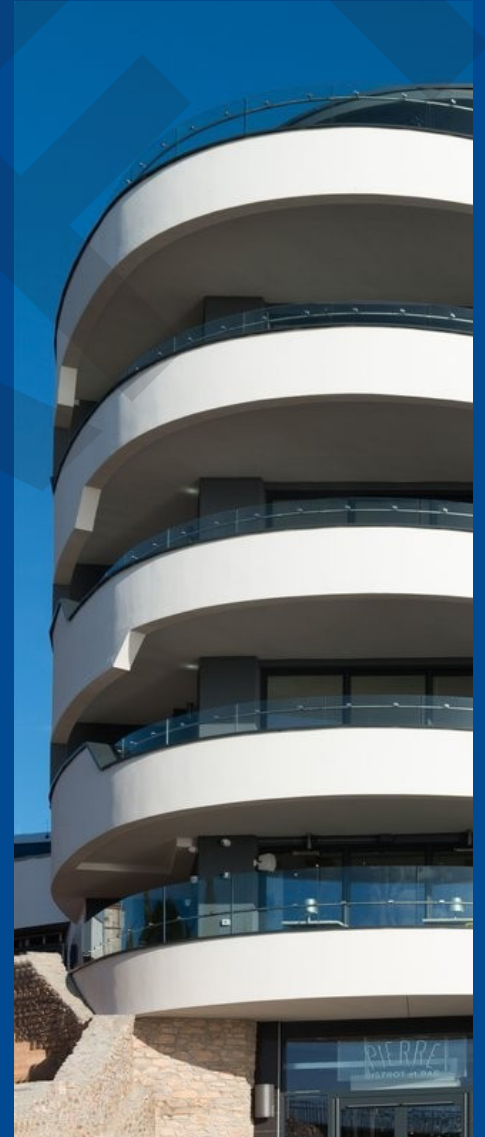
	<p>plans for the Council.</p> <ul style="list-style-type: none"> • Need to build more housing. • Making the most of the digital economy and how this can create further opportunities for area. <p>These suggestions will be considered in the development of the Corporate Plan Delivery Plans which will detail the projects and actions the Council will be undertaking in relation to targeted action areas.</p> <p>A summary of the consultation responses can be found at appendix 3.</p> <p>The Draft Corporate Plan has also been considered by the Overview and Scrutiny Board. The Board's report is available via the following the link:</p> <p>http://www.torbay.gov.uk/DemocraticServices/documents/s23922/Corporate%20Plan%20Report%20of%20the%20Overview%20and%20Scrutiny%20Board.pdf</p>
<p>11.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>Feedback from the consultation has been taken on board and the Corporate Plan has been amended in light of feedback received.</p> <p>A summary of the consultation responses can be found at appendix 3.</p>

Equality Impacts

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

	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			No differential impact
13	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	N/A		
14	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	N/A		

Introduction to Corporate Plan 2015 - 2019



A Council Fit for the Future

Foreword by Mayor Gordon Oliver



It is a privilege to be elected Mayor of Torbay for a second term and to be able to build on the achievements of the last four years. Despite the challenge of reduced funding as a result of the Government's austerity measures we have still delivered or enabled significant achievements including:

- The proportion of people claiming job seekers allowance across Torbay has fallen from 4.3% in 2011 to 1.9%.
- A landmark development on Torquay's waterfront on the site of the former Palm Court Hotel.
- South Devon Link Road is well underway and on track to be completed in 2015.
- Torre Abbey has undergone its phase 2 restoration to showcase its 800 year history and won prestigious accolades.
- Children's Services have been removed from intervention, the Department for Education has lifted its improvement notice.
- Torbay along with Devon County Council and Plymouth City Council have created the Energy from Waste facility for waste which cannot be recycled.
- The Council has been awarded Purple Angel Status meaning that more staff are dementia aware.
- The fishing industry supported by the Council in Brixham is thriving and has gained a world class reputation for quality.
- The Torquay Promenade and Banjo was restored and opened to the public for the first time since 2006.
- White Rock Business Park continues to move forward which will bring new jobs and investment to the area.

I made election promises to our communities to ensure the best possible outcomes for all and deliver regeneration projects which will continue to shape Torbay's economic future. However, the Government has been clear about the funding reductions which can be expected across the public sector and the next four years will continue to be challenging for Torbay. This Corporate Plan sets out the ambitions the Council will work towards over the next four years as well as recognising the challenges we face and the need to do things differently.

1. Introduction

Torbay is a great place to live, work and visit. It has a fantastic natural environment as part of the South Devon coastline and is consistently rated among the UK's top tourist destinations. With great access to the sea from a number of harbours and beaches, our communities also enjoy the benefits of a more urban style of living. The South Devon Link Road will encourage new businesses to set up in Torbay which will help improve the local economy. It will enable easier access to the facilities and tourism offer of Torbay.

There has been and remains a significant financial challenge to Torbay Council. Over the last four years the Council has had to make difficult decisions about its services in light of the Government's austerity measures and reduced levels of funding. The future for local government remains uncertain with further reductions in funding expected in 2016/17 and beyond.

It is estimated that the Council will have a budget gap of £33m over the three years between 2016/17 and 2018/19, based on a financial base of £110m in 2015/16. This is a significant challenge especially when the majority of services are statutory i.e. we have to provide them by law. As we need to maintain these services further pressure will be placed on the non-statutory services the Council provides.

To meet this challenge we will explore new and innovative ways to deliver services and maximise value for money. The scale of the budget gap needed means it is no longer possible to achieve the savings required by making simple efficiencies. Some services will have to change significantly or, unless statutory, may no longer be provided.

We will also need to explore the possibility of devolution. Devolution can offer greater powers and financial freedoms and it is important that the Council grasps any such opportunity.

To sit alongside this Corporate Plan, we have prepared a visual representation of how our ambitions, actions and principles sit together, as demonstrated on page 7.

2. Our ambitions

In order to create a Council fit for the challenges of the future, we will focus on creating a prosperous and healthy Torbay.

By focusing on these two ambitions, we can work towards ensuring our communities are healthy and thrive.

A prosperous Torbay

The local economy is showing signs of recovering from the recession, with recent statistics pointing to a rise in salary rates in Torbay. Unemployment has also fallen more quickly than anticipated and this has been assisted by actions taken by the Council and its partners to encourage investment, by businesses, in growth.

The long awaited South Devon Link Road will open in 2015, we must capitalise on that investment to ensure that our economy builds on its recent successes. This will lead to additional higher value employment and the wider benefits that brings to the area through improvements in health, educational attainment and other benefits.

The Council's Economic Strategy 2013-2018 and new Local Plan sets out the need to create more employment in Torbay and this means we need to continue to secure investment in support of the right infrastructure for economic growth including road, rail, broadband as well as sites and premises.

The Torbay Development Agency (TDA) will continue to work in partnership with important sectors and businesses such as hi tech industries and manufacturing. We will continue to encourage people to start new businesses and support them to ensure they are fully exploiting business support programmes to accelerate their growth.

We will continue to work with schools, businesses and other partners to ensure that young people are supported through work placements, apprenticeships and shadowing opportunities to build their future careers within the bay. Working in partnership with schools and business and other partners we can ensure the supply of labour into the economy meets local needs. We need to ensure that our care leavers are considered for work placements, apprenticeships

and mentoring support to build their confidence and experience of working life.

Revitalisation of the town centres is a critical part of Torbay's economic prosperity and the adoptions of master plans for Paignton and Torquay will promote regeneration and growth across these towns.

A healthy Torbay

There are a number of health challenges facing Torbay, including:

- A gap in life expectancy between those people living in more deprived communities and those living in the least deprived.
- A gap in disability free life expectancy, people in more deprived areas live longer with disabilities.
- High levels of overweight and obese children and adults.
- High rates of alcohol related admissions to hospital.

By working with our partners we need to ensure that our communities are supported.

We need to address and tackle the lifestyle issues and wider economic, social and environmental factors which can cause ill health. By tackling these lifestyle issues factors, individuals and communities can improve their life chances.

Across the life course, we need to ensure all children are given the best start in life. Families need to be supported to make the right choices in order to achieve the best outcomes for them and their children. We need to promote the importance of healthy lifestyles and the newly created Joint Commissioning Team will work with partners to ensure there is a focus on targeted prevention and early intervention within all plans.

Torbay's natural environment is a wonderful asset which we need to ensure is protected, by providing attractive and safe open spaces we can encourage our communities to make the most of where we live and promote healthier lifestyles.

Torbay's economic prosperity is dependent on a healthy workforce and yet economic prosperity itself helps to create healthier communities, by supporting regeneration projects we will be able to improve the health inequalities which exist across Torbay.

Working with adult social care services and other community sector organisations, such as the Torbay Community Development Trust, and the voluntary sector we need to explore ways in which we can ensure older people age well, and are physically, mentally and socially active.

In order to achieve this within our reducing resources it is critical the Council delivers through new integrated approaches with our partners. We need to ensure that early intervention and prevention programmes are successful with the ultimate aim of reducing demand in the more costly reactive (intervention) services.

3. Delivering for the future

In order to address the significant financial challenge the Council will face over the next few years, we need to think of new ways of working. We need to look at how other areas, both locally and nationally have addressed similar threats and take the opportunity to do things differently.

We need to base everything we do on three main principles:

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

We will target our actions in five key areas:

- Protecting all children and giving them the best start in life.
- Promoting healthy lifestyles across Torbay.
- Working towards a more prosperous Torbay.
- Ensuring Torbay remains an attractive and safe place to live, visit and work.
- Protecting and supporting vulnerable adults.

Use reducing resources to best effect

The challenge

As part of the Government's deficit reduction plan, the Council has already made budget reductions in the region of £40m over the last four years. It is expected that budget reductions will continue for the rest of the decade given expected reductions in funding from central government, 'normal' budget pressures of inflation, an ageing population and increasing demand for social care services. It is estimated the Council will have a budget gap of £33m over the three years between 2016/17 and 2018/19.

Thinking for the future

We will continue to ensure we are working to maximise efficiencies, ensuring every pound and every hour of work is well spent but the scale of the budget gap means this alone will not be enough. Therefore we will need to think and act differently:

- We may stop providing some services.
- Some services will need to be provided differently with greater community support and / or with integrated working with our partners.
- We need to look at new ways to generate income using our current resources.
- We need to ensure statutory services are clearly defined and managed by the level of risk.

We need to take the lead on town centre regeneration, attracting new investment, new businesses, events and people to our town centres. This will secure income for the Council, but will also benefit our communities and key business sectors.

We need to take a lead role in housing policy and improve housing standards working with the private and community sector. We will continue to build on our success to date in dealing with unacceptable property management.

We need to recognise the skills and assets that exist within our communities and work in partnership with them to enhance the contribution they can make to their own future and that of Torbay.

These and other dynamic approaches will ensure Torbay stays at the forefront of innovation.

Reduce demand through prevention and innovation

The challenge

There is growing demand for our all of our services due to an ageing population, increasing numbers of people and families living with complex illnesses and needs and increasing numbers of children being referred to children's social care services. This is not unique to Torbay and this pattern is seen across the country which is reflected in the pressure on social care and health services.

The Council has an important role to play in reducing this demand in the future as:

- Torbay's economic prosperity is closely linked to the health and well-being of our communities and the individuals who live here
- Failure to support vulnerable individuals, families and communities earlier on will result in higher costs for all organisations and will reduce our capacity to intervene earlier.

Thinking for the future

Building on our current approaches of working together and existing projects, such as the Five Year Cost Reduction Plan for Children's Services, we can reduce demand for services in a number of ways:

- Multi-agency teams working within communities to deliver joined-up services and respond to the needs of those communities.
- Support families to safely care for their children within the context of their community or where this isn't possible, ensure that alternative care arrangements are made for children in a timely way.
- Create an environment where our communities flourish with good physical and mental health.
- Create integrated services where people and families are supported in all aspects of their lives where there are challenges to prevent progression to the need for more intense care.
- Create services aimed at keeping people well and preventing or delaying the onset of disability and illness.
- Create integrated services where those in their older years or those living with illness or disability are supported to live independently and at home for as long as possible.
- Work in partnership with the community and voluntary sector to build resilience and ensure they are equal partners on service design and delivery.

Prevention and early intervention must be a key component of all Council services. In providing services which help to address needs earlier and aim to deal with the wider causes of all problems, the Council will improve outcomes for communities and individuals, reducing the demand for reactive and intervention based services which are far more costly than preventative services.

Integrated and joined up approach

The challenge

Services delivered by different agencies, to only certain age groups or genders leads to services which are not fully integrated and may not provide a holistic approach to care. Meaning that it is not uncommon for clients to receive care from a number of different agencies and staff simultaneously.

Although Torbay has joined-up health and social care services, along with our partners we need to go much further if we are to address the needs of our communities as well as accomplishing this within the growing financial challenge we face.

Thinking for the future

Torbay has a national reputation for integrated working across health and social care and has recently received Pioneer status to take this forward.

The hospital is in the process of acquiring Torbay and Southern Devon Health and Care NHS Trust to create an Integrated Care Organisation (ICO).

The Directors of Adult Social Care, Children's Services and Public Health are working with commissioners in the NHS to develop a Joint Commissioning Plan; this will include the production of local delivery models.

The creation of a Torbay Public Services Trust (TPST) across all agencies will allow for the pooling of budgets as well as attracting external investment. The TPST will enable the co-commissioning and co-delivery of services through pooled budgets by a full range of partners and is being developed as part of the Social Work Innovation Fund project.

We will continue to work with other local authorities and partner organisations to see where there are opportunities to deliver services together. We will need to work with other local authorities to explore the possibility of devolution.

By maximising the benefits of joint working, we will be able to continue to focus on achieving our ambitions and as well as being able to do this within reducing resources.

4. Next Steps: Service Development and Engagement

This document is designed to provide an overarching framework for the ambitions of the Council.

Throughout the remainder of 2015, the Council will be developing long term delivery plans which will support this Corporate Plan. These plans will take into account the reducing financial resources available to the Council over the next three years. In developing these delivery plans consideration will be given to how we redesign our services, how we can work differently and in partnership with others and how we can generate income in order to achieve our ambitions.

The Corporate Plan Delivery Plans will provide the detail of what the Council will be doing and will provide actions against which the performance of the Council can be judged and risks can be monitored. A key part of service redesign will be an assessment of existing evidence and understanding of community needs. We will engage with our partners and the community on service redesign ensuring that everyone, especially those who will be most affected by proposals, get the opportunity to have their say.

The future will not be easy but despite the challenges the Council faces in the forthcoming years, we are committed to working with our partners and the public to ensure that we are able to deliver on our ambitions of a prosperous and healthy Torbay.

Draft Corporate Plan 2015 - 2019



Ambitions

A prosperous Torbay

A healthy Torbay

We will continue the drive to create jobs and work with the Local Enterprise Partnership to gain maximum, economic and social benefits from government funding, including the pursuit of European funding to support specific projects.

Torbay will be a place where our town centres are revitalised and thrive to build our economic prosperity.

We will work to address inequalities of health, wealth and opportunity in Torbay, providing the right kind of help and support at the right time.

Torbay will be a place where we celebrate and champion the diversity of our population and every individual, organisation, business and community is encouraged to play an active role in the life of Torbay.

Torbay will be a place more in control of its future, where its governance is modernised as part of the Government's devolution agenda working with our neighbouring authorities.

We will support a referendum with reference to the Elected Mayor system as soon as is permitted in 2016.

Torbay will be a place where the cared for and caring, young and old, are respected and valued members of our society; and where healthy, happy and safe lives and homes are shared aspirations for every citizen.

Torbay will be a place where every citizen has access to a good education and is able to acquire the skills they need to join South Devon's workforce, where education, training and apprenticeship opportunities are available to all.

Torbay will be a place of well-connected neighbourhoods with a strong sense of identity and belonging, where a diverse mix of housing types and tenures ensures that homes are increasingly affordable to all that need them including the most vulnerable.

Torbay will be a lively and thriving tourist and event destination.

We will continue to plan long term for our sea defences and flood protection to ensure our three towns are protected from rising sea levels.

We will work to improve transport links across Torbay, ensuring it is effective, reliable and sustainable.

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Mayoral
Manifesto
Promises

Corporate Delivery Plans

(These delivery plans will be developed over coming months and presented back to Council in February 2016)

Targeted
Actions

Protecting all children and giving them the best start in life

Working towards a more prosperous Torbay

Promoting healthy lifestyles across Torbay

Ensuring Torbay remains an attractive and safe place to live and visit

Protecting and supporting vulnerable adults

Life Course

Starting Well

Developing Well

Living and Working Well

Ageing Well

Principles

Use reducing resources to best effect

Reduce demand through prevention and innovation

Integrated and joined up approach

Draft Corporate Plan 2015-19

Summary of consultation feedback

There were 19 responses to the consultation exercise on the Corporate Plan.

1. In relation to the two ambitions of prosperous and healthy, two thirds of respondents agreed with these ambitions and comments made included the following:

- We need to look after our residents and make them our main priority.
- Health is paramount as ill health can be avoided through intervention.
- We need to create revenue for the bay and promote tourism.
- Valid and achievable aims but could increase demand.
- Tourism and coastline needs maintaining and protecting for the future.
- Would like to see safety included as this is a basic need and without it communities cannot prosper and will have poorer health outcomes.
- Prosperity provides the basis for making other goals possible... the key is how these things are achieved.

2. The majority of respondents (83.3%) agreed with the principles which the Council will operate within, comments made included the following:

- Money can be saved with work to join up services and resources.
- The council has been great at being proactive, however we need to make our customers aware that with reductions in funding we are more reactive now, this will be assisted through a joined up approach.
- These seem a much a more forward thinking approach: merging teams, people working as communities and taking responsibility for the bay and looking after where they live.
- Don't think there is enough about creating opportunities or protecting our environment.
- Innovations should be core to what we do, this does not always mean bright and shiny, it's also about attitude.
- This is what a local authority should be doing and [this plan] doesn't inspire confidence
- Integrated and joined up also needs to apply internally to Torbay Council and not about seeking new opportunities externally.
- This is the only way forward.

3. Regarding the five areas where we will target our actions, again the majority of respondents (88.9%) agreed with these. Comments included the following:

- Offer support and care to vulnerable people before it's too late.
- I don't think anyone would disagree with these, it's just how you will do it and whether the Council can achieve it.
- It does focus on the safer and vulnerability elements which are very important and will drive demand if it not addressed.
- We need to change the wording for example, *"we will work tirelessly to protect our children and give them the very best start in life, we will strive to create exciting opportunities for our area to prosper etc"*
- There should be an explicit reference to improving mental health for children and young people.
- Promoting healthy lifestyles must be done in conjunction with schools.

4. In relation to whether there was anything respondents felt should be included, comments included the following:

- We need to make the most of the strengths of our location, scenery and beauty and encourage people to visit and return.
- Healthy should come before prosperous.
- We need to be clear the Council will maintain customer expectations by making it clear what we can genuinely achieve.
- The Council being more transparent in its future plans so the community can get involved and the local people can have a voice.
- Housing of different levels, social, affordable, rental and private all need to be looked at and built.
- Staff should be mentioned as an asset.
- Leveraging the possibilities made available by the digital economy for cost saving, community cohesion, jobs for young people, virtual business opportunities and improving the physical environment.

5. Finally we asked people if there was anything further they wished to add, comments included the following:

- I hope this does not fizzle out like other plans.
- The plan should be monitored and feedback available online – monthly and yearly.
- The challenge is 'how' and how will success be measured?

One late response was received from one of our partner organisations who are very supportive of the Plan and keen to continue multi-agency working with Torbay to ensure a multi-agency response to keeping people safe and healthy. They also fed back they were taking a similar approach in reviewing their operational plans and would have an overarching plan supported by a series of detailed plans.

Agenda Item 11



Meeting: Council

Date: 24 September 2015

Wards Affected: All

Report Title: Referendum on Future Forms of Governance

Is the decision a key decision? Yes

When does the decision need to be implemented? 1 October 2015

Executive Lead Contact Details: Councillor Andy Lang, Executive Lead for Corporate Services, telephone 01803 612543 and email andy.lang@torbay.gov.uk

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

1. Proposal and Introduction

1.1 The Council resolved at its meeting on 23 July 2015 to hold a referendum on the Council's future form of governance and requested the Assistant Director – Corporate and Business Services to undertake a consultation exercise on the different forms of governance. This report provides details of the different forms of governance, their operation elsewhere and the outcome of a consultation exercise to enable the Council to determine next steps and which form of governance will be included in a referendum.

2. Reason for Proposal

2.1 For the Council to consider the consultation response, to determine whether to go ahead with a referendum on its future form of governance and if so which form of governance will be included in a referendum.

3. Recommendation(s) / Proposed Decision

3.1 That the Council considers the results of the consultation exercise and, having regard to the outcome of the consultation, confirms whether it wishes to proceed with a referendum on its future form of governance to be held in May 2016;

3.2 That, subject to the decision on 3.1 above, the Council considers the different types of governance, as set out in this report, to determine which question on the form of governance will be included in the referendum, as follows:

Question 1

How would you like Torbay Council to be run?

By a Mayor who is elected by voters. This is how the Council is run now.

OR

By a leader who is an elected councillor chosen by a vote of the other elected councillors. This would be a change from how the Council is run now.

Question 2

How would you like Torbay Council to be run?

By a Mayor who is elected by voters. This is how the Council is run now.

OR

By one or more committees made up of elected councillors. This would be a change from how the Council is run now.

- 3.3 That, subject to the decision on 3.1 above, the Assistant Director – Corporate and Business Services be authorised to prepare and publicise proposals on the form of governance to be included in the referendum, in accordance with legislation and in consultation with the Mayor and Group Leaders.

4. Background

- 4.1 At its meeting on 23 July 2015, the Council resolved the following Notice of Motion:

'Whilst recognising that the current mayoral system of governance cannot be changed until 2019, there is a ground swell of opinion that the Council should review its current mayoral system of governance, from both the community and a number of elected members on the Council. The referendum can only specify one alternative system of governance (either a move to a Leader and Cabinet or a move to a Committee system). This motion is presented at an early stage to determine that a referendum should be held and to enable full consultation as to which alternative system should be included in the referendum, with a view to holding a referendum to coincide with the Police and Crime Commissioner Election in 2016. Holding the referendum on the same date as the Police and Crime Commissioner Election will save money and lead to a higher turnout.

Therefore, this Council resolves:

- (i) That the holding of a referendum on the Council's governance arrangements be approved and that the Council's Returning Officer be requested to seek to combine this with the Police and Crime Commissioner (PCC) elections in 2016. The matter of timings to return to Council for a decision if it is not possible to combine with the PCC election.

- (ii) That the Assistant Director (Corporate and Business Services) undertake a public consultation on the different types of governance, in consultation with the Mayor and Group Leaders, as to the form and content of the consultation.
- (iii) That the Assistant Director (Corporate and Business Services) provides a full report to Council in September 2015 on the different forms of governance, their operation elsewhere and the outcome of the consultation exercise (referred to in (ii) above) to enable the Council to determine which form of governance will be included in the referendum.'

4.2 The Council has operated the Mayoral system of governance since 2005 following a referendum. The total number of "yes" votes in support of the mayoral system was 18,074 (representing 55% of the votes cast) and the total number of "no" votes was 14,682 (representing 45% of the votes cast). The overall voter turnout was 32.1%.

4.3 The first mayoral election was held on 20 October 2005. Following the initial election, the Mayoral term of office is every four years and further elections have been held in 2011 and 2015.

5. Different Forms of Governance

5.1 The legislation specifies that councils must operate Executive arrangements (either elected Mayor and Cabinet or Leader and Cabinet) or a Committee system or prescribed arrangements in regulations by the Secretary of State. Outlined below are the three main models of governance:

5.1.1 **Directly elected Mayor and Cabinet system.** A directly-elected Mayor is elected by local residents and holds office for four years. The Mayor is in addition to the elected councillors. The Mayor is responsible for making major decisions within the Council's budget and policies which are set by the Council. A cabinet (or executive) of at least two and up to nine councillors, is appointed by the Mayor who may (or may not) delegate decision-making powers. The Cabinet is not required to be politically proportionate. The Mayor is also required to appoint a Deputy Mayor from the Cabinet. Some non-executive functions are reserved for committees (such as Planning or Licensing). The appointment of at least one Overview and Scrutiny Committee is required under this system.

5.1.2 **Leader and Cabinet system.** The Leader is a councillor elected by full Council for a term determined by the Council and leads the Cabinet (or Executive). The Leader (once appointed) has the same powers as an elected Mayor (see above) and is responsible for appointing the Cabinet and delegating decision-making powers to the Cabinet members at his/her discretion. At least two and up to nine councillors can be appointed to the Cabinet and it is not required to be politically proportionate. The Council specifies in its Constitution how the Leader can be removed. Some non-executive functions are reserved for committees (such as Planning or Licensing). The appointment of at least one overview and scrutiny committee is required under this system.

5.1.3 The table below explains the similarities and differences between a Leader and Cabinet model and an Elected Mayor and Cabinet model:

Leader and Cabinet	Elected Mayor and Cabinet
The Leader is an elected councillor chosen by the other elected councillors	The Elected Mayor is elected by local residents
The Leader is elected by the Council for a period of up to four years and can only be removed if there is a vote to do this which is supported by the majority of other councillors	The Elected Mayor holds office for four years and cannot be removed by the Council
There is no additional cost associated with the election of a Leader which would take place at a meeting of the Council	The Elected Mayor is chosen every four years by local residents in a formal election. This would be in addition to the local elections, which would continue to take place.
Each year the Leader and Cabinet present a budget and major policies to the Council. They can be approved by a simple majority. Any changes proposed by the Council also require a simple majority of the Council	Each year the Elected Mayor presents a budget and major policies to the Council. They can be approved by a simple majority but any changes proposed by the Council must have the support of at least two thirds of the Council
The Leader is one of the elected councillors	The Mayor is in addition to the elected councillors

5.1.4 **Committee System.** The Committee system is different from the directly elected Mayor and the Leader and Cabinet systems as no decision making powers are given to any one councillor. All decisions by councillors are made by committees, which comprise councillors from all political groups. The Council appoints the committees and sets their terms of reference. Overview and scrutiny is optional under this model. However, there is a statutory duty on a committee system to scrutinise health, community safety and flood risk management. Three possible frameworks for operating this system are:

1. All major decisions are made at Council meetings with delegation to service committees representing the departmental structure. There are a number of specific functions that cannot be delegated to a committee or an officer e.g. budget setting. The present 'council function' committees (i.e. licensing, harbours, planning etc) would continue in their present form
2. All major decisions are made at Council meetings and there are increased delegations to senior officers for all other decisions in consultation with selected councillors depending on the nature and subject of the decision. The present 'council function' committees would remain unchanged.

3. The Council returns to a similar committee system as it operated prior to the requirement in the Local Government Act 2000 for the Council to adopt an executive system of governance. Attached at Appendix 1 is the Committee structure operated by the Council in 2000.

6. Financial and Legal Implications

6.1 Legislative background and requirements

6.1.1 The Local Government Act 2000 introduced a separation of powers between the Executive and Council in all but the smallest local authorities with the aim of making council decision-making more efficient, transparent and accountable. The Act required most local authorities to change governance arrangements from the committee system to an executive-scrutiny model.

6.1.2 The Localism Act 2011 increased the governance options for local authorities as follows:

- executive arrangements (leader and cabinet or directly elected mayor and cabinet);
- a committee system; or
- prescribed arrangements.

Provision was included in secondary legislation which meant the Council was unable to change its governance arrangements without approval at a referendum. This referendum could not be held for 10 years from the referendum that triggered the adoption of the mayoral system of governance (i.e. after 14 July 2015).

6.1.3 If councils propose their own system of prescribed arrangements this will require the approval of the Secretary of State. At the least any such prescribed arrangements would need to be an improvement on the current arrangements, demonstrate "efficient, transparent and accountable" decision-making, and be appropriate for all other councils to consider adopting. To date, no councils have proposed such arrangements.

7. Financial implications

7.1 The costs associated with each system are as follows:

7.1.1 **Directly elected Mayor and Cabinet system.** The election for a directly elected Mayor is held in addition to the local councillor elections, although the two elections are held at the same time. The approximate cost of a Mayoral election at a combined election is £80,000 and this is reduced if more than two elections are held on the same day. In addition to the election costs, the law requires the Council to produce a mayoral booklet which is posted to each voter on the electoral register. The cost of the mayoral booklet in the 2015 elections was £34,000 and each mayoral candidate was required to make a £1,000 contribution to appear in the booklet.

The elected Mayor is in addition to the Council's 36 councillors. The Mayor is paid the same basic allowance as councillors (currently £8,167), plus a special

responsibility allowance which is currently £54,446. Under the Mayoral system the Mayor is required to appoint a councillor as Deputy Mayor and the special responsibility allowance for this role is currently £20,227. Secretarial resources are also provided to the Mayor.

Under the current system the elected Mayor has chosen to take his decisions at Council meetings following a recommendation from all councillors. This means that there are approximately 9 Council meetings per year compared to 6 in 2000. He has also set up Policy Development Groups to enable cross party discussion on development of policies and other executive decisions. The cost in officer time supporting this model is approximately £116,900 per annum.

7.1.2 Leader and Cabinet system. There are no additional election costs under the Leader and Cabinet system as the leader is elected by the Council from the 36 councillors.

The Leader would be paid a basic allowance as all the other councillors (currently £8,167), plus a special responsibility allowance. Leaders' allowances of other authorities, with whom we benchmark our allowances against, currently range between £13,158 (South Hams District Council) and £31,102 (Plymouth City Council). The Council will determine the level of special responsibility allowance for the Leader (taking account of any recommendations made by the Independent Remuneration Panel) if it changes to a Leader and Cabinet system. Secretarial resources will also be available to the Leader.

Based on the governance arrangements in 2000 and 12 Cabinet meetings the cost in officer time supporting this model is approximately £94,600 per annum.

7.1.3 Committee system. There are no additional election costs associated with the Committee system. The main costs relate to implementing and ongoing support for a committee system which are considered to be higher than those incurred in supporting a directly elected Mayor or Leader and Cabinet systems. However, this would depend on the framework of decision-making that the Council adopted if it changed to a Committee system e.g. the number of Committees that would be established and any sub-committees (as outlined in paragraph 5.1.4 above). Implementing the Committee system would require the greatest change to the Council's governance arrangements and would involve increased member and senior officer time in preparing for this system. There could be many more meetings as a result of the committee system which would require more support from officers resulting in higher staffing costs. However, under a committee system there would be no legal requirement for an overview and scrutiny function and therefore savings could follow from this, but there is a statutory duty on a committee system to scrutinise health, community safety and flood risk management.

Based on the governance structure of 2000 but excluding the meetings likely to operate under all models of governance (e.g. Civic Committee, Development Control Committee, Scrutiny Committee) an average of 40 committee meetings were held at a cost of approximately £314,000 per annum and 23 sub-committees at a cost of approximately £111,300 in terms of officer time.

Changes would also be made to members' allowances to align with the additional Chairman/woman roles and responsibilities under a committee system (the role of chairing committees is substantially different from that of a Mayor/Leader or cabinet member). The Chairman of each committee will receive a special responsibility allowance and currently the special responsibility allowance attracted for Chairman of Development Management Committee, which would be comparable to the responsibility required under the Committee system, is £6,742.

7.2 The costs of holding a referendum when combined with the Police and Crime Commissioner Election is estimated at £80,000 based on previous election costs. The Council's Elections reserve provides budgets for elections, but does not include provision for additional costs associated with local referendums. Therefore, the costs associated with holding a governance referendum in 2016 will result in a budget pressure for 2016/17.

7.3 A summary of the approximate costs for the differences between the governance arrangements of each system is set out below:

Cost	Elected Mayor	Leader and Cabinet	Committee
Election and Mayoral Booklet	£114,000	£0	£0
Mayoral Allowance and additional Basic Allowance	£62,613	£0	£0
Deputy Mayor Allowance *	£20,227	£0	£0
Officer Time in Supporting meetings	£16,900	£94,600	£425,300
Leader of the Council Allowance	£0	£31,102	£0
Total	£213,740	£125,702	£425,000

*Note the current Deputy Mayor only takes £15,000 of his allowance.

8. Trends in other authorities

8.1 The national picture of unitary authorities' governance arrangements is set out below:

Number Unitary Authorities	Elected Mayor	Committee System	Leader and Cabinet
56	5 (9%)	6 (11%)	45 (80)%

8.2 A guide on governance change, 'Rethinking governance – practical steps for councils considering changes to their governance arrangements' published jointly by the Local Government Association (LGA) and the Centre for Public Scrutiny (CfPS) in January 2014, identified nine local authorities that changed governance arrangements to move to a committee system in 2012/2013. An additional seven local authorities adopted hybrid arrangements in the same period without changing from the Leader and Cabinet systems (e.g. adopting cabinet committees which

make recommendations to the Cabinet or policy development groups mapped to cabinet portfolios support executive decision making – see paragraph 8.4 below for more information). Two authorities considered changing their governance arrangements to a committee system but decided not to.

- 8.3 Most authorities operate the Leader and Cabinet system. In some councils, individual members of the Executive have decision-making powers; in others, decisions are made by the whole Executive. The term of office of leaders vary with some councils electing their leader for a term determined by the Council itself or on a four yearly basis.
- 8.4 Some councils operate a hybrid approach; typically, this is a hybrid between Leader and Cabinet model and the Committee system (with such an approach usually seen legally as being a modified version of the Leader and Cabinet system, and therefore not requiring a formal change under the Localism Act).

9. Consultation

- 9.1 Consultation was carried out between Monday 3 August and Monday 31 August 2015. A survey was published online and paper copies were made available through all libraries across Torbay and the Connections offices. Residents on the Council's Viewpoint Panel were also invited to take part in the survey and four consultation events were held in the 4 weeks the consultation was open across Torbay.
- 9.2 The purpose of the consultation was to gauge public feedback on whether residents wanted a referendum to take place as well as asking their views on which governance system should be included in the referendum. Therefore the first question residents were asked was 'Do you want to keep the current system (Directly Elected Mayor) without holding a referendum?' and the second question related to preferred options for the governance system. The full consultation report is provided in Appendix 2, with a summary below.
- 9.3 In total there were 904 responses to the consultation:
- The majority of respondents (97.1%) to the consultation lived in Torbay.
 - The majority of respondents (74.7%) answered **no** to question 1: Do you want to keep the current system (Directly Elected Mayor) without holding a referendum? Compared with 21.8% who answered **yes**, they wanted to keep the current system.
 - In answer to question 2, just over half of respondents (53.8%) chose Option 2 - Committee System, as their preferred option. Almost a quarter of respondents (23.6%) chose Option 1 - Leader / cabinet System.
 - Respondents were also given the opportunity to feedback any comments they had about the governance systems, themes included how democratic different systems appear, how much the different systems would cost, views specifically

in relation to the Mayoral system and views about how decisions are made. More detail is provided in the consultation report provided in Appendix 2.

- 9.4 While the results from this consultation exercise must be taken into account in reaching a decision about which alternative system should be included in the referendum, the results from this consultation are not binding for the local authority. The Council must, when taking its decision, take into consideration any other relevant factors which are included within this report.

10. Timeline and next steps

- 10.1 The Local Government Act 2000 sets out the procedure if a council wishes to consider changing its present arrangements. As set out above, a change in governance arrangements has to be approved in a referendum, the result of which would be binding on the Council and the Council would not be able to resolve to change its governance arrangements again for a further 5 years. An indicative timeframe for the steps required to be taken is set out below:

2015	
24 July 2015	Notice of Motion passed by Council calling for a referendum to decide the future form of governance arrangements and consultation on different forms of governance.
1 to 31 August 2015	Consultation on different forms of governance and the need for a referendum.
31 August 2015 to 14 September 2015	Evaluation of consultation outcomes and prepare report for Council.
24 September 2015	Report outcome of consultation to Council. Council determines whether or not to proceed to a referendum and determines which system of governance it proposes to change to.
Not fewer than 56 days before the date of the referendum	Subject to decision of Council on 24 September 2015, preparation of proposal document to include: <ul style="list-style-type: none"> • Proposals for the change. • Timetable for the implementation of the proposals. • A statement that the changes in governance arrangements are subject to approval in a referendum.
At least 14 days prior to the notice detailed above	Proposal document made available for inspection by the public and publish in Herald Express a notice which advised that proposals have been drawn up and where they can be inspected.

2016	
Election Timetable	Referendum to run in parallel with Police and Crime Commissioner Elections.
5 May 2015	Date of poll/election
Within 28 days of the referendum being held	<p>If the referendum approves a change in governance, a Special Council meeting is convened for Council to pass a resolution to change.</p> <p>If there is a no vote, the vote must be recorded, but the Council cannot change its governance model. A notice must be published in the Herald Express summarising the proposals and stating that the referendum did not approve the proposals, and that the existing model [i.e. Mayor and Cabinet] will continue to operate.</p>
2019	If a yes vote, then the new arrangements are implemented at the end of the term of office of the current Mayor

11. Risks

- 11.1 If the Council does not make a decision as to the holding of a referendum and the question to be asked in the same, there is the possibility of a petition being received from the electorate which will determine these issues.

12.1. Alternative Options

- 12.1 No one option is recommended by officers as it is for the Council to determine how it wishes to proceed. The options are outlined throughout this report which can be summarised as follows:

- Progress to holding a referendum and prepare proposals for a Leader and Cabinet system of governance; or
- Progress to holding a referendum and prepare proposals for a Committee system of governance; or
- Decide not to proceed with a referendum and do nothing, leaving the current Elected Mayor and Cabinet system in place.

Appendices

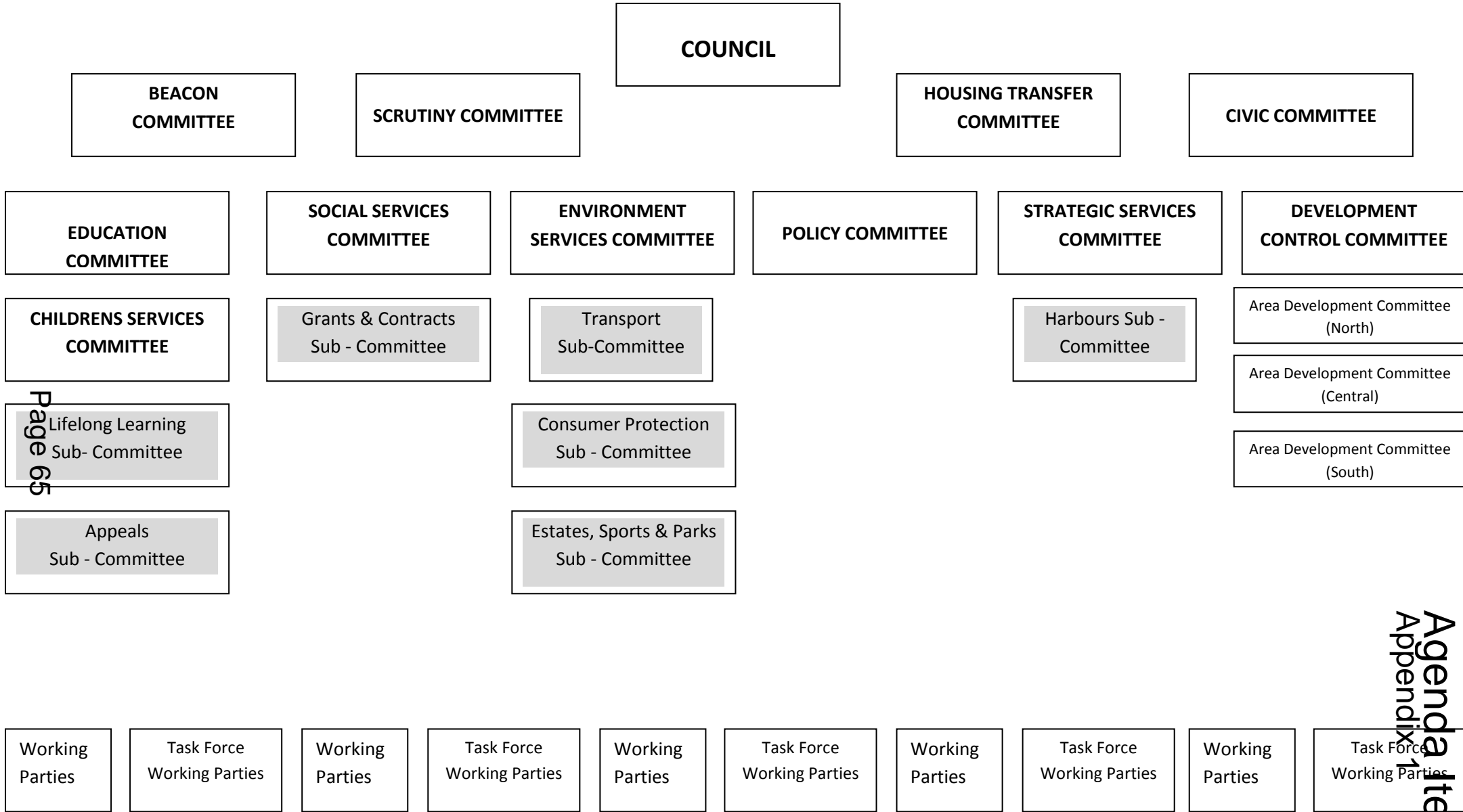
Appendix 1: Torbay Council Committee Structure 2000

Appendix 2: Consultation results

Background Documents

'Rethinking governance – practical steps for councils considering changes to their governance arrangements' published jointly by the Local Government Association (LGA) and the Centre for Public Scrutiny (CfPS) - <http://www.local.gov.uk/documents/10180/5854661/Rethinking+governance+-+practical+steps+for+councils+considering+changes+to+their+governance+arrangements/6f1edbeb-dbc7-453f-b8d8-bd7a7cbf3bd3>

COMMITTEE STRUCTURE 2000





Mayoral Referendum Consultation Report August 2015

Method of response	Number of questionnaires
Total on-line	340
Total returned via post	129
Total from Brixham event	27
Total from Paignton library event	27
Total from Torquay event	79
Total from Paignton Asda event	24
Total from library and Connections boxes	278
Total responses	904

This consultation was open between Monday 3rd August and Monday 31st August 2015.

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1. Introduction

The Council intends to hold a referendum in May 2016 on how the Council is run from 2019 onwards. The referendum will ask whether the Council should continue to be run as it is now by a Mayor who is elected by Torbay's voters or by one of two alternatives:

- A Leader and Cabinet System
- A Committee system

While the wording on the ballot paper for a referendum is set by law, the Council wanted to hear from local residents on which alternative option should be included for the referendum. The options are:

Option 1	Option 2
How would you like Torbay Council to be run? By a mayor who is elected by voters. This is how the council is run now. Or By a leader who is an elected councillor chosen by a vote of the other elected councillors. This would be a change from how the council is run now.	How would you like Torbay Council to be run? By a mayor who is elected by voters. This is how the council is run now. Or By one or more committees made up of elected councillors. This would be a change from how the council is run now.

2. Methodology

This consultation was open between Monday 3rd August and Monday 31st August 2015. An on-line survey was published on the Torbay Council website, and paper versions were made available in all four Torbay Libraries and the three Connections Offices.

The survey was also posted or e-mailed to 600 Torbay residents who are members of the Viewpoint Panel.

Four consultation events were held to raise awareness of the survey and answer any of the public's questions regarding a Mayoral referendum. There were three daytime events at Brixham Library, Paignton Library and Torquay's Union Street, as well as one evening event at Paignton Asda.

The consultation, its survey and events, were publicised in the local press and on social media sites.

3. Summary of results

- 675 respondents (74.7%) answered **no** to question 1: Do you want to keep the current system (Directly Elected Mayor) without holding a referendum? Compared with 197 (21.8%) who answered **yes**.
- In answer to question 2, just over half of respondents chose **Option 2** - Committee System, as their preferred option, 486 (53.8). Almost a quarter of respondents chose **Option 1** - Leader / cabinet System at 213 (23.6%).
- The vast majority of respondents 878 (97.1%) **live in Torbay**
- Just over half 477 (52.8%) of respondents **work in Torbay**. 384 (42.5%) ticked no or stated that they were retired.
- Question 5 allowed respondents to make **written comments**. There were 307 comments made. These have been categorised into popular themes for this report. The numbers in brackets within the tables indicate the number of responses in that theme. Individual comments may be classified under more than one theme.

4. Results

1. Do you want to keep the current system (Directly Elected Mayor) without holding a referendum?

	Number	Percent
Yes*	197	21.8%
No	675	74.7%
No response	32	3.5%
Total	904	100%

*If respondents answered yes to question 1, they were asked to go to question 3.

2. What would be your preferred option for what should be included on a referendum ballot paper?

	Number	Percent
Option 1 - Leader / cabinet System: Voters elect councillors to their ward and a leader would be chosen by the 36 elected councillors, the leader would have the same powers as the Mayor, but can be replaced at any time with another councillor.	213	23.6%
Option 2 - Committee System: Voters elect councillors to their ward. No decision making powers would be given to any one councillor and all decisions would be made at Council or committees or sub committees where Council agrees to this.	486	53.8%
No response	205	22.7%
Total	904	100%

21 respondents (2.3%) answered yes to question 1, but also answered question 2. Of these respondents, 16 (1.8%) chose option 1 and five (0.6%) chose option 2.

22 respondents (2.4%) answered no to question 1 but did not provide an answer to question 2.

Seven respondents did not provide an answer to both question 1 and question 2.

3. Do you currently live in Torbay?

	Number	Percent
Yes	878	97.1
No	10	1.1
No response	16	1.8
Total	904	100%

4. Do you work in Torbay?

	Number	Percent
Yes	477	52.8
No*	384	42.5
No response	43	4.8
Total	904	100%

* 'No' figure includes respondents who indicated they are retired.

4 respondents (0.4%) did not provide an answer to both question 3 and question 4.

5. Are there any further comments you would like to make?

This question allowed respondents to make written comments. These comments have been categorised into popular themes. The numbers in brackets indicate the number of responses in that theme. Individual comments may be classified under more than one theme.

Category	Comments made by respondents
Mayor / Mayoral System (85)	<p><i>"Elected Mayor system more democratic as they are voted in by the public."</i></p> <p><i>"Find the mayoral system confusing for voters."</i></p> <p><i>"Hundreds of towns and boroughs manage to do without a Mayoral System and they manage extremely well. Torbay doesn't need a Mayor and the money saved from that could be spent where it is really needed in the area."</i></p> <p><i>"I believe an elected mayor provides greater public accountability."</i></p> <p><i>"I have not been happy with the elected mayor system, but will option 2 cost more money?"</i></p>

	<p><i>“Mayor brings long term stability. Before we had councillors kicking out their leader every few months so nobody knew who was in charge.”</i></p> <p><i>“I think the current system works perfectly well and should not be tampered with just to appease certain members of the council who disagree with some of the decisions made by our Mayor.”</i></p> <p><i>“The committee system will save ratepayers money by reducing red tape and staffing costs by removing the mayor and all of his staff. In these times of financial restriction placed on Local Councils by central government, the money saved will enable more staff to be employed where they are really needed.”</i></p> <p><i>“The existing system is not beyond redemption but if it should be retained it is important that the person holding the office genuinely works for the whole bay, and works with all of his council to deliver programmes following meaningful consultation with the electorate affected.”</i></p> <p><i>“Torbay is too small to have an elected mayor system.”</i></p>
<p>Decisions (51)</p>	<p><i>“A committee system to make the decisions in a fairer way.”</i></p> <p><i>“Committee system - Time Consuming, expensive, decisions take too long to get made.”</i></p> <p><i>“Decisions should be made by multi-party councillors or similar so that there is a broader view over decisions made where all people in the bay are considered.”</i></p> <p><i>“Ultimately there needs to be a decision maker. In my experience committees do not make quick decisions and procrastinate. Committees also suffer from group think. Committees are good for fact finding and putting forward suggested ways forward, but ultimately an elected person needs to make a decision, based on the best interests of the bay, now and in the future. That person is accountable and can be elected out.”</i></p> <p><i>“The previous system failed Torbay because political infighting interfered with the decision making process”</i></p> <p><i>“Any contentious decisions, ideas made public before it becomes a fait accompli.”</i></p> <p><i>“Decisions should not be taken on council affairs by any one person. All council decisions should be taken by elected councillors put in place by Torbay residents.”</i></p> <p><i>“Hadn't realised the amount of power the Mayor has to make decisions. Committee system would be fairer.”</i></p> <p><i>“.....I would not trust councillors collectively making a decision (they would never agree and nothing would get done) and I certainly wouldn't trust the councillors deciding who the leader should be.....”</i></p>

	<p><i>"I believe that a committee system, with NO leader to be the most democratic way to run the council. That way everything will be decided on a majority basis with no-one having a decisive or casting vote."</i></p>
<p>Other (39)</p>	<p><i>"A simple yes or no to an elected mayor would seem simpler."</i></p> <p><i>"Option 2 is untried and without further information on how it would be envisaged to work, it is not possible to determine who would ultimately take charge. Rather reminds me of the concept of designing a camel by committee!"</i></p> <p><i>"I do not work because I am retired."</i></p> <p><i>"Vote by local's system only"</i></p> <p><i>"Council is a multi-million pound business, needs to be run by people who have the expertise - with forward thinking ideas."</i></p> <p><i>"Hold election along with referendum"</i></p> <p><i>"I do not understand the full implications of options 1 and 2"</i></p> <p><i>"If a referendum is to be held, my preferred option is for option 1 - leader/cabinet system."</i></p>
<p>Cost / Finances / Savings (36)</p>	<p><i>"Are there many financial benefits to the local council tax payer? Can money be saved using a system without an elected Mayor?"</i></p> <p><i>"Debate also needs to consider what Torbay Council will look like by 2019 given £33m cuts. Also consideration should be given to the number of councillors needed in a modern world."</i></p> <p><i>"I do not believe one person should be able to make major decisions which affect so many residents' lives and also waste valuable funding."</i></p> <p><i>"I think the Mayoral system has been a very expensive mistake and I believe voters have been apathetic and not interested in voting in a Mayor. I wonder how much a Mayor, his office and staff have cost us?"</i></p> <p><i>"The cheapest option would probably make sense."</i></p> <p><i>"While I was never in favour of having a directly elected Mayor, I'm prepared to put up with the current system simply to avoid ANOTHER referendum. They are so costly for an already cash strapped Local Authority."</i></p> <p><i>"I presume any leader would not get paid a Mayoral salary."</i></p>
<p>Councillors (35)</p>	<p><i>"All Councillors should be independent and party politics should play no part in local government"</i></p> <p><i>"Bring back the civic Mayor. We need younger councillors, too many over 65 councillors on Torbay Council. We need Councillors who work and live in the real world!!!"</i></p>

	<p><i>“Decisions should not be taken on council affairs by any one person. All council decisions should be taken by elected councillors put in place by Torbay residents”.</i></p> <p><i>“No need to waste funds on voting for a mayor, then being stuck with him/her for a set time. Much better to discuss in groups/committees and have full council voting, so more councillors can be properly involved.”</i></p> <p><i>“Councillors used to chop and change leader all the time in the past so we never moved forward under strong leadership. I prefer the public deciding who should lead them not a few people secretly doing it behind closed doors.”</i></p> <p><i>“Reduce the number of councillors by 50% allowing those left to do a more productive job.”</i></p> <p><i>“Option 1 only perpetuates the current system and furthermore it takes the power of electing the mayor out of the hands of the public and gives it to councillors.”</i></p>
<p>Power (27)</p>	<p><i>“An "all powerful" Mayor) or like person can be manipulated by an individual resident for personal gain - as has happened against the opposition of other residents, causing resentment. Such a powerful individual may make decisions against Council Policy. How are they held to account?”</i></p> <p><i>“I think under the current system the mayor has too much power and of course is the cost of his/her post public purse, and maybe some things pushed through would seem a bit odd to say the least. The public should be more involved in what is best for Torbay not just a few people who think they know best. Conflict of interest comes to mind.”</i></p> <p><i>“The council needs a leader with powers who can make decisions otherwise we will return to the past where nothing is done as the civil servants clog everything up in eternal surveys and the only thing that goes up is their salaries.....”</i></p> <p><i>“I think that the reason for introducing a Mayoral System has been overlooked. That reason was to move on from the constant inter-party bickering and lack of action from the previous system. Better to have a Mayor with decision making powers.”</i></p> <p><i>“Mayor system of one man holding all the power is totally wrong, democracy is dead in the bay while this system is in operation.”</i></p>
<p>Democratic (23)</p>	<p><i>“Committee system more democratic & responsive. More responsive to rapidly changing Torbay demography, with better ethnicity and culture, less sudden shocks & changes of direction makes less conflict, better cross party relations, agreement before hitting press.”</i></p>

	<p><i>“Decisions adopted on behalf of voters should not be capable of being taken up by one person's opinion only, this is not democratic. Important decisions should only be made by appointed committees, this should lead to a better chance of correct decisions being made & by a group of dedicated local people, living in the bay, and who should be aware of the facts first hand.”</i></p> <p><i>“In my opinion, Option 1 is too similar to the current system. Option 2 provides a clearer alternative which, I feel, is also more democratic in its processes.”</i></p> <p><i>“I believe in a greater democratic system than we now have”</i></p>
<p>Unitary (20)</p>	<p><i>“Have a referendum on abolishing Torbay unitary status, go back to Devon County Council. Abolish Torbay unitary in the referendum in May 2016”</i></p> <p><i>“As a unitary authority Torbay is too small to attract the necessary calibre in staff and councillors, it should unite with Devon. It is the worst authority I have ever worked or lived in!”</i></p> <p><i>“Torbay is too small to be a successful Unitary Authority. The Local Government reorganisation of 1976 resulted in Torquay having a disproportionate influence on the social, cultural, economic activities of Torbay. Torbay Councillors do not have the skills or integrity to ensure equal distribution of resources throughout all sections of the Borough. Far better for Torbay to be subsumed into Devon County Council and so avoid some of the inequalities and duplication of functions that hinder the development and prosperity of Torbay area.”</i></p> <p><i>“We should give up unitary status as we are too small an area to govern ourselves and it has been disastrous for the area. Residents were dissatisfied with the way the council was run after becoming unitary so the elected mayoral system was brought in, it has also proved disastrous so we should now reunite with Devon County Council.”</i></p>
<p>Listen to the people of Torbay (17)</p>	<p><i>“I feel very strongly a lot of decisions are made personally at present - without a listening ear to either fellow councillors or their electorate. The other system could be more advantageous. Thank you for this opportunity to voice my opinion.”</i></p> <p><i>“The committee system would only work well if councillors didn't waste time on irrelevant discussion or get caught up in political arguments. Concentrating on genuine debates that lead to well thought out decisions actually being made and truly representing voters interests will be key. Good luck!!”</i></p> <p><i>“The existing system is not beyond redemption but if it should be retained it is important that the person holding the office genuinely works for the whole bay, and works with all of his council to deliver programmes following meaningful consultation with the electorate affected.”</i></p>

<p>This Consultation (17)</p>	<p><i>"I am disappointed how little publicity has been given to this on line consultation - it does suggest the council have a hidden agenda already. Let's hope enough people see it"</i></p> <p><i>"Why can't we choose between mayor, leader and committee systems?"</i></p> <p><i>"You have forced me to vote yes to question one when, in fact, I would like a referendum in which I would vote in favour of keeping the current system. Your questionnaire is clearly flawed"</i></p>
<p>Change (15)</p>	<p><i>"Changing the system will not give us stronger candidates. We have had behind closed door council decisions and didn't like it so moved to a Mayor, We didn't like the politicising and perceived lack of accountability that that brought and now we seek to change it all again"</i></p> <p><i>"I feel that if we revert to option 2 it will be a retrograde step."</i></p> <p><i>"We need to change the system urgently!"</i></p>
<p>Figurehead / leadership (13)</p>	<p><i>"A Mayor is directly elected by the people, I prefer this method because a leader can be a favourite of the councillors. Having a Head is important for discussion making."</i></p> <p><i>"It seems obvious that a leader elected by the councillors themselves would co-operate better"</i></p>
<p>Brixham (12)</p>	<p><i>"I would like to see Brixham under the control of Brixham Council, with Torbay Council having no authority over Brixham."</i></p> <p><i>"Brixham Council should be included in ballot - whether they stay or go."</i></p>
<p>Accountability (10)</p>	<p><i>"I believe an elected mayor provides greater public accountability."</i></p> <p><i>"I feel Torbay Council lacks credibility, transparency and clarity. Decisions by the few effect Torbay and Torbay needs to be brave, develop and grow. Torbay needs decent jobs to attract people of working age. Torbay Council needs to modernise and be fully accountable for its actions."</i></p>

5. Conclusion

Most respondents do not want to keep the current system of a Directly Elected Mayor

Option 2 – Committee System is the preferred option to be included on a referendum ballot paper by the majority of respondents.

For further information please contact the Policy Performance and Review team on 01803 207227 or email consultation@torbay.gov.uk

The information used to collate this report has been collected and processed in accordance with the Data Protection Act, 1998.

Agenda Item 12



Meeting: Council

Date: 24 September 2015

Wards Affected: All Wards

Report Title: Review of Policy Framework Documents

Is the decision a key decision? No

When does the decision need to be implemented?

Executive Lead Contact Details: Councillor Lang, Executive Lead for Corporate Services, andy.lang@torbay.gov.uk

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

1. Proposal and Introduction

- 1.1 At the meeting of Council held on 23 July 2015 the Council approved a motion requesting the Executive Director of Operations and Finance to undertake a review of the Council's Policy Framework and report back to Council in September. The review was to include recommendations for additional plans/strategies and removal of any plans/strategies which are no longer required together with timescales against each policy for Council approval.
- 1.2 The current list of Policy Framework documents is set out in Article 4 of the Council's Constitution. It currently contains 28 key plans and strategies. A Policy Framework document is an important strategic document which is approved by the Council and sets the direction for the delivery and operation of Council services within the Council's approved budget. Any subsequent decisions by the Mayor or Council officers under the Council's Officer Scheme of Delegation, has to be in accordance with the Policy Framework.
- 1.3 It is important that the Policy Framework is not overly complex, with Members, Officers, Partners and the public being able to view the Council's policy on any given subject in one place, rather than having to refer to a number of documents to understand the same. Policies being held in many disparate documents also runs the risk of conflict and confusion between the same.
- 1.4 Learning lessons from elsewhere, the Sir Bob Kerslake review of Birmingham City Council in 2014 said inter alia that they had a multiplicity of strategies and plans which lead to unnecessary complexity and confusion. The recommendation flowing from this was of the need for the whole organisation to be tightly focussed on a small number of priorities, with the Council developing a simplified Policy Framework.

- 1.5 As part of the review the Executive Director of Operations and Finance consulted the Senior Leadership Team and Senior Manager's Forum and asked them for their views on what the Policy Framework should look like, what plans are of strategic importance for their service area, what should be removed and what is missing. A benchmarking exercise was also carried out with other local authorities on what documents they include in their Policy Framework. The results of the review are attached at Appendix 1.

2. Reason for Proposal

- 2.1 To ensure good governance of the Council it is important that there are open and transparent rules and procedures for approving the Council's key policies (these are set out in the Council's 'Standing Orders - Budget and Policy Framework' which is currently under review as part of a review of the Council's Constitution) and that the list of key policies is reviewed and kept up to date. In undertaking a review of the Council's Policy Framework documents the Executive Director of Operations and Finance has had regard to relevant legislation, current working practices and benchmarking information from other local authorities.
- 2.2 The outcome of the review will ensure that the Policy Framework is strategic, joined up and covers the Council's key priorities.
- 2.3 Reducing the number of the documents within the Policy Framework will enable a more focussed approach to the Council's strategic planning and more efficient use of resources and reduce unnecessary bureaucracy.

3. Recommendation(s) / Proposed Decision

- 3.1 That the review of the Council's Policy Framework (as set out in Appendix 1 to the submitted report) be approved and the Policy Framework be updated to comprise the following documents:
- a) Communication, Engagement and Consultation Strategy;
 - b) Corporate Plan incorporating Equalities Objectives;
 - c) Economic Regeneration Plan incorporating Tourism Strategy; and Cultural Strategy;
 - d) Housing Strategy incorporating Homelessness Strategy; and Housing Allocations Policy;
 - e) Gambling Act Policy/Statement of Principles;
 - f) Joint Health and Wellbeing Strategy incorporating the Children's and Young People's Plan; Older Persons Strategy; and Supporting People Strategy;
 - g) Licensing Policy;
 - h) Local Transport Plan incorporating the Parking Strategy;
 - i) Plans and Strategies which together comprise the Development Plan incorporating the Port Masterplan; and
 - j) Strategic Agreement between Torbay and Southern Devon Health and Care NHS Trust and Torbay Council /Torbay and South Devon Clinical Commissioning Group; and
 - k) Waste Management Strategy.

Appendices

Appendix 1: Table proposing changes to the Council's Policy Framework

Background Documents

Article 4 – The Council

<http://www.torbay.gov.uk/DemocraticServices/documents/s24395/06%20Article%204%20-%20The%20Council.pdf>

Standing Orders – Budget and Policy Framework

<http://www.torbay.gov.uk/DemocraticServices/documents/s24650/27%20Standing%20Orders%20-%20Budget%20and%20Policy%20Framework.pdf>

Table proposing changes to the Council's Policy Framework

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Adult Social Care Partnership Agreement	<p>Now called Strategic Agreement between Torbay and Southern Devon Health and Care NHS Trust (TSDHCT) and Torbay Council /Torbay and South Devon Clinical Commissioning Group (CCG). A legal and statutory Strategic Agreement between Torbay and Southern Devon Health and Care NHS Trust and Torbay Council regarding the delivery of Adult Social Services on behalf of the Council. The Strategic Agreement sets out the performance targets for Torbay and Southern Devon Health and Care NHS Trust, specifies financial inputs and outputs, agrees key areas for development, charges applied to service users and specifies the performance monitoring arrangements. This agreement is prepared jointly with the CCG in view of the expectation that an Integrated Care Organisation (ICO) will commence in the new financial year and is agreed to by the South Devon Healthcare NHS Foundation Trust, who is the acquiring organisation of the TSDHCT.</p> <p>Recommendation: The Strategic Agreement between Torbay and Southern Devon Health and Care NHS Trust and Torbay Council /Torbay and South Devon Clinical Commissioning Group to remain as a Policy Framework document.</p>	Annual as part of the budget setting process	February 2015	Caroline Taylor
Annual Report	<p>To inform the public, councillors and stakeholders of the Council's performance as well as summary financial information on revenue and capital spending, achievements and future plans.</p> <p>We are the only local authority of those surveyed that have this as a Policy Framework document. There is no requirement to have this and there may be other ways of promoting the Council and its achievements.</p> <p>Recommendation: The Annual Report to be removed from the list of Policy Framework documents.</p>	Annual December 2014	6 December 2012	Michelle Pierce Anne-Marie Bond

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Children's and Young People's Plan	<p>Torbay Children and Young People's Plan 2014-19 reviews the achievements of Children's Services and partners in delivering services to children, young people and their families. It gives headline outcome data in some key areas of need and then sets out the headline priorities for the next five years.</p> <p>This Plan is required by Section 17 of the Children Act and the majority of local authorities surveyed have this as a Policy Framework document.</p> <p>Recommendation: The Children's and Young People's Plan to remain as a Policy Framework document incorporated into the Joint Health and Wellbeing Strategy.</p>	2014-2019	25 September 2014	Richard Williams
Climate Change Strategy	<p>The Climate Change Strategy is not a statutory plan but it enables the Council to comply with the obligations of the Climate Change Act (which sets national targets) and the National Adaptation Plan which says we have to have policies on tackling climate-related impacts. The National Planning Policy Framework also requires authorities to help increase the use and supply of low carbon energy and the responsibility on all communities to meet the challenge of climate change and its associated effects. It has been useful when bidding for funding such as ECO to say it is a Policy Framework Document.</p> <p>Only two of the local authorities surveyed include this Strategy as a Policy Framework document.</p> <p>Recommendation: The Climate Change Strategy to be removed from the list of Policy Framework documents.</p>	2008 to 2013	Has been refreshed and is currently out for consultation for 2014-2018	Fran Hughes/ Anne-Marie Bond
Communication, Engagement and Consultation Strategy	<p>This strategy is not statutory but identifies how the Council will consult and engage with its community and partners. This document is currently under review and will be updated to provide one overarching communication and consultation policy/strategy that defines what the Council does (focusing on fair decision making).</p> <p>Recommendation: The Communication, Engagement and Consultation Strategy to remain in the list of Policy Framework documents.</p>	Overdue	Due to be considered on 22 October 2015	Anne-Marie Bond Steve Parrock

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Community Plan	<p>The Community Plan outlines the vision for Torbay bringing together the views of residents as well as representatives from the business community and voluntary sectors.</p> <p>The Council is no longer legally required to have a Community Plan.</p> <p>Recommendation: Remove from the list of Policy Framework documents.</p>		Published 6 December 2011	Anne-Marie Bond Steve Parrock
Community Safety Strategy	<p>There is still a requirement to have a plan but doesn't have to be listed as a Policy Framework Document.</p> <p>The Torbay Strategic Crime and Disorder Assessment is reported to the Community Safety Partnership and suggest Executive Lead and Senior Leadership Team (SLT) input to ensure strategic oversight.</p> <p>Recommendation: To remove the Community Safety Strategy from the list of Policy Framework documents but present future updates to Executive Lead and SLT for strategic input and to be approved by the Assistant Director of Community and Customer Services.</p>		Last approved 3 years ago.	Fran Hughes
Corporate Asset Management Plan	<p>This plan defines how Torbay Council will develop its land and property assets and is usually reviewed by Council on an annual basis as part of the budget setting process. Most of the local authorities surveyed do not include this as a Policy Framework document.</p> <p>Recommendation: The Corporate Asset Management Plan to be removed from the list of Policy Framework documents.</p>	Standing document only needs further approval when subject to substantial changes.	February 2013	Martin Phillips Steve Parrock

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Corporate Capital Strategy	<p>This plan is the policy document that brings together the programme of Capital Investment in property used across the Council's services and informs decisions on Capital Spending priorities within the Council's 4-year Capital Plan Budget, which is approved by Council.</p> <p>Most of the local authorities surveyed do not include this as a Policy Framework document.</p> <p>Recommendation: The Corporate Capital Strategy to be removed from the list of Policy Framework documents.</p>	Standing document only needs further approval when subject to substantial changes.	February 2013	Martin Phillips Steve Parrock
Corporate Plan	<p>To identify the priorities the Council intends to deliver. This is a key strategic document.</p> <p>Most of the local authorities surveyed include the Corporate Plan as a Policy Framework document. The Council has previously had an Equality and Inclusion Policy Scheme as part of the Policy Framework but this is no longer required or needs to be a standalone document, however the Council must publish Equality Objectives. It is therefore suggested that the Equality Objectives be incorporated into the Corporate Plan to form one document.</p> <p>Recommendation: The Corporate Plan (incorporating Equalities Objectives) to remain as a Policy Framework document.</p>	To be updated September 2015.	February 2013	Anne-Marie Bond
Cultural Strategy	<p>The strategy reflects the needs and aspirations of the public and cultural sector and was added to the list of Policy Framework documents on 25 September 2014 to raise the profile of culture and assist in securing external funding opportunities. Only two of the local authorities surveyed had this as a Policy Framework document.</p> <p>Recommendation: That the Cultural Strategy to become a sub-strategy of the Economic Regeneration Plan.</p>	New strategy required from 2015	25 September 2014	Fran Hughes

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Economic Regeneration Plan	<p>Plan to deliver jobs and sustainable economic growth in Torbay. The Tourism Strategy is a sub-strategies of this Plan.</p> <p>Only three of the local authorities surveyed include their Economic Plan as a Policy Framework document, however this is one of the key priority areas for the Council and therefore should remain as a Policy Framework document.</p> <p>Recommendation: The Economic Regeneration Plan and its sub-strategies to remain as Policy Framework documents.</p>	Current plan ends in 2018	2013	Alan Denby/ Kevin Mowat

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Equality and Inclusion Policy Scheme	<p>The equality framework is a Local Government Association initiative which comprises of five performance areas which Local Authorities are measured against. Local Authorities carry out self assessments and are rated against three levels of achievement ('Developing' 'Achieving' 'Excellent') – Torbay Council carried out their last assessment in 2008 and is currently rated at 'Achieving'. It should be noted that this not a statutory framework.</p> <p>Since 2008 the Equality Act 2010 now requires all Local Authorities to produce 'Equality Objectives' every 4 years (ours are available here: http://www.torbay.gov.uk/equalityobjectives) and these are due to be refreshed in 2016. This is a statutory responsibility.</p> <p>The Council also has a statutory to publish Equality Information every year to demonstrate how we are meeting the Public Sector Equality Duty (this is available here - http://www.torbay.gov.uk/index/yourcouncil/equalopportunities/equalityinformation.htm).</p> <p>It is suggested that the Equality and Inclusion Policy is removed from the Policy Framework and that the Equality Objectives are incorporated within the Corporate Plan.</p> <p>Only two of the local authorities surveyed include an Equality Policy as a Policy Framework document.</p> <p>Recommendation: The Equality and Inclusion Policy to be removed from the list of Policy Framework documents, and the Equality Objectives be incorporated within the Corporate Plan.</p>	Overdue	Last updated November 2006 with action plans update in 2007 and achievements brochure in 2010	Anne-Marie Bond Steve Parrock
Food Safety Service Plan	<p>The plan is required by the Food Standards Agency but it does not have to be included as a Policy Framework document. The Under Age Sales Policy and Health and Safety Plan are incorporated into this Plan so only one report is presented.</p> <p>Recommendation: To remove the Food Safety Services Plan from the list of Policy Framework Documents as it does not have to be included and will be approved by the Assistant Director of Community and Customer Services, in consultation with the Executive Lead.</p>	reviewed annually	1 June 2015	Steve Cox Fran Hughes

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Gambling Act Policy/Statement of Principles	<p>This policy sets out the principles by which the Council will exercise their functions under the Gambling Act.</p> <p>Most of the local authorities surveyed include the Gambling Act Policy as a Policy Framework document.</p> <p>Recommendation: The Gambling Act Policy/Statement of Principles to remain as a Policy Framework document.</p>	3 years Due to be reviewed 2015	December 2012	Steve Cox Fran Hughes
Health and Safety Service Plan	<p>The plan is a requirement of the Health and Safety Executive and ensures businesses, residents and the wider community are provided with a suitable level of protection but does not have to be a Policy Framework document. The Under Age Sales Policy and Health and Safety Plan are incorporated into Food Safety Service Plan so only one report is presented.</p> <p>Recommendation: The Health and Safety Service Plan to be removed from the list of Policy Framework documents as it does not have to be included and will be approved by the Assistant Director of Community and Customer Services, in consultation with the Executive Lead.</p>	reviewed annually	1 June 2015	Steve Cox Fran Hughes

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Housing Strategy including the Housing Renewal Policy and Homelessness Strategy	<p>The Council is in the process of reviewing its housing commissioning arrangements. This document sets out what we need to do to improve affordable housing options, improve fuel poverty.</p> <p>The Council has not had an overarching housing strategy for a number of years and is not required to have one. The Council is taking a new approach to its Housing Strategy by having a number of sub-strategies rather than a single Housing Strategy.</p> <p>The Homelessness Strategy runs from 2011-2014 and is aimed at preventing homelessness and securing sufficient support and accommodation is available for people who become or are threatened with homelessness. There is a statutory requirement to have a homelessness strategy but it can be approved by officers with Member input via Overview and Scrutiny.</p> <p>The Council no longer has Housing Renewal Policy.</p> <p>One of the key strategic housing documents is the Housing Allocation Policy which sets out how we wish to allocate housing stock across Torbay. This should be included in the list of Policy Framework documents.</p> <p>Half of the local authorities surveyed have the Housing Strategy as a Policy Framework document.</p> <p>Recommendation: The Housing Strategy and its sub-documents e.g. Homelessness Strategy and Housing Allocations Policy to remain on the list of Policy Framework documents.</p>	Currently under review		Julie Sharland/ Caroline Taylor

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Joint Health and Wellbeing Strategy	<p>This Strategy sets out how the Health and Wellbeing Board will encourage organisations in Torbay will work together to meet the needs the community. It explains what the health and wellbeing priorities are in Torbay and how joint action will be taken to make a real impact on people's lives.</p> <p>This is not required by law to be a Policy Framework document.</p> <p>Recommendation Health and Wellbeing Strategy incorporating the Older Persons Strategy, Supporting People Strategy and Children and Young Peoples Plan to be added to the list of Policy Framework documents.</p>	4 years 2012/13 to 2014/15	22 November 2012	Kate Spencer/ Anne-Marie Bond
Licensing Policy	<p>This policy sets out the principles by which Torbay Council will exercise their functions under the Licensing Act 2003.</p> <p>Most of the local authorities surveyed include the Licensing Policy as a Policy Framework document.</p> <p>Recommendation: The Licensing Policy to remain as a Policy Framework document.</p>	5 years Due to be reviewed 2015	January 2010	Steve Cox Fran Hughes
Local Area Agreement	<p>No longer exists can be removed from the Policy Framework.</p> <p>Recommendation: Local Area Agreement to be removed from the list of Policy Framework documents.</p>			Anne-Marie Bond

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Local Transport Plan	<p>This is a statutory plan which requires final approval from the Secretary of State for Transport. It influences the everyday lives of all residents and visitors, be it travelling to work, school, leisure trips or shopping. It influences the ability for people to access health care, food and employment. It also determines how large parts of our budget are allocated and the ability to secure large amounts of grant funding.</p> <p>Most of the local authorities surveyed include the Local Transport Plan as a Policy Framework document.</p> <p>Recommendation: The Local Transport Plan to remain as a Policy Framework document with the Parking Strategy being a sub-strategy of this plan.</p>	2011 to 2016 for overarching strategy and a 5 year review for the implementation plan.	2011	Anne-Marie Bond
Older Persons Strategy	<p>This was last called Active Ageing Strategy. Torbay expects to have 50% of its population aged 50 or above by 2020. Our population structure is already older than the national average and this is predicted to become even more pronounced which is likely to place additional demands on public services.</p> <p>The Council is not required to have an Older Persons Strategy and the Council no longer needs this strategy as the activities covered in the strategy are now done through joint arrangements.</p> <p>Only one of the local authorities surveyed includes this Strategy as a Policy Framework document.</p> <p>Recommendation: The Older Persons Strategy/Acting Ageing Strategy to remain as a Policy Framework document incorporated into the Joint Health and Wellbeing Strategy.</p>			Julie Sharland

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Organisational Development Plan	<p>This was being developed by the Assistant Director of Corporate and Business Services to set out the overall organisational development priorities for the Council. This is an operational staffing document.</p> <p>Only one of the local authorities surveyed includes this Plan as a Policy Framework document.</p> <p>Recommendation: The Organisational Development Plan to be removed from the list of Policy Framework documents and merged with the Workforce Plan which will be approved by the Head of Paid Service as these documents relate to staffing resources.</p>			Sue Wiltshire Anne-Marie Bond
Plans and Strategies which together comprise the Development Plan	<p>These are the key strategic planning documents for the Torbay area and most of the local authorities surveyed include this as Policy Framework documents.</p> <p>Recommendation: The Plans and Strategies which together comprise the Development Plan to remain as Policy Framework documents.</p>	Various timescales. Definitely need to be policy framework documents.	Various	Steve Turner / Pat Steward/ Anne-Marie Bond
Port Masterplan	<p>The purpose of the Port Masterplan is to inform those who are living in, working in or visiting Torbay about proposals for the future use of Tor Bay Harbour and the three enclosed harbours of Brixham, Paignton and Torquay. In 2010 the Department for Transport recommended that ports produce a Port Masterplan, this Plan has the same strategic importance as the Torquay, Paignton and Brixham Master Plans. The first plan was approved on 5 December 2013 and added to the Policy Framework list. This does not have to be a Policy Framework document.</p> <p>Recommendation: The Port Masterplan to remain as a Policy Framework document and be incorporated into the Plans and Strategies which comprise the Development Plan.</p>	5 Year plan due to be reviewed in December 2018	5 December 2013	Kevin Mowat

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Scheme for Financing Schools	<p>It is a statutory requirement to have a scheme that explains how the Council funds its schools. The Director of Children’s Services has delegated authority to change the scheme including financial conditions. None of the local authorities surveyed include this scheme in their Policy Framework document.</p> <p>Recommendation: The Scheme for Financing Schools to be removed from the list of Policy Framework documents and be approved by Director of Children’s Services.</p>	Revised annually by the school finance team with revised versions being placed on the website. Due Spring 2015	May 2014	Lisa Finn Richard Williams
Supporting People Strategy	<p>This document is no longer required as Supporting People no longer has a ring-fenced budget for this activity. The work is now carried out through joint commissioning and planning activities.</p> <p>Recommendation: The Supporting People Strategy to remain as a Policy Framework document incorporated into the Joint Health and Wellbeing Strategy.</p>			Julie Sharland
Torbay Heritage Strategy	<p>The Heritage Strategy is not a statutory plan. At the time of production having it as a Policy Framework document meant that we had an improved chance of funding from the Heritage lottery fund.</p> <p>None of the local authorities surveyed include this in their Policy Framework. There is very little funding now available so officers are of the view this Strategy should no longer be a Policy Framework document.</p> <p>Recommendation: Torbay Heritage Strategy to be removed from the list of Policy Framework documents.</p>	No review period set.	2011	Fran Hughes

Policy Framework Document	Rationale/Purpose/Recommendation	Duration of Plan	Last Approved	Lead Officer/Director
Waste Management Strategy	<p>The Municipal Waste Management Strategy is a statutory plan and also influences the everyday lives of residents, for example how our bins are collected and what is collected affects every doorstep. It also determines how large portions of budget are allocated and requires consultation with statutory consultees such as the Environment Agency. Approximately half of the local authorities surveyed include this Strategy as a Policy Framework document.</p> <p>Recommendation: The Waste Management Strategy to remain as a Policy Framework document.</p>	2008 to 2025 with a review set for 5 years.	2008	Fran Hughes
Workforce Plan	<p>This was being developed by the Assistant Director of Corporate and Business Services to ensure that the Council has a policy on succession planning and developing future managers etc. This is an operational staffing document..</p> <p>None of the local authorities surveyed have this strategy in their Policy Framework.</p> <p>Recommendation: The Workforce Plan to be removed from the list of Policy Framework documents and combined with the Organisational Development Plan which will be approved by the Head of Paid Service as these documents relate to staffing resources.</p>			Anne-Marie Bond Steve Parrock

Agenda Item 13

Proposed amendments to the Audit Committee Terms of Reference

At the Audit Committee on 29 July 2015, Members considered the Committee's Terms of Reference as set out in 'Schedule 4 – Terms of Reference, Overview and Scrutiny Board, Regulatory, Area and Other Committees' of the Constitution. The minute of the Audit Committee requested the Chief Finance Officer in consultation with the Chairman propose amendments for further consideration:

5. Audit Committee Terms of Reference

Members of the Committee requested the Terms of Reference be updated to reflect the Committee's responsibilities in respect of Treasury Management and Regulation of Investigatory Powers Act 2000 (RIPA). Members were advised technical amendments to the Constitution could be made by the Monitoring Officer in consultation with the Group Leaders.

Resolved:

That the Chief Finance Officer in consultation with the Chairman be authorised to propose amendments to the Audit Committee Terms of Reference for the Monitoring Officer and Group Leaders to consider.

As the 'parent body' the Council is asked to consider the changes to the Audit committee Terms of Reference as set out in Appendix 1.

Recommendation:

That the amendments to the Audit Committee Terms of Reference set out at Appendix 1 to the submitted report be approved.

Name of Committee and Terms of Reference
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<p>Audit Committee:</p>

<p>Terms of Reference:</p>

- | |
|---|
| <ol style="list-style-type: none"> 1. To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements. 2. To consider summaries of specific Internal Audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of Internal Audit Services. 4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale. 5. To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance. 6. To consider specific reports as agreed with the External Auditor. 7. To comment on the scope and depth of external audit work and to ensure it gives value for money. 8. To liaise with the Audit Commission <u>Public Sector Audit Appointments Ltd</u> over the appointment of the Council's external auditor. 9. To commission work from Internal and External Audit within approved resources. 10. <u>To support the Council's compliance with the CIPFA Code of Practice for Treasury Management in Public Services including the role as nominated Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.</u> |
|---|

Name of Committee and Terms of Reference	
Regulatory Framework	
11.	To maintain a strategic overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour (the primary responsibility for considering and ensuring that the constitution is fit for purpose lies with the Monitoring Officer and the Standards Committee in relation to the codes of conduct).
12.	<u>To maintain a strategic overview of the Council's compliance with the prevailing Accounts and Audit Regulations.</u>
13.	To review any issue referred to it by the Executive Director of Operations and Finance, a Director, the Monitoring officer, Section 151 Officer (Chief Finance Officer) or any Council body.
14.	To monitor the effective development and operation of risk management and corporate governance in the Council.
15.	To monitor council policies on 'Raising Concerns at Work' and the 'Anti-fraud and corruption strategy' and the Council's complaints process.
16.	To oversee the production of the authority's Statement on Internal Control <u>consider the findings of reviews of the effectiveness of the system of internal control including the Annual Governance Statement and to recommend its adoption.</u>
17.	To oversee the Council's arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.
18.	To review the Code of Corporate Governance.
19.	To monitor the Council's compliance with its own and other published standards and controls.
20.	<u>To maintain a strategic overview of the Council's compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).</u>
Accounts	
21.	On behalf of the Council, to approve the annual statement of accounts.

Name of Committee and Terms of Reference	
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| 22. | To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts. |
| 23. | <u>On behalf of the Council, to consider and approve the annual statement of accounts.</u> |

Agenda Item 14



Meeting: Council

Date: 24 September 2016

Wards Affected: All Wards in Torbay

Report Title: Treasury Management Outturn 2014/2015

Is the decision a key decision? No

When does the decision need to be implemented?

Executive Lead Contact Details: Mayor Gordon Oliver, 01803 207001,
gordon.oliver@torbay.gov.uk

Supporting Officer Contact Details: Pete Truman, Principal Accountant, 01803 207302,
pete.truman@torbay.gov.uk

1. Proposal and Introduction

- 1.1 This report informs Members of the performance of the Treasury Management function in supporting the provision of Council services in 2014/15 through management of cash flow, debt and investment operations and the effective control of the associated risks.
- 1.2 The headline points of the report are:
 - No new borrowing during the year to fund the Capital Investment Plan
 - Capital expenditure of £4.5million funded from existing borrowing
 - Annual investment rate achieved exceeded the market benchmark
 - Treasury Management activities achieved a saving of £300,000 on the approved budget target

2. Reason for Proposal

- 2.1 The Council is required through regulations issued under the Local Government Act 2003 to produce an annual outturn report reviewing treasury management activities and the actual prudential and treasury indicators for 2014/15.
- 2.2 This report also meets the requirements of the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

3. Recommendations

- 3.1 **That the Treasury Management decisions made during 2014/15, as detailed in the submitted report be noted; and**

3.2 That the Prudential and Treasury Indicators as set out in Appendix 1 to the submitted report be approved.

4 Background Information

4.1 Treasury management is defined by the Code of practice as:

“The management of the authority’s investments and cash flows, it’s banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks”.

4.2 During 2014/15 the minimum reporting requirements were that full Council should receive the following reports:

- An annual treasury strategy in advance of the year (Council 6th February 2014)
- A mid-year review report (distributed to all Members on the Council’s intranet site in December 2014)
- An annual report following the year describing the activity compared to the strategy (this report)

4.3 The current regulatory environment places a much greater onus on Members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the policies previously approved by Members.

4.4 The Council also confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Audit Committee before they were reported to full Council.

4.5 A major element of the Treasury Management function is the implementation and control of the Council’s borrowing decisions. Like all local authorities Torbay Council uses borrowing as a key source of funding for enhancing, purchasing or building assets within the approved capital plan.

4.6 Borrowing allows the repayment costs of capital expenditure to be spread over future years which means that the costs of roads, schools etc are more likely to be met by those who use the assets than would be the case if the full cost of providing these facilities were met by taxpayers at the time of their construction.

4.7 As part of the annual budget process the Council sets limits for the total amount of borrowing that it considers is affordable in terms of revenue resources available to make repayments. Treasury Management officers are tasked with maintaining borrowing within these levels and obtaining best value for the Council in terms of repayment rates and length of loans.

4.8 The Treasury Management team also carry out management of the Council’s surplus cash balances arising from, for example:

- Short term revenue balances (working capital)
- Cash backed reserves

- Capital funding received in advance of commencement of schemes

Balances are invested with approved financial institutions and other local authorities to obtain the best return for periods which ensure cash is available when needed. Security of cash and liquidity are the absolute priorities in all investment decisions.

4.9 Treasury Management strategies were planned and implemented in conjunction with the Council's appointed advisors, Capita Asset Services although the Council officers were the final arbiters of the recommended approach.

4.10 This report covers:

- The Strategy for 2014/15;
- Treasury Position at year End;
- The Economy and Interest rates 2014/15;
- Borrowing Rates in 2014/15;
- Borrowing Outturn for 2014/15;
- Investment Rates in 2014/15;
- Investment Outturn for 2014/15;
- Revenue Budget Performance;
- Reporting Arrangements and Management Evaluation

5 The Strategy for 2014/15

5.1 The central strategy for the medium term aimed to reduce the level of borrowing levels by a target of £10million over four years to reduce the credit risk and cost incurred by holding high levels of investment.

5.2 The strategy acknowledged however that interest rate outlook anticipated very little opportunity to reduce borrowing during 2014/15 due to high repayment costs. The expectation for interest rates anticipated flat levels through most of the year with minimal rises at the back end, still well below the threshold for economic borrowing repayment.

5.3 Investment strategy was strongly influenced by market and credit risk considerations and centred on secure longer term deposits (ie: one to two years), balanced by a proportion of funds maintained in business reserve and notice accounts to ensure appropriate liquidity was maintained.

6 Treasury Position at Year End

6.1 The Council's funding and investment positions at the beginning and end of year was as follows:

	31 March 2014 Principal	Rate/ Return	Average Life yrs	31 March 2015 Principal	Rate/ Return	Average Life yrs
Variable Rate Funding:	£0.0m			£0.0m		
Fixed rate funding:						
-PWLB ¹	£128.1m			£128.1m		
-Market	<u>£10.0m</u> £138.1m	4.39%	25.0	<u>£10.0m</u> £138.1m	4.39%	24.0
Total Borrowing	£138.1m	4.39%	25.0	£138.1m	4.39%	24.0
Other Long Term Liabilities	£8.8m	5.26%	13.5	£8.4m	5.26%	12.5
Total Borrowing/Other LTL	£146.9M	4.44%	24.3	£146.5M	4.44%	23.3
CFR²	£135.1m			£135.3m		
Borrowing in excess of CFR	£11.8m			£11.2m		
Approved borrowing in Capital Investment Plan	£25m			£21m		
Investments:						
- in house	£42.2m	1.25%		£39.7m	0.88%	
- with managers ⁴	£29.8m	0.82%		£30.0m	0.88%	
Total investments	£72.0m	1.11%		£69.7m	0.88%	

¹PWLB = The Public Works Loan Board, a government agency responsible for lending to Local Authorities and the Council's prime source of borrowing

² The Capital Financing Requirement (CFR) represents the Council's underlying need to borrow to fund capital expenditure.

³ Rates for investments reflect the average rate achieved over the full year.

⁴ The principal for external management of funds reflects the original amount applied to the contract in 2007 and subsequent additions and withdrawals

6.2 The Council is required by the specific codes of practice to measure the outturn performance against approved treasury and prudential indicators and this is detailed at Appendix 1 to this report.

7 The Economy and Interest Rates 2014/15

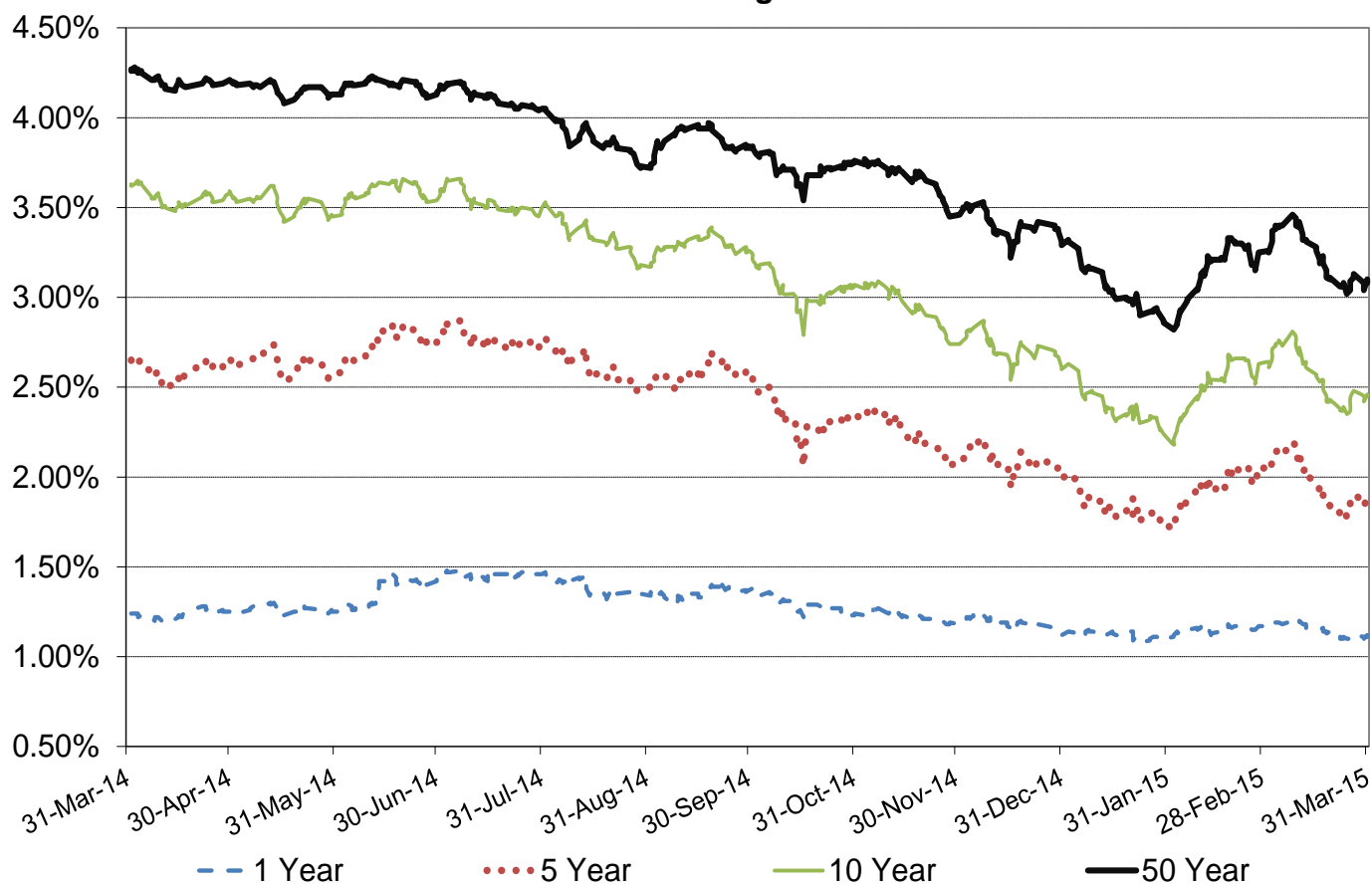
7.1 A commentary of the economic factors prevalent in 2014/15 is given at Appendix 2.

8 Borrowing Rates in 2014/15

8.1 The graph below illustrates the fall of PWLB new borrowing rates to historically very low levels during the year, before rising on the announcement of quantitative

easing by the European Central Bank. Repayment rates are around 1% lower on those illustrated.

PWLB New Borrowing Rates 2014/15



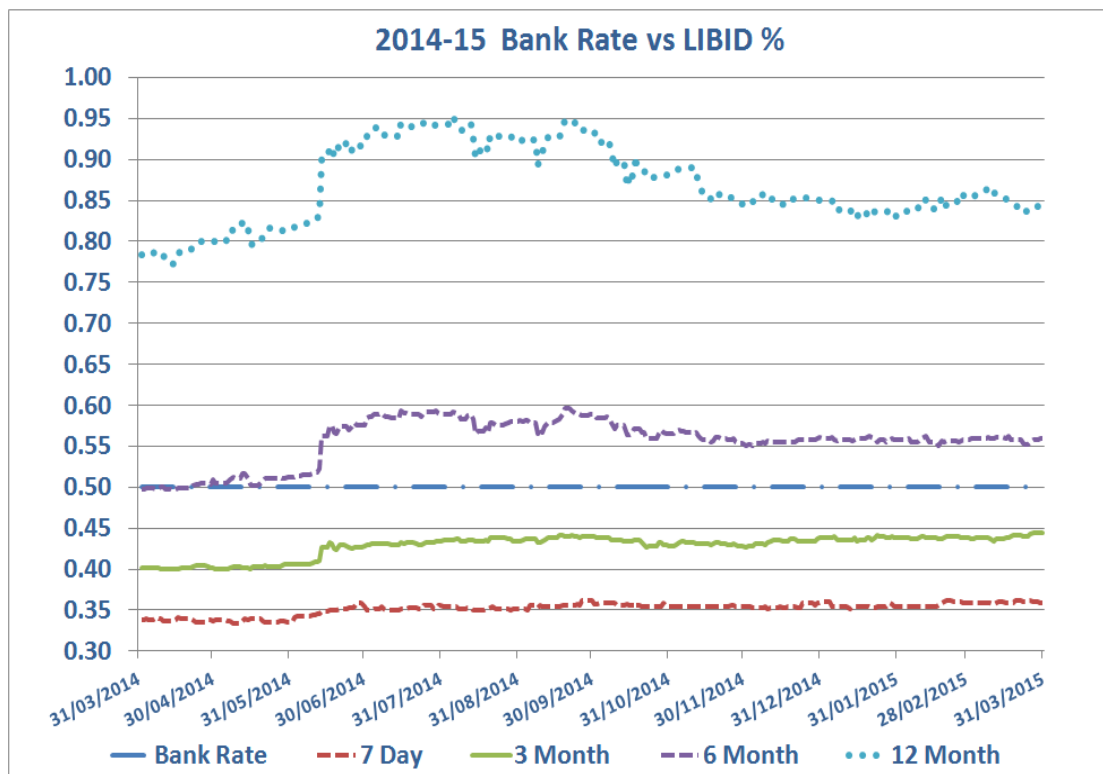
9 Borrowing Outturn for 2014/15

- 9.1 As anticipated, the falling path in borrowing rates did not allow any opportunity to early repay any of the Council's PWLB loans.
- 9.2 A dialogue was opened with Barclays to discuss a potential for repayment of the market loan with the bank but this too was hampered by the market conditions and the repayment cost+ was significantly unaffordable
- 9.3 The borrowing portfolio (excluding other long term liabilities) remains at £138.1million and the average rate of interest paid on all loans in 2014/15 was 4.39% with an average maturity of 24 years.

10. Investment Rates in 2014/15

- 10.1 Bank Rate remained at its historic low of 0.5% throughout the year; it has now remained unchanged for six years. At the start of the year the market anticipated the rise would occur during quarter 1 2015 but was revised to around quarter 3 2016 by the end of the year.

- 10.2 Deposit rates remained depressed during the whole of the year, primarily due to the effects of the Funding for Lending Scheme (government supply of cheap funding to Banks to on-lend to businesses).
- 10.3 The following graph illustrates the path of Bank Rate against market investment rate movements during 2014/15. The affect of the changing sentiment on Bank Rate can be seen in the longer term rates (6 month/1 year) with Funding for Lending contributing to very flat levels in the short terms.
 (“LIBID = the representative rates which Banks will pay to each other for funding)



11. Investment Outturn for 2014/15

- 11.1 **Investment Policy** – the Council’s investment policy is governed by CLG guidance which emphasises the priorities of security and liquidity of funds and requires Local Authorities to set out their approach for selecting suitable counterparties. The policy was approved by Council within the Annual Investment Strategy on 6th February 2014 and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data.
- 11.2 Due to the continuing concerns around EU sovereign debt an exclusion of Eurozone Banks from the approved counterparty list, determined by the Chief Finance Officer, remained in place throughout the year.
- 11.3 The limits imposed on creditworthiness gave rise to a limiting number of acceptable and practical counterparties in which to invest during the year.

- 11.4 In line with the approved strategy a number of one and two year deals were made with the part-nationalised banks (Lloyds Bank and Royal Bank of Scotland) locking into higher returns with a low risk of market rate increases. Remaining cash was generally deposited in lower yielding short term accounts to maintain liquidity and balance the overall risk of the investment portfolio.
- 11.5 Going forward, officers are conscious that the new government is likely to step up the divestment of Lloyds Bank and accordingly have recently re-classified the Bank to a higher risk level within the counterparty policy.
- 11.6 A list of those institutions with which the in-house team invested funds during the year is provided at Appendix 3. No institutions with which investments were made showed any difficulty in repaying investments and interest in full during the year.
- 11.7 **Externally Managed Investments** – Aberdeen Asset Management manages a proportion of the Council’s investment balances to add value by way of market knowledge and exposure to a greater diversity of investments and counterparties.
- 11.8 **Performance Analysis** - Detailed below is the result of the investment strategy undertaken by the Council. Despite the continuing difficult operating environment the Council’s investment returns remain well in excess of the benchmark.

	Average Investment Principal	Rate of Return (gross of fees)	Rate of Return (net of fees)	Capita Benchmarking Club		Market Benchmark/ Target Return
				Peer LA Comparison	English Unitaries	
Internally Managed	£54million	0.88%		0.77%	0.86%	0.35%
Externally Managed	£30million	0.87%	0.72%			0.35%

The benchmark for internally managed funds is the average 7-day LIBID rate (uncompounded).
The benchmark for externally managed funds is the 7-day LIBID rates, averaged for the week and compounded weekly.

- 11.9 In interest terms, the in-house treasury function contributed an additional £286,000 to the General Fund over and above what would have been attained from the benchmark return. Aberdeen’s net return achieved an additional £87,000 over their target return level of 10% above benchmark.

12. Revenue Budget Performance

12.1 The effect of the decisions outlined in this report on the approved revenue budget is outlined in the table below.

	Revised Budget 2014/15	Actual 2014/15	Variation
	£M	£M	£M
Investment Income	(0.5)	(0.7)	(0.2)
Interest Paid on Borrowing	6.1	6.1	0.0
Net Position (Interest)	5.6	5.4	(0.2)
Minimum Revenue Provision (MRP)	4.3	4.2	(0.1)
MRP re: PFI	0.5	0.5	0.0
PFI Grant re: MRP	(0.5)	(0.5)	0.0
Net Position (Other)	4.3	4.2	(0.1)
Net Position Overall	9.9	9.6	(0.3)

12.2 The changing position was regularly reported to OSB and Council throughout the year as part of the budget monitoring reports to Members.

13. Reporting Arrangements and Management Evaluation

13.1 The management and evaluation arrangements identified in the annual strategy and followed for 2014/15 were as follows:

- Monthly monitoring report to Executive Lead for Finance, Chief Finance Officer and Group Leaders
- Regular meeting of the Treasury Manager and Chief Accountant to review previous months performance and plan following months activities
- Periodic meetings with the Council's treasury advisors
- Periodic meetings with the Council's appointed Fund Manager
- Membership and participation in both the CIPFA and Capita Treasury Services Benchmarking Club (the CIPFA membership has not been renewed in 2015/16)

Appendices

Appendix 1	Prudential and Treasury Indicators 2014/15
Appendix 2	The Economy and Interest Rates in 2014/15
Appendix 3	Counterparties with which funds have been deposited in 2014/15

Background Documents

[Treasury Management Strategy 2014/15](#)

Prudential and Treasury Indicators 2014/15

Capital Expenditure and Financing 2014/15

The Council undertakes capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
- If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need (though the timing of borrowing may be delayed through the application of cash balances held by the Council).

The actual capital expenditure forms one of the required prudential indicators and is shown in the table below.

	2013/14 Actual £m	2014/15 Revised Budget £m	2014/15 Actual £m
Total capital expenditure	17	23	20

Capital Financing Requirement

The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's net debt position. The CFR results from the capital activity of the Council and what resources have been used to pay for the capital spend. It represents the 2014/15 unfinanced capital expenditure and prior years' net or unfinanced capital expenditure which has not yet been financed by revenue or other resources.

Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the Council's cash position to ensure sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies (such as the Government, through the Public Works Loan Board [PWLB] or the money markets), or utilising temporary cash resources within the Council.

Reducing the CFR – the Council's underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Minimum Revenue Provision – MRP, to reduce the CFR. This is effectively the reserving of funds for repayment of the borrowing need. This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. The Council's 2014/15 MRP Policy (as required by CLG Guidance) was approved as part of the Treasury Management Strategy Report for 2014/15 on 6th February 2014.

The total CFR can also be reduced by:

- the application of additional capital financing resources (such as unapplied capital receipts); or
- charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).

The Council's CFR for the year represents a key prudential indicator analysed below. This includes PFI schemes on the balance sheet, which increase the Council's long term liabilities. No borrowing is actually required against these schemes as a borrowing facility is included in the contract (if applicable).

CFR (£m)	31 March 2014 Actual	31 March 2015 Revised Indicator	31 March 2015 Actual
CFR at Year End	136	135	135

The borrowing activity is constrained by prudential indicators for net borrowing and the CFR, and by the authorised limit presented at Appendix 1 to this report.

Net borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term the Council's external borrowing, net of investments, must only be for a capital purpose. This essentially means that the Council is not borrowing to support revenue expenditure. Net borrowing should not therefore, except in the short term, have exceeded the CFR for 2014/15 plus the expected changes to the CFR over 2015/16 and 2016/17. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs. The table below highlights the Council's net borrowing position against the CFR. The Council has complied with this prudential indicator.

CFR (£m)	31 March 2014 Actual	31 March 2015 Actual
Opening balance	135.7	135.0
Capital expenditure in year funded from borrowing	3.9	4.9
Minimum Revenue Provision	(4.6)	(4.6)
Repayment of Deferred Liabilities	0	0
CFR at Year End	135.0	135.3
Net borrowing position	74.9	68.2

The authorised limit - the authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. The Council does not have the power to borrow above this level. The table below demonstrates that during 2014/15 the Council has maintained gross borrowing within its authorised limit.

The operational boundary – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary is acceptable subject to the authorised limit not being breached. Borrowing levels were maintained well below the operational boundary throughout the year.

Actual financing costs as a proportion of net revenue stream - this indicator identifies the trend in the cost of capital (borrowing and other long term liabilities net of investment income) against the net revenue stream.

	2014/15
Authorised limit*	£231m
Maximum gross borrowing position	£146m
Operational boundary	£161m
Average gross borrowing position	£147m
Financing costs as a proportion of net revenue stream	8.60%

*The approved Authorise Limit allowed for the Energy from Waste PFI scheme which was not opened by 31st March 2015

Treasury Indicators:

Maturity Structure of the fixed rate borrowing portfolio - This indicator assists Authorities avoid large concentrations of fixed rate debt that has the same maturity structure and would therefore need to be replaced at the same time.

	31 March 2015 Actual	31 March 2015 Proportion	2014/15 Original Limits Upper-Lower
Up to 10 years	£19M	14%	5% - 50%
10 to 20 years	£26M	19%	5% - 50%
20 to 30 years	£35M	25%	10% - 60%
30 to 40 years	£34M	25%	10% - 50%
Over 40 years	£24M	17%	0% - 50%

Principal sums invested for over 364 days - The purpose of this indicator is to contain the Council’s exposure to the possibility of losses that might arise as a result of it having to seek early repayment or redemption of principal sums invested.

	2013/14 Actual	2014/15 Limit	2014/15 Actual
Investments of 1 year and over	£15M	£45m	£27m

Exposure to Fixed and Variable Rates - The Prudential Code requires the Council to set upper limits on its exposure to the effects of changes on interest rates. The exposure to fixed and variable rates was as follows:

	31 March 2014 Actual %	2014/15 Upper Limits %	31 March 2015 Actual %
Limits on fixed interest rates:			
• Debt only	100	100	100
• Investments only	36	80	52
Limits on variable interest rates			
• Debt only	0	20	0
• Investments only	63	60	47

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Appendix 2

The Economy and Interest Rates 2014/15

By Capita Asset Services April 2015

The original market expectation at the beginning of 2014/15 was for the first increase in Bank Rate to occur in quarter 1 2015 as the unemployment rate had fallen much faster than expected through the Bank of England's initial forward guidance target of 7%.

In May, however, the Bank revised its forward guidance. A combination of very weak pay rises and inflation above the rate of pay rises meant that consumer disposable income was still being eroded and in August the Bank halved its forecast for pay inflation in 2014 from 2.5% to 1.25%.

Expectations for the first increase in Bank Rate therefore started to recede as growth was still heavily dependent on buoyant consumer demand. During the second half of 2014 financial markets were caught out by a halving of the oil price and the collapse of the cap between the Swiss franc and the euro. Fears also increased considerably that the ECB was going to do too little too late to ward off the threat of deflation and recession in the Eurozone.

In mid-October, financial markets had a major panic for about a week. By the end of 2014, it was clear that inflation in the UK was going to head towards zero in 2015 and possibly even turn negative. In turn, this made it clear that the MPC would have great difficulty in starting to raise Bank Rate in 2015 while inflation was around zero and so market expectations for the first increase receded back to around quarter 3 of 2016.

Gilt yields were on a falling trend for much of the last eight months of 2014/15 but were then pulled in different directions by increasing fears after the anti-austerity parties won power in Greece in January; developments since then have increased fears that Greece could be heading for an exit from the euro.

While the direct effects of this would be manageable by the European Union and the European Central Bank (ECB), it is very hard to quantify quite what the potential knock on effects would be on other countries in the Eurozone once the so called impossibility of a country leaving the EZ had been disproved.

Another downward pressure on gilt yields was the announcement in January that the ECB would start a major programme of quantitative easing, purchasing Eurozone government and other debt in March.

On the other hand, strong growth in the US caused an increase in confidence that the US was well on the way to making a full recovery from the financial crash and would be the first country to start increasing its central rate, probably by the end of 2015. The UK would be closely following it due to strong growth over both 2013 and 2014 and good prospects for a continuation into 2015 and beyond. However, there was also an increase in concerns around political risk from the general election due in May 2015.

Counterparties with which funds were deposited (April 2014 – March 2015)

Banks and Building Societies

Goldman Sachs International Bank
Lloyds Bank
Nationwide Building Society
Royal Bank of Scotland/National Westminster
Santander UK
Svenska Handelsbanken

Local Authorities

Greater London Authority
Newport City Council

Other Approved Institutions

Public Sector Deposit Fund
Goldman Sachs Sterling Fund
Aberdeen Asset Management

Agenda Item 15



Meeting: Council

Date: 24 September 2015

Wards Affected: All

Report Title: Capital Investment Plan Update – 2015/16 Quarter 1

Is the decision a key decision? No

When does the decision need to be implemented?

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 Capital Investment Plan budget totals £74.4 million for the 4 year programme, with £32 million currently scheduled to be spent in 2015/16, including £11.7m on the South Devon Link Road (Highway), but still requires £2.5 million from capital receipts and capital contributions over the life of the Capital Investment Plan.
- 1.2 The Council's Capital Investment Plan is updated on a quarterly basis which includes any new funding announcements and allocations. It provides high-level information on capital expenditure and funding for the year compared with the last Plan update as reported to Council in February 2015.

2. Reason for Proposal

- 2.1 Quarterly reporting to both the Overview and Scrutiny Board and to Council is part of the Council's financial management.
- 2.2 There are a number of Council schemes where Council approval is required for the allocation of funds to a scheme or service including the approval of any prudential borrowing.

3. Recommendation(s) / Proposed Decision

- 3.1 **That the latest position for the Council's Capital expenditure and funding for 2015/16 as set out in the submitted report be noted.**
- 3.2 **That the remaining £0.106m Condition Funding allocation to Children's Services be approved. (The 2015/16 Department for Education allocation is £0.506m, of which £0.4 m has previously been approved for Furzesham Primary improvements – Council Feb 2015.)**

- 3.3 **That the allocation of 2017/18 Basic Need grant allocation of £4.229m, (of which £1.363m previously approved), together with an additional £2m of future year (2018/19) allocations to Children’s Services to enable the provision of a new Primary School in Paignton and provide additional Secondary School places in Torquay be approved.**
- 3.4 **That £0.3m be reallocated from the uncommitted affordable housing budget to expand and regenerate the Strand in Torquay.**

4 Supporting Information and Impact Assessment

- 4.1 Members of the Overview and Scrutiny Board and Council receive regular budget monitoring reports on the Council’s Capital Investment Plan throughout the year. The Council’s four year Capital Investment Plan is updated each quarter through the year. This report is the monitoring report for the first quarter 2015/16 and includes variations arising in this quarter to the end June 2015.
- 4.2 The overall funding position of the 4-year Capital Investment Plan Budget of £74.4 million, covering the period 2015/16 – 2018/19, is primarily fully funded but still relies upon the generation of £2.5 million of Capital income from capital receipts and capital contributions over the life of the Capital Investment Plan.
- 4.3 Of this £2.5m, £2.0 million was required from capital receipts before the end of the current Plan period. Of this sum £0.3 million has been received by the end of June 2015, leaving a balance of £1.7 million still to be realised. It is only after this target has been reached that any capital receipts should be applied to new schemes.
- 4.4 Of this £2.5m, of £0.5m was required from capital contributions including community infrastructure levy which is expected to be approved during 2015. An additional £2.1m is due to be generated from S106 contributions to part fund the South Devon Link Road / Highway.
- 4.5 As the target income for capital receipts and capital contributions are required to meet existing Council commitments, it is important that any capital income raised is allocated to existing commitments and not used to support additional expenditure on new schemes.
- 4.6 The movements in the estimate of expenditure in 2015/16 on the Capital Investment Plan between the last monitoring report at February 2015 of £29.5m and the current approved budget for 2015/16 of £32 m are shown below. Please note the format of this table shows schemes ordered by their service Directorate, as is Appendix 1.

Scheme	Variation in 2015/16	Change £m	Reason
Estimate as at Q3 2014/15		29.5	Capital Investment Plan Update – 2014/15 Quarter 3 (Report 26 Feb 2015)
Budget changes since last report (Q3 2015/16)			
Sanctuary HA Hayes Road	Rephased budget	0.3	Final tranche payment due on scheme completion.
		29.8	
Scheme budgets brought forward from 2014/15 and year end adjustments.	Re profiled to 2015/16	2.9	For details see 2014/15 Capital Outturn report (Council 23 July 2015)
		32.7	
Adult Services			
Adult Social Care	New Government grant allocation	0.5	2015/16 Adult Social Care allocation
Affordable Housing	Increase budget	0.1 (0.7)	Budget increased by Right To Buy receipts 2014/15 Part budget moved to future years
		(0.1)	
Childrens Services			
Brookfield Site	New priority scheme	0.8 (0.1)	Budget funded from unallocated Education Review budget Rephased budget to 16/17
Capital Repairs and Maintenance 15/16	New Govt grant allocation	0.4 (0.3)	Continue improvements at Furzeham Primary Part work scheduled for 2016/17
Devolved Formula Capital	New Govt grant allocation	0.1	2015/16 ringfenced grant allocation
Ellacombe expansion	Budget rephased from 2016/17	0.3	Good progress so budget brought forward
Education Review Projects	Budget moved to 2015/16	(0.8)	Part budget moved to fund Brookfield site acquisition
St Margaret's Academy	Saving on scheme	(0.5)	Budget transferred to new Pgn Primary School
Whiterock expansion	Budget rephased from 2016/17	1.0	Good progress on scheme so budget brought forward from 2016/17
Torquay Secondary School places	New scheme	0.2	Initial work on scheme to provide additional places
		1.1	
Community and Customer Services			
Disabled Facilities Grants	Net increase in budget	1.0 (0.4)	2015/16 DFG Government allocation Previous unused budget

			temporarily in reserve for potential transfer
Disabled Facilities Grant reserve	Budget held in reserve	0.4	Potential transfer of funds to other Council priorities.
Transport-Edginswell Station	Increase budget	0.2	Additional budget to progress design works
Transport – Integrated Transport projects	Rephase budget to next year Transfer funds to other projects	(0.3) (0.2)	Some schemes will not require funding until 2016/17 Part funding contrib. to Edginswell Station
Transport – Structural Mtce	Increase budget	0.2	Revenue pothole grant 14/15 transferred to capital
Transport – Torquay Town Centre Access	Budget reduction 15/16	(0.1)	Scheme costs reduced
		0.8	
Corporate and Business Services			
Enhancement of Development Sites	Increased budget	0.1 (0.1)	Restoration of budget Rephased to next year
Flood Defence/Cliff works	Move part budget to 16/17	(0.2)	Spend dependent on future Env Agency funding
General Contingency	Budget to 2016/17	(0.6)	Not expected to be required in 2015/16
NGP Land Acquisition	Reduced budget	(0.2)	Remaining funding transferred to Meadfoot Beach Chalets
Old Toll House	Part budget to 2016/17	(0.1)	Work rescheduled pending court hearing on lease.
Princess Pier structural repairs	Budget to 2016/17	(1.9)	Work to superstructure not yet progressed.
Torbay Innovation Centre Phase 3 (EPIC)	Rephase budget	0.5	Part 2016/17 budget moved to enable scheme development
		(2.5)	
Estimate – Quarter One 2015/16		32.0	

4.7 Expenditure

4.8 The Capital Investment Plan Budget has been updated for any further revision to both projects and timing, resulting in the latest revision attached to Annex 1. The Plan now totals £74.4 million over the 4 year period of which £32 million relates to 2015/16 and £24 million relates to 2016/17.

4.9 The purpose of this report and the Monitoring statement attached is to highlight any existing or potential issues which may affect the delivery of the major projects included in the Plan and to consider any potential effect on corporate resources.

4.10 Expenditure to the end of this first quarter was £1 million with a further £13 million of commitments on the Council's finance system. The expenditure of £1 million is only 3% of the latest budget for 2015/16. This compares with £2 million (or 10% of

outturn) for the first quarter last year. It is recognised that for a number of schemes, notably the South Devon Link Road / Highway (2015/16 budget £11.7m), the Council will not incur expenditure until later in the year.

	2010/11 £m (%)	2011/12 £m (%)	2012/13 £m (%)	2013/14 £m (%)	2014/15 £m (%)	2015/16 £m (%)
Quarter One	10 (23%)	3 (14%)	2 (11%)	4 (23%)	2 (10%)	1 (3%)
Quarter Two	13 (30%)	7 (32%)	4 (21%)	4 (23%)	4 (20%)	
Quarter Three	9 (21%)	5 (22%)	5 (26%)	3 (18%)	4 (20%)	
Quarter Four	11 (26%)	7 (32%)	8 (42%)	6 (35%)	10 (50%)	
Total In Year	43	22	19	17	20	32

4.11 Updates to Capital Investment Plan

4.12 Joint Commissioning Team

4.13 Affordable Housing – in line with the Council’s approved Capital Strategy, the budget to support affordable housing schemes has been increased by £0.150 m to reflect the 2014/15 Right to Buy Clawback receipt received from Sanctuary Housing Association under the terms of the original transfer agreement relating to the transfer of the Council’s housing stock to (then) Riviera Housing. Part of this budget (£0.7m) has been transferred to future years as it is unlikely to be required for schemes in this financial year.

4.14 The affordable housing budget now totals £1.6m. At present this funding is uncommitted. It is therefore recommended that £0.3m of this funding is allocated to regenerate the Strand in Torquay, see paragraph 4.49 below.

4.15 Integrated Care Organisation. Council at its June 2015 meeting approved the allocation of £0.461m of social care capital grant to support the implementation of the Integrated Care Organisation. It is likely that the new organisation would prefer to receive the funding as revenue. If this is the case then the Council can facilitate this and will therefore transfer £0.461m of resources held in Reserves but previously earmarked for a capital scheme. No additional Council decision is required on this request as the transaction represents a straightforward exchange of funding resources.

4.16 Childrens Services:

4.17 There are a number of variations to budgets on various schemes as detailed below. Members will note that a report on Childrens Services proposals was presented and approved by Council on 26th February on use of both previously allocated funding and future funding with respect to pupil places.

4.18 School Basic Need projects: As outlined in the report to Council (Feb 2015), scheme priorities have changed and funding has been reallocated between projects to meet the latest proposals. Funding previously identified for St Margaret’s and Roselands and unallocated funds in Education Review projects have been redirected to the two priority schemes – a new primary school in Paignton and increased secondary school places in Torquay.

4.19 At the time of the February report, further consultation was required and Government grant allocations were not known. The Capital Outturn report 2014/15 (Council July 2015) indicated that new Basic Need funding of £4.229m has now been advised and it is recommended that this allocation is now allocated to Children’s Services to enable the development of these schemes as detailed below. It should be noted that to complete these proposals will also require £2m from future (2018/19 Basic Need) Government allocation, which has not yet been announced:

- New Paignton Primary School £5.000m
- Secondary School places in Torquay £2.866m

	<u>£m</u>
Basic Need 2017/18 allocation	4.229
Future Basic Need 2018/19 – note 1	2.000
Previously allocated to other expansion schemes	(1.363)
Balance available to be allocated	4.866
Proposed Projects:	
New Paignton Primary school	2.000
Additional Secondary School Places	2.866

Note 1 – if 2018/19 funding allocation is less than £2m then the projects will need to be revised.

4.20 The phasing of the proposed schemes is currently expected to be as follows:

Project	2015/16	2016/17	2017/18	2018/19	Total
	<u>£m</u>	<u>£m</u>	<u>£m</u>	<u>£m</u>	<u>£m</u>
New Paignton Primary School	0.000	0.750	2.250	2.000	5.000
Torquay Secondary Places	0.150	1.045	1.671	0.000	2.866
	0.150	1.795	3.921	2.000	7.866

4.21 New Paignton Primary School – approximate cost £5m. This school is now considered the priority scheme for primary schools and unless additional funding is awarded the Torbay School relocation project may not now proceed. Work on the new primary school won’t start until August 2017 so the proposed phasing fits with the expected allocations and the actual 2018/19 grant figure should be announced well in advance of starting work.

4.22 Secondary School places in Torquay - £2.86m is required for the provision of school places in Torquay by September 2017 – an increase in school places by 30. Discussions will take place with secondary schools within Torquay to ascertain the best site.

4.23 Brookfield Site – This proposal was reported and approved by Council in February 2015. Negotiations are underway to acquire Brookfield House which is adjacent to

Torbay School. This land will enable the development of a much needed play area and will also provide a new entrance to the site which would alleviate some of the difficulties regarding poor access and difficult relations with neighbours.

- 4.24 The Devolved Formula Capital grant allocation for 2015/16 of £0.125m is a ring fenced grant and has been added to the Capital Plan.
- 4.25 Schools Capital Repairs and Maintenance 2015/16: £0.4 million has been allocated to continue improvements at Furzesham Primary. The remaining £0.1 m of this Government grant (total £0.506 m) is also requested to be allocated to Children's Services to enable improvements at other schools.
- 4.26 Good progress on expansion schemes at Ellacombe Primary and Whiterock Primary means that the second phases of the scheduled works can be started earlier than expected. Consequently budgets of £0.25 m and £1.0 m respectively have been brought forward from 2016/17 to 2015/16.
- 4.27 For other schemes, the spending profiles have been revised to move budgets from 2015/16 to 2016/17 to reflect latest projections.
- 4.28 **Joint Operations Team**
- 4.29 Community and Customer Services
- 4.30 South Devon Link Road (South Devon Highway): the contractor continues to provide regular updates on progress and based on latest projections most of Torbay's contribution will be required in this financial year. The main construction work is now expected to be completed in the autumn of 2015. There remains a potential shortfall in Section 106 funding for the scheme (see para. 5.9 below). If these funds are not achieved it is likely the Council will need to fund any shortfall from Prudential Borrowing on the scheme with an impact on the revenue budget.
- 4.31 Transport – Edginswell Station. The Council has previously agreed funds to enable initial design work for this project. This funding is now increased by £0.2m to progress the design works to a stage that will enable procurement to begin as soon as additional funding for the actual build phase is secured. The increased resources of £0.2m are provided from the Integrated Transport budget and are in accordance with and within the match funding plans outlined in the original business case.
- 4.32 The scheme is already a priority with the Local Enterprise Partnership which has indicated funding of £4m however current costings indicate significant additional funding will be required.
- 4.33 Transport Structural Maintenance – The structural maintenance budget has been increased by £0.2m following a funding contribution from revenue. This will be used to improve road surfaces and resilience to pot holes in the area.
- 4.34 Transport Integrated Transport Schemes –some planned schemes funded from this block grant, including Fleet Walk Phase 3, will not require funding until 2016/17 so £0.3m budget has been moved accordingly.

- 4.35 Transport - Torquay Gateway and Torquay Town Access – these two schemes have both been awarded funding from the Local Enterprise Partnership (LEP) and are part of the Council's Capital Investment Plan. The LEP have requested a 'funding swap' whereby Torbay Council pays the LEP £0.4m of revenue funds in exchange for an increased capital allocation towards these projects, £0.296m for Torquay Gateway and £0.104m for Torquay Town Centre access.
- 4.36 The Council has been able to facilitate this and will therefore transfer £0.4m of resources held in Reserves but previously earmarked for these schemes to the LEP who will increase their capital funding by the same amount. No Council decision is required on this request as the transaction represents a straightforward exchange of funding resources.
- 4.37 Disabled Facilities Grants (DFG) – Council at its July meeting allocated £1.019m of funding to support expenditure on DFG's in 2015/16. Expenditure on the service as at mid August was £0.142m. Expenditure over the past three years has averaged under £0.6m, with £0.548m spent in the last financial year, 2014/15.
- 4.38 An amendment to the Capital Outturn Report 2014/15 approved by Council on 23 July 2015 deferred the transfer of £0.4m unused DFG funds from prior years, in addition to the allocation of £1.019m for 2015/16, pending a further report on DFG pressures which was presented to Overview and Scrutiny Board on the 9th September 2015. The Board at that meeting have requested additional information for their October meeting prior to making a recommendation to Council.
- 4.39 Private Sector Renewal – in accordance with a previous Council decision, the budget for Private Sector renewal has been increased in line with capital receipts received from repaid grants. Over the past few years repaid grants totalling almost £0.055 m have been received, usually following a breach of grant conditions, consequently the available budget has been increased by this amount.
- 4.40 Corporate & Business Services
- 4.41 Innovation Centre phase 3 - Electronics & Photonics Innovation Centre – some initial development works are scheduled for 2015/16 and £0.5 million budget is brought forward from 2016/17 to facilitate this work. Potential ERDF funding of £1.5 million is still to be confirmed for this project and does not yet form part of the Plan budget.
- 4.42 Flood Defence schemes – the Capital Investment Plan currently includes a provision to support future Environment Agency schemes. Currently these funds are still to be assigned to particular schemes so the £0.2 m budget has been moved to 2016/17.
- 4.43 Old Toll House, Torquay – Work planned for this property are delayed pending the outcome of a court hearing with regard to the lease on the property.
- 4.44 Princess Pier Structural repair – these planned works will be carried out in conjunction with works hoped to be funded by Environment Agency. At present no works are anticipated in this year, so the £1.85 m budget has been transferred to 2016/17.

- 4.45 St Michael's Chapel, Torquay – the schedule of work required to restore this heritage asset has increased and the additional cost will mainly be funded by an increased grant from English Heritage (now renamed Historic England), rising from £0.046m to £0.070m.
- 4.46 Beach Huts - The Executive Director has reviewed the business cases for both Oddicombe and Broadsands beach huts and in line with the delegation has agreed the allocation of £0.059m insurance reimbursement in relation to damage to beach huts in 2014 and £0.236m of the unallocated New Growth Point grant to the projects to reduce the borrowing requirement which has enabled the prudential borrowing payback period to be maintained at 25 years and within two years both projects should show a net surplus to the resorts services budget.
- 4.47 Office Rationalisation Project – the remainder of this project budget will largely be used to carry out urgent roof work to Torquay Assembly Hall.
- 4.48 General Contingency - The Council has approved a capital contingency of £0.6 million. This contingency is still in place to provide for unforeseen emergencies or shortfall in projected income over the 4-year Plan period but represents less than 1% of the total Capital Investment Plan budget. Currently it is not anticipated that the contingency will be required in this financial year.
- 4.49 Strand Regeneration - The Mayor has requested that Council consider the allocation of £0.3 m from the Capital Projects Fund towards street scene improvements and regeneration at The Strand in Torquay. This request is in line with one of the Mayor's 2015 mayoral manifesto promises to “expand and regenerate the Strand in Torquay”. Investment in the Strand area could be used as match funding for an external bid for funding to Torquay Town Centre improvements.
- 4.50 Mayor's Manifesto Commitments – in addition to the Manifesto commitment in relation to the Strand in Torquay, there are a number of other commitments that relate to capital projects. These include:

Support the duelling of ring road to Windy Corner. Work has already been undertaken at Tweenaway Cross and around White Rock and the Western Corridor. Further work remains currently unfunded.

Edginswell Train Station. This scheme has “outline” funding approval from the Local Enterprise Partnership (LEP) and has been previously included in the capital investment plan subject to final costs and funding being agreed with the LEP.

Support the possibility of a railhead into Brixham. This scheme is currently unfunded. The first stage would be to undertake a feasibility assessment.

5 Receipts & Funding

- 5.1 The funding identified for the latest Capital Investment Plan budget is shown in Annex 1. This is based on the latest prediction of capital resources available to fund the budgeted expenditure over the next 4 years. A summary of the funding of the Capital Investment Plan is shown in the Table below:

	2015/16	2016/17	2017/18	2018/19	Total @ Q1 15/16
	A	B	C	D	E
Funding	£m	£m	£m	£m	£m
Unsupported Borrowing	15	4	2	1	22
Grants	15	17	11	4	47
Contributions	0	0	0	0	0
Reserves	0	1	0	0	1
Revenue	1	1	0	0	2
Capital Receipts	1	1	0	0	2
Total	32	24	13	5	74

5.2 Grants

5.3 Capital Grants continue to be the major funding stream (over 60% in last 3 years) for the Council to progress its investment plans. An element of these grants result from “bid” processes from other public sector bodies. The Council used £13 million of grants in 2014/15 and is currently estimating to use nearly £15m of grants in 2015/16.

5.4 Since the last Capital update (Outturn 2014/15) reported to Council in July 2015, the Council has been notified of the following capital grant allocations:

Department for Education – slight increase in Devolved Formula Capital 15/16 grant allocation from £0.099 m to £0.125 m. This is a ringfenced grant and has been added to the Council’s Capital Investment Plan

Historic England (formerly English Heritage) – increased grant allocation to £0.070m (from £0.046m) to complete the restoration work at St Michaels Chapel, Torre.

5.5 Capital Receipts

5.6 The approved Plan relies upon the generation of a total of £2.0 million capital receipts from asset sales by the end of 2016/17 of which £0.3m has now been received by the end of June 2015, leaving a target of £1.7m to be achieved. This target is expected to be achieved provided that -

- approved disposals currently “in the pipeline” are completed
- the Council continues with its disposal policy for surplus and underused assets and,
- no more new (or amended) schemes are brought forward that rely on the use of capital receipts for funding.

5.7 Assets proposed for disposal are reported to Council for approval, with the latest report at Council in October 2014.

5.8 Capital Contributions – S106 & Community Infrastructure Levy

- 5.9 The general target for securing capital contributions to fund the 4-year Capital Investment Plan, following review of the Budget in February 2013 was £0.5 million (required by March 2016). In addition the South Devon Link Road/Highway business case estimated external contributions including s106 payments of £2.1m to help fund the scheme (£0.108m, received since 2014).
- 5.10 The intention is that capital contributions are applied to support schemes already approved as part of Capital Investment Plan and not allocated to new schemes unless the agreement with the developer is specific to a particular scheme outside the Capital Investment Plan.
- 5.11 Income from Section 106 capital contributions so far in 2015/16 only amount to £0.02 million.
- 5.12 A recent announcement from Government has removed the ability of Councils to charge Section 106 payments on smaller developments of less than 10 units, and no more than 1,000m². This policy is aimed at boosting the small house building sector, but will impact on the Council's ability to generate capital resources for capital schemes, including the South Devon Link Road (Highway), where £2.1 million of S106 (or CIL) funding was estimated.
- 5.13 Also restrictions on pooling S106 payments have been introduced which similarly impact the Council's ability to aggregate payments which is likely to lead to a lower level of s106 contributions.
- 5.14 It is expected that, linked to the adoption of the Local Plan later in 2015, a Community Infrastructure Levy scheme will also be approved.
- 5.15 Borrowing and Prudential Indicators**
- 5.16 There was no borrowing taken or repaid during the quarter.
- 5.17 The Council's capital expenditure has an overall positive impact on the Council's Balance Sheet. Expenditure in the Capital Investment Plan on the Council's own assets will increase the value attached to the Council's fixed assets. As at 31 March 2015 the Council's "Non Current Assets" were valued at £307 million.





CAPITAL INVESTMENT PLAN - QUARTER 1 2015/16 - EXPENDITURE

Appendix 2

							Revised 4-year Plan July 2015				
	Latest Est Scheme Cost	Actuals & Commitments 2015/16 Qtr 1	Original 2015/16 (@ Q3 14/15)	2014/15 Adjs and Slippage b/f	2015/16 Q1 Adjustments	New Schemes 2015/16	Total 2015/16 Revised	2016/17	2017/18	2018/19	Total for Plan Period
PB = Approved Prudential Borrowing schemes	£'000	£'000	£'000		£'000	£'000	£'000	£'000	£'000	£'000	£'000
ADULT SERVICES											
Adult Care											
Adult Social Care	461					461	461				461
Autism Innovation - IT Enhancements	19	19		19			19				19
Mental Health Care Initiatives	711			7			7				7
Housing Strategy											
Affordable Housing	1,680		760	10	(522)		248	1,432			1,680
Sanctuary HA - Hayes Road	500		250				250				250
	3,371	19	1,010	36	(522)	461	985	1,432	0	0	2,417
CHILDRENS SERVICES											
2 Year Olds Provision	253	0	80	113			193	0	0		193
Asbestos Removal	80			7			7				7
Barton Primary Cap Project	4,400	1	0	36			36				36
Brookfield House Site	750	43			(100)	750	650	100			750
Capital Repairs & Maintenance 2012/13	465		100	59	(21)		138				138
Capital Repairs & Maintenance 2014/15	652	436	620	(22)	22		620				620
Capital Repairs & Maintenance 2015/16 (Furzeham)	400				(250)	400	150	250			400
Childrens Centres	232			2			2				2
Cockington Primary expansion	3,373	45	620	(264)			356				356
Devolved Formula Capital			0	135		125	260				260
Education Review Projects		1	1,040	8		(750)	298				298
Ellacombe Primary expansion	502	15	100	34	250		384	100			484
EOTAS Halswell House	49			1			1				1
Key Stage 1 Free School Meals	122	2		12			12				12
New Paignton Primary school	5,000				(500)	500	0	750	2,250	2,000	5,000
Roselands Primary expansion	700	1	10	37			47	0	0		47
Secondary School places	2,866					150	150	1,045	1,671		2,866

CAPITAL INVESTMENT PLAN - QUARTER 1 2015/16 - EXPENDITURE





Appendix 2

							Revised 4-year Plan July 2015				
	Latest Est Scheme Cost	Actuals & Commitments 2015/16 Qtr 1	Original 2015/16 (@ Q3 14/15)	2014/15 Adjs and Slippage b/f	2015/16 Q1 Adjustments	New Schemes 2015/16	Total 2015/16 Revised	2016/17	2017/18	2018/19	Total for Plan Period
St Margaret Clitherow Primary expansion	508	293	300	(121)			179				179
St Margarets Academy expansion	0		495	5		(500)	0	0	0		0
Torbay School Hillside	120			21			21				21
Torre CoE Primary expansion	1,299	1	0	54			54				54
Warberry CoE Primary expansion	1,350	16		189			189				189
Whiterock Primary expansion	3,500	1,896	1,750	(710)	1,000		2,040	300			2,340
Youth Modular Projects	409		51	0			51				51
	11,166	2,750	5,166	(404)	401	675	5,838	2,545	3,921	2,000	14,304
COMMUNITY AND CUSTOMER SERVICES											
Babbacombe Beach Road	70		70	0			70				70
Barton Infrastructure	137			9			9				9
DfT Better Bus Areas	462	(9)	0	161			161	0	0		161
DfT Local Sustainable Transport Fund (Ferry/Cycle)	1,642	(10)		26			26	0	0		26
Disabled Facilities Grants		82	519	(121)	622		1,020	0		0	1,020
Disabled Facilities Grants Reserve - Potential reallocation (e.g. to Infrastructure)					398		398				398
Empty Homes Scheme	500		225	25			250	250			500
NGP - Strategic Cycleway	477			45			45				45
NGP - Windy Corner Junction	11			1			1				1
 On Street Parking meters	857			1			1				1
Paignton Picture House	50			50			50				50
Princess Pier Decking	254			254			254				254
Private Sector Renewal			0	58	55		113	0		0	113
Public Toilets - Utilities saving measures	100		0	11			11	0	0		11
 South Devon Link Road - Council contribution	20,224	8,732	11,507	232			11,739	1,500	1,500	1,407	16,146
St Michael's Chapel, Torre	95	68		42	29		71				71
 Street Lighting - Energy reduction	515	11		46			46				46
TCCT - Grant re Green Heart Project	100	100		100			100				100
Torbay Enterprise Project	750	22	90	(38)			52				52
Torbay Leisure Centre - structural repairs	545	26	0	26			26	0	0		26
 Torre Abbey Pathway	49	5		2			2				2

CAPITAL INVESTMENT PLAN - QUARTER 1 2015/16 - EXPENDITURE


Appendix 2

Page 125

							Revised 4-year Plan July 2015				
	Latest Est Scheme Cost	Actuals & Commitments 2015/16 Qtr 1	Original 2015/16 (@ Q3 14/15)	2014/15 Adjs and Slippage b/f	2015/16 Q1 Adjustments	New Schemes 2015/16	Total 2015/16 Revised	2016/17	2017/18	2018/19	Total for Plan Period
Torre Abbey Renovation - Phase 2	5,069	8	28	46			74				74
Torre Valley North Enhancements	127		124	0			124				124
Transport - Edginswell Station	4,374	76		43	166		209	2,500	1,500		4,209
Transport Integrated Transport Schemes		305	1,063	99	(492)		670	1,257	931	667	3,525
Transport Structural Maintenance		280	1,458	(88)	212		1,582	1,337	1,297	1,174	5,390
Transport - Torquay Gateway Road Improvements	3,875	2	300	25			325	1,200	2,325		3,850
Transport - Torquay Town Centre Access	550	5	500	11	(126)		385	101			486
Transport - Western Corridor	7,405	603	2,400	(100)			2,300	3,100	1,600		7,000
	3,500	10,306	18,284	966	864	0	20,114	11,245	9,153	3,248	43,760
CORPORATE AND BUSINESS SERVICES (INCL. CONTINGENCY)											
Corporate Services											
Enhancement of Development sites	261	10	146	11	(54)		103	100			203
 Office Rationalisation Project Ph 3 - Project Remainder	8,710	43		170	25		195				195
Oldway Estate works	400			400			400				400
Payroll Project	370	50		87			87				87
Riviera Centre renewal	1,140	17	11	30			41				41
General Capital Contingency	631		631	0	(631)		0	631	0	0	631
Business Services											
 Beach Hut Acquisition/Renewal (Broadsands, Meadfoot)	2,591	380	200	184			384				384
Brixham Harbour - Victoria Breakwater	50		0	10			10	0	0		10
 Council Fleet Vehicles	462		103	59			162				162
Flood Defence schemes (with Env Agency)	723	16	155	100	(155)		100	155			255
Haldon Pier - Structural repair Phase I&2	3,073	(175)	361	174			535				535
Meadfoot Sea Wall structural repair	266	5		4			4				4
NGP - HCA Match Land Acquisitions	714			236	(236)		0				0
 NGP - Torbay Innovation Centre Ph 3 (EPIC)	6,590		0	0	500		500	6,021			6,521
Oddicombe Beach Chalets	193	34		36			36				36
Old Toll House, Torquay	150	4	140	6	(71)		75	71			146
Princess Pier - Structural repair (with Env Agency)	1,850		1,650	200	(1,850)		0	1,850			1,850

CAPITAL INVESTMENT PLAN - QUARTER 1 2015/16 - EXPENDITURE

Appendix 2

							Revised 4-year Plan July 2015				
	Latest Est Scheme Cost	Actuals & Commitments 2015/16 Qtr 1	Original 2015/16 (@ Q3 14/15)	2014/15 Adjs and Slippage b/f	2015/16 Q1 Adjustments	New Schemes 2015/16	Total 2015/16 Revised	2016/17	2017/18	2018/19	Total for Plan Period
Riviera Renaissance (Coastal Communities Fund)	649	1		1			1	0	0		1
Small Ports Recovery Fund - Winter 13/14	295			4			4				4
 TEDC Capital Loans	2,475	0	1,900	575			2,475				2,475
	31,593	385	5,297	2,287	(2,472)	0	5,112	8,828	0	0	13,940
TOTALS	49,630	13,460	29,757	2,885	(1,729)	1,136	32,049	24,050	13,074	5,248	74,421
CAPITAL INVESTMENT PLAN - QUARTER 1 2015/16 - FUNDING											
Supported Borrowing			348	(348)			0				0
Unsupported Borrowing			15,218	552	(1,261)		14,509	4,280	1,421	1,289	21,499
Grants			11,048	1,613	591	1,136	14,388	17,227	11,321	4,237	47,173
Contributions			330	45	(45)		330	148			478
Reserves			771	530	(952)		349	836	253	(396)	1,042
Revenue			800	26	217		1,043	480	79	118	1,720
Capital Receipts			1,242	467	(279)		1,430	1,079			2,509
Total			29,757	2,885	(1,729)	1,136	32,049	24,050	13,074	5,248	74,421

Overview
& Scrutiny
Confidence in your Council



**Capital Investment Plan Update - 2015/16
Quarter One**

Report of the Overview and Scrutiny Board – September 2015

At its meeting on 9 September 2015, the Overview and Scrutiny Board considered the Capital Investment Plan Update.

The report presented to the Board recommended that £1m from uncommitted affordable housing budget to a capital projects fund. The Board raised concerns regarding the recommendation to reallocate £1m given that the Housing Strategy is currently being developed.

The Board recommends that funding is not reallocated until the Housing Strategy has been developed and demonstrates how the Council will meet housing need without this funding.

Note: since the Overview and Scrutiny Board meeting the report to council has been amended and the revised recommendation to Council is to reallocate £0.3m from the uncommitted affordable housing budget to expand and regenerate the Strand in Torquay in line with the Mayor's manifesto commitments.

Agenda Item 16



Meeting: Council

Date: 24 September 2015

Wards Affected: All Wards

Report Title: Devolution Update

Is the decision a key decision? No

When does the decision need to be implemented?

Executive Lead Contact Details: Mayor Oliver, Mayor and Executive Lead for Finance and Regeneration, mayor@torbay.gov.uk

Supporting Officer Contact Details: Fran Hughes, Assistant Director Community and Customer Services, (01803) 208002, frances.hughes@torbay.gov.uk

1. Proposal and Introduction

- 1.1 On 23 July 2015 the Council established a Devolution Working Party to explore opportunities for devolution and requested an update be presented to the September Council meeting.
- 1.2 The Devolution Working Party met on 4 and 8 August and 2 September 2015 to consider how Torbay could engage with its partners and neighbouring authorities in respect of options for devolution and made recommendations to the Mayor and Executive Director of Operations and Finance on the Council's response to devolution.
- 1.3 There were two key meetings to discuss devolution during the summer. The Mayor and Assistant Director Community and Customer Services attended a meeting on 5 August with representatives from almost all local authorities across the South West Region to discuss potential options for devolution across the region. The Mayor, Executive Director of Operations and Finance and Assistant Director attended a meeting of Devon Authorities Leaders and Chief Executives on 20 August to discuss devolution and partnership working opportunities and Somerset's Leaders and Chief Executives met on 18 August.
- 1.4 The outcome of these cross authority meetings is that it has been agreed that authorities within the Heart of the South West Local Enterprise Partnership (LEP) will work together on a devolution request to central government. The partnership have developed and submitted, a 'Heart of the South Waste Statement of Intent - Towards a Devolution Deal September 2015' to the Government to advise them of our intention to pursue the devolution agenda across the region. This was submitted in time to meet the 4th September 2015 deadline set by central government. A copy of the Statement of Intent and a copy of the letter signed by all participating local authorities is set out at Appendix 1 to this report.

2. Reason for Proposal

- 2.1 The report provides an update in respect of the work being undertaken by the Council and its partners in respect of devolution.

3. Recommendation(s) / Proposed Decision

- 3.1 That the contents of the submitted report be noted.

Appendices

Appendix 1: Heart of the South West Statement of Intent Covering Letter

Appendix 2: Heart of the South West Statement of Intent - Towards a Devolution Deal
September 2015

Background Information

4. Why are we doing this?

The Government has offered local authorities, in consultation with their LEP the chance to have greater power and responsibility for providing services and improving the economy. We are doing this because we believe that decisions about our future should be made as locally as possible. We also believe that there is scope for public sector organisations to work together more efficiently.

5. Which local authorities are involved?

In the Heart of the South West LEP area every one of the district, unitary and county councils are involved, as well as both National Park Authorities and the Heart of the South West Local Enterprise Partnership who are key to our work.

- Heart of the South West Local Enterprise Partnership
- Somerset County Council
- Somerset's district and borough councils: Mendip, Sedgemoor, South Somerset, Taunton Deane and West Somerset
- Devon County Council
- Devon's district and borough councils: East Devon, Mid Devon, North Devon, South Hams, Teignbridge, Torridge and West Devon
- Plymouth City Council
- Exeter City Council
- Torbay Council
- Exmoor National Park
- Dartmoor National Park

We have a shared commitment and the capability to deliver. We are eager to start a dialogue with Government, open a new chapter and build a strong and productive relationship.

We have collectively agreed a set of principles to underpin our statement and these will also shape the governance and accountability that will be required to administer new devolved powers. We are determined to take up the Government's invitation and negotiate an ambitious deal.

6. Why aren't others involved?

The Government is keen for devolution to happen within 'Local Enterprise Partnership' boundaries, and that is what our bid does. We want to make sure we work collaboratively with our neighbouring local authorities where it makes sense to do that, so that we can benefit even more from devolution. The Government's offer is to local authorities in the first instance as they have a unique role amongst other public services because they are run by democratically elected councils. Other partners, and stakeholders will be involved as part of the detailed negotiations that follow.

7. What powers do you want to see devolved?

Our Statement of Intent sets out that we are looking for additional powers and responsibilities in three areas:

- Economic growth and productivity
- Health, social care and wellbeing
- Infrastructure and local resilience

These are the areas we want to be the focus of our discussions with Government as we look in detail at what could make the biggest difference to us and bring the most benefits for our residents.

We need to have those detailed discussions before we can talk about specific powers that might want to have devolved.

However, we should not wait for the outcome of devolution to progress out partnership working. If we can do something without having any devolved powers, we will just get on and do it and it won't form part of our negotiations with Government

8. How much is it costing to make this bid for devolved powers?

The only cost envisaged is the cost of officer time which is being shared between the various organisation involved in the bid.

9. Would devolution save money?

One of the objectives of our bid is to make the public sector more efficient and save money. Ideally, with less bureaucracy and layers of decision-making, devolution will reduce costs. The Government expects devolution deals to be 'fiscally neutral' that is, it does not want to spend any more money than it already spends; but our communities should benefit from economies of scale and our ability to deliver better outcomes.

10. What happens next?

Once the Statement of Intent has been sent to the Government we will continue to work together and with other Heart of the South West public sector partners on the detail of the proposals, and start having conversations with Government departments.

11. How long will it take?

This process is complex and will take many months. Now we have submitted our Statement of Intent we will prepare more detailed proposals for Government, and then there will be some hard negotiating. We can't confirm a timescale but we are determined to move as quickly as we can because devolution offers us significant benefits. However, we must not underestimate the tremendous achievement to date in achieving a single voice from 20 different authorities across Devon and Somerset.

On behalf of the Heart of the South West

Cllr John Osman, Leader
Somerset County Council
County Hall
Taunton TA1 4DY

JDOsman@somerset.gov.uk

01823 359018

4 September 2015

For the attention of:

The Rt Hon George Osborne MP
Chancellor of the Exchequer

The Rt Hon Greg Clark MP
Secretary of State for Communities and Local Government

Dear Sirs

Heart of the South West Devolution – Statement of Intent

Our Statement of Intent, from all Heart of the South West local authorities, our National Parks and the Heart of the South West Local Enterprise Partnership, represents a significant milestone for our area. We are united in our ambition to pursue a new relationship with Government that will rebalance powers, and give us greater freedom to shape our own destiny. In return, the Heart of the South West will deliver a step change in its contribution to the prosperity of the nation, fulfilling the enormous potential of our area.

Our highest priority is to raise productivity levels and skills so that we have an economy that performs alongside the best. A thriving economy will provide jobs, services and life opportunities our residents deserve, and address the low wage economy.

We are known for our self-sufficiency, self-help strategies and working together to deliver better outcomes for our communities. We are convinced that the key to success is greater autonomy and devolved powers have the potential to revolutionise the way we operate. We

know and understand our communities and we ask for the opportunity to demonstrate that locally tailored approaches are not only more effective, but can also generate savings.

The cornerstone of our proposal is a package of measures to accelerate economic growth by re-engineering the whole system, from careers advice to apprenticeships, business support to major investment.

Our second opportunity is around continuing to integrate commissioning between health, social care and wellbeing across our communities, at pace, to meet local needs. We want to learn from each other to transform services across the whole of the Heart of the South West. As the most significant and growing proportion of public sector spend it is absolutely crucial that we are given the freedom to implement new approaches that reduce demand, deal with complex needs, and ensure early intervention and prevention are at the heart of what we do.

Our third theme is physical infrastructure, including developing greater resilience, for example in flood and coastal defence, and creating confidence through longer term investment programmes for transport and housing.

This is a balanced and coherent set of proposals that will bring substantial benefits to the Heart of the South West and the nation. Whilst our proposals are fiscally neutral, we also call on the Government for the opportunity to jointly review national funding formulas to ensure that our baseline reflects a fairer distribution of public money.

We have a shared commitment and the capability to deliver. We are eager to start a dialogue with Government, open a new chapter and build a strong and productive relationship.

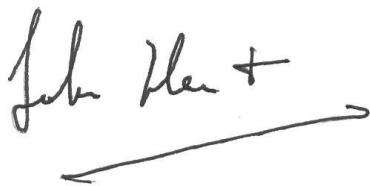
We have collectively agreed a set of principles to underpin our statement and these will also shape the governance and accountability that will be required to administer new devolved powers. We are determined to take up the Government's invitation and negotiate an ambitious deal.

We invite you to work with us and explore the national opportunity offered by devolution for the Heart of the South West.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Harper', with a long horizontal flourish underneath.

Peter Harper
Chairman of Dartmoor National Park

A handwritten signature in black ink, appearing to read 'John Hart', with a long horizontal flourish underneath.

Cllr John Hart
Leader of Devon County Council

A handwritten signature in black ink, appearing to read 'Paul Diviani', with a long horizontal flourish underneath.

Cllr Paul Diviani
Leader of East Devon District Council

A handwritten signature in black ink, appearing to read 'Peter Edwards', with a long horizontal flourish underneath.

Cllr Peter Edwards
Leader of Exeter City Council

A handwritten signature in blue ink, appearing to read 'Andrea Davis', with a long horizontal flourish underneath.

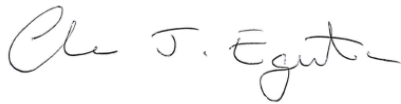
Andrea Davis
Chairman of Exmoor National Park



Steve Hindley
Chair of the Heart of the South West Local Enterprise Partnership



CLr Harvey Siggs
Leader of Mendip District Council



CLr Clive Eginton
Leader of Mid Devon District Council



CLr Des Brailey MBE
Leader of North Devon District Council



CLr Tudor Evans
Leader of Plymouth City Council



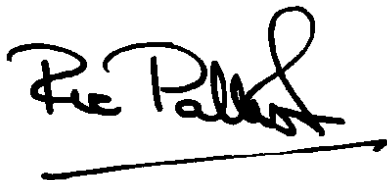
ClIr Duncan McGinty
Leader of Sedgemoor District Council



ClIr John Osman
Leader of Somerset County Council



ClIr John Tucker
Leader of South Hams District Council



ClIr Ric Pallister
Leader of South Somerset District Council



ClIr John Williams
Leader of Taunton Deane Borough Council



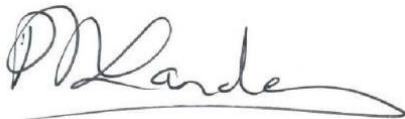
Clr Jeremy Christophers
Leader of Teignbridge District Council



Gordon Oliver
Mayor of Torbay Council



Clr Jane Whittaker
Leader of Torrington District Council



Clr Philip Sanders
Leader of West Devon Borough Council



Clr Anthony Trollope-Bellew
Leader of West Somerset Council

① Heart of the South West

Statement of Intent

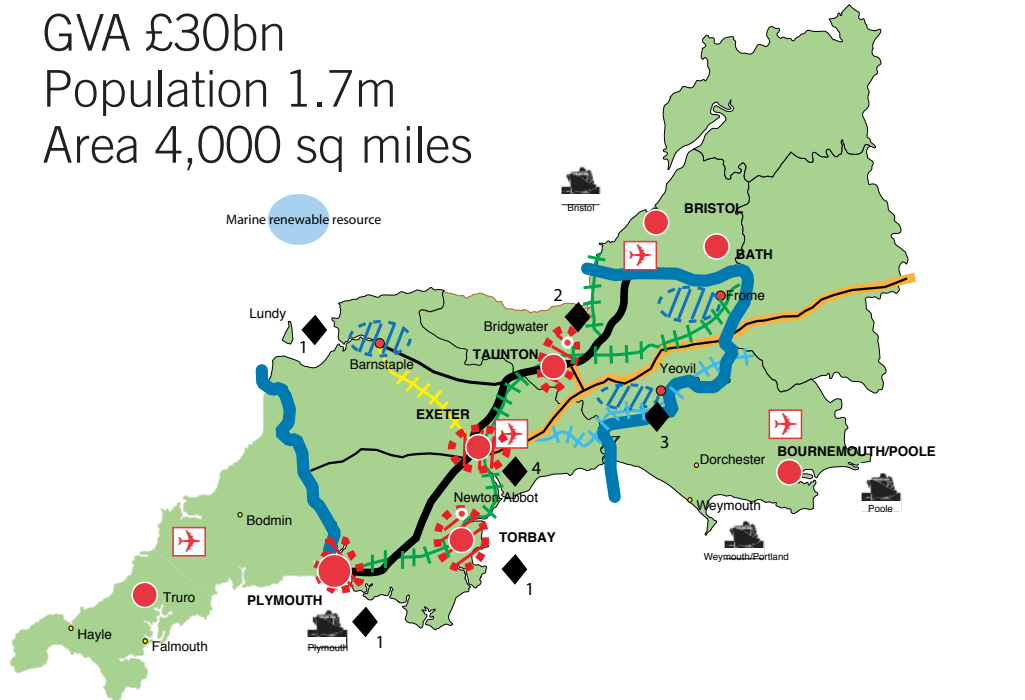
Towards a devolution deal

September 2015



② Heart of the South West...

GVA £30bn
Population 1.7m
Area 4,000 sq miles



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- LEP Boundary
- Principal urban areas
- Principal growth areas for employment, housing and infrastructure
- Secondary growth areas for employment, housing and infrastructure
- Ports
- Airports
- A30/A303/A358 corridor improvements package
- Improvements to Waterloo to Exeter railway line
- M5 motorway/trunk road network and junction improvements
- Exeter to North Devon rail improvements
- Great Western rail improvements
- Golden opportunities: 1. Marine: Plymouth, Torbay & Appledore
2. Hinkley 3. Yeovil Aerospace 4. Innovation Exeter and Science Park



Outcomes we want by 2030

£163,000 new jobs
179,000 new homes
3%+ annual growth
 Improved journey times to the South West
GVA of £49bn



Public sector challenges

Over **£4bn** net local government and health spend
186,620 people provide unpaid care every week
Integration of health and social care
12% of working age people have a long-term health condition



By 2035

31% of residents aged over 65
7% aged over 85

③ We are successful, we are ambitious, we are ready:

...we are the Heart of the South West.

Our ambitions are clear for us and our nation's economy:

- **To unlock productivity:** creating the right conditions for growth, developing our workforce and capitalising on our assets
- **To improve health, care and wellbeing:** we will deliver a world-class integrated health and care system within our communities
- **To improve connectivity and resilience:** we will ensure our businesses are not hampered by poor infrastructure or extreme weather

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Our Statement of Intent has these three ambitions at its core, and builds on strong existing relationships and a track record of collaborative working. It is a joint document by all 17 local authorities, our National Parks and our **Heart of the South West** Local Enterprise Partnership.

Why do we need devolution for the Heart of the South West?

The **Heart of the South West** is home to economic opportunities of global significance, including new nuclear, environmental science, marine industry and aerospace. Yet these once-in-generation opportunities may pass us by if we do not deliver what our workforce and businesses need to expand and grow.

We have already achieved much together, and we can do more through greater collaboration, greater efficiency, simplified communications and relationships, greater freedom and flexibility, with decision making controlled and delivered locally.

We are signalling our offer to contribute more to the nation's economic success and become the **Heart of the South West** Powerhouse.

We invite the Government to work with us on a devolution deal to achieve our ambitions.



④ Heart of the South West...

...unlocking productivity

Devolving the powers and resources to those best able to tackle our challenges and maximise our opportunities will release the productivity, competitiveness and growth that we and the nation need.

Successes...

- An acknowledged strong Local Enterprise Partnership (LEP)
- Hinkley New Nuclear
- Exeter and East Devon Growth Point
- Relocation of the Meteorological Office
- Innovation Exeter, the Science Park and university growth
- Plymouth and South West Peninsula City Deal
- Cross-boundary working on tourism and inward investment
- Delivering public sector efficiencies and savings

...and challenges

- Comparative productivity is 29th out of 39 LEP areas
- An aging workforce and major skills shortages reported in every sector of the local economy
- Our performance remains low on key productivity measures: wages, innovation, inward investment exports and global trade.

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We will...

- ➔ Develop and deliver a clear business-led strategy for skills and apprenticeships
- ➔ Deliver single, simple and easy to access business support
- ➔ Review how our property portfolios can be used to drive growth more effectively

What we need...

- ➔ Joined-up locally accountable funding for education and skills
- ➔ A flexible single funding pot for investment
- ➔ Discussion with Government on fiscal reforms that incentivise investment
- ➔ A single public estate aligning national and local resources

⑤ Heart of the South West...

...improving health, care and wellbeing

We want to change the system so our priority becomes keeping people as healthy as possible for as long as possible, so we can reduce dependency on the state. This means more prevention and early intervention, person-centred care and outcome-based commissioning. Success means savings to the public purse and greater productivity in our economy. Our work is well under way: devolution will help us finish the job.

Successes...

- Page 142
- A good record of integrating health and social care
 - Torbay's Integrated Care Organisation and Pioneer Bid status
 - A £426m integrated 'One System One Budget' fund between Plymouth City Council and 'NEW Devon' Clinical Commissioning Group
 - NHS Vanguard status for Somerset's 'Symphony' health and social care integration pilot project
 - 'Integrated Care for Exeter', an innovative project to bring together health and care services
 - Solid progress towards outcomes-based commissioning

...and challenges

- Disproportionate growth in our older population is placing unsustainable burdens on our services
- An increasing proportion of our population have long-term conditions which seriously impacts on the local economy and people's lives.

We will...

- ➔ Increase productivity by reducing ill-health and reliance on the state
- ➔ Reduce overall need for formal health and social care services
- ➔ Reduce the cost of health and social care
- ➔ Help more people with long-term illnesses or mental ill-health start or return to work

What we need...

- ➔ Freedom to pool budgets and direct resources to local need
- ➔ Freedom to develop a commissioning framework that supports local decision-making
- ➔ Freedom to establish effective, integrated governance and delivery structures
- ➔ Freedom to develop local metrics and incentives



⑥ Heart of the South West...

...improving connectivity and resilience

We will build on our proven track record of growth based on targeted investment and deliver more cost effective, innovative and focused investment. This will increase our contribution to the national economy, accelerate housing delivery and respond to environmental challenges.

Successes...

- Key infrastructure projects including the South Devon Link Road and dualling the A303/A358/A30
- High levels of house building, for example in Exeter, Taunton, Cranbrook and Sherford
- Infrastructure investment agreed as part of the Hinkley Deal
- Somerset Levels and Moors Flood Action Plan
- Connecting Devon and Somerset broadband programme
- Peninsula Rail Task Force working on a 20-year improvement plan
- Balancing protection of our environment with sensitive investment

...and challenges

- Strategic infrastructure has good coverage, but is incomplete
- Insufficient capacity of the road network and motorway junctions
- Uncompetitive travel times to London and the South East
- Incidents and extreme weather threatens transport resilience
- Housing supply not keeping up with demand
- Threats to our National Parks and Areas of Outstanding Natural Beauty.

We will...

- ➔ Improve delivery of infrastructure through better coordination with local growth
- ➔ Deliver a clear and stretching programme of investment, including additional housing and economic infrastructure
- ➔ Improve coordination and delivery of flood and coastal defence, protection and prevention infrastructure

What we need...

- ➔ Exploration of additional powers to support our growing population and economy
- ➔ Locally pooled funding and greater financial independence and certainty
- ➔ Greater local control over infrastructure and resilience budgets and decision-making
- ➔ Extension of the Strategic National Corridor to include Plymouth



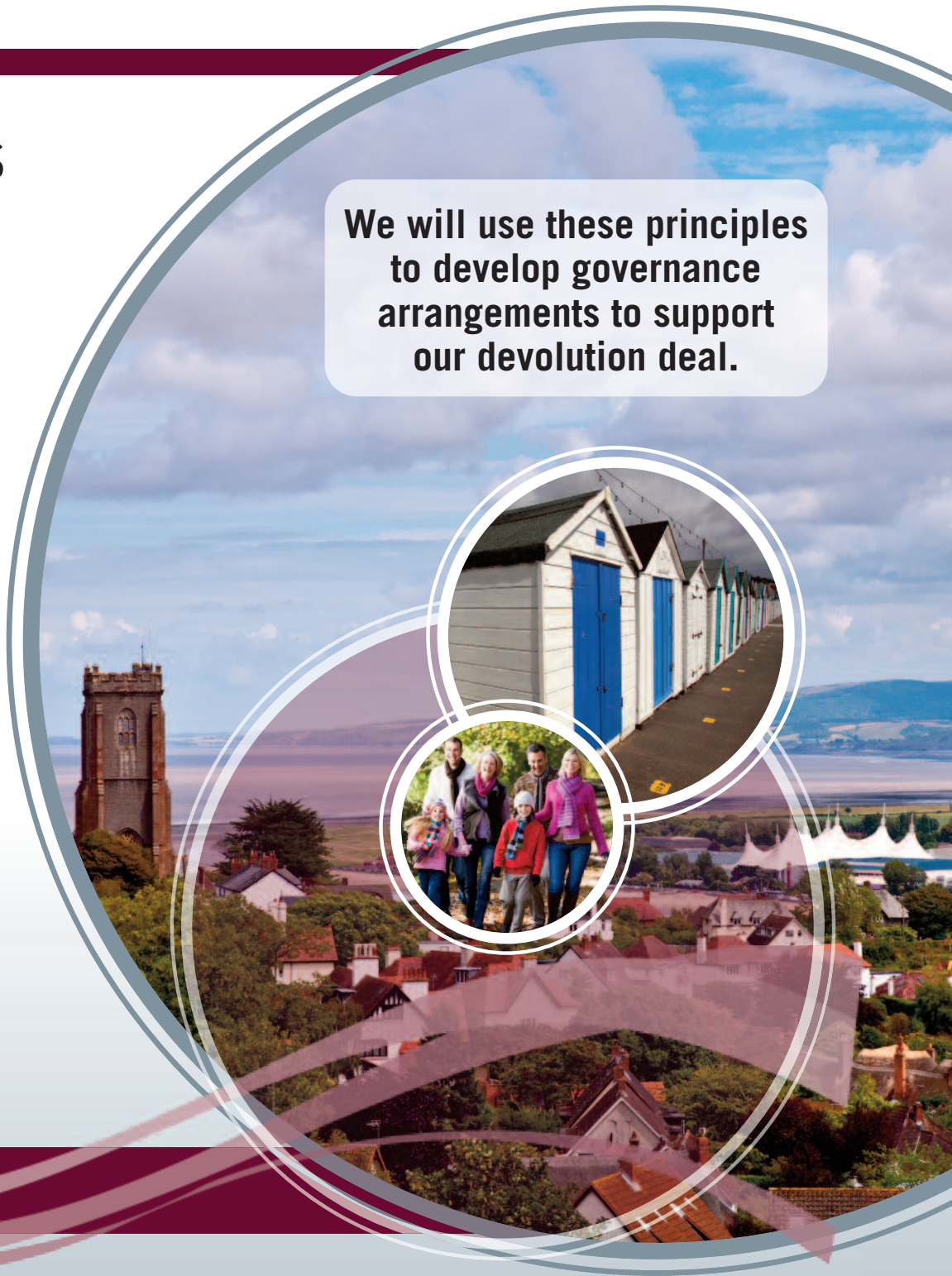
⑦ Our working principles

Devolution to the **Heart of the South West** area must be built on principles that all can sign up to. It is essential that local authority partners, other public sector and commercial stakeholders and Government share a common approach and are clear how to proceed.

To achieve that, we have drafted eight key principles that are central to our approach to devolution:

- **A politically-led process** without local government reorganisation
- Powers devolved to councils collectively working with the **Heart of the South West** Local Enterprise Partnership, then passported to the **appropriate level**
- Space for collaborative propositions with **other authorities within the wider South West**, on issues where it would make sense
- **Equal voice** for all of the local authorities involved
- A pragmatic and flexible, **mutually supportive approach**, ensuring that no authority would be disadvantaged, even if they would not directly benefit
- Arrangements focussed on gaining **new powers** that are currently unavailable to local authorities and will deliver benefits for all.
- Wherever possible, partners will use or adapt existing arrangements to manage and deliver on proposals to **avoid extra layers of bureaucracy**
- Cost-effective solutions, pursuing **fiscal neutrality** in line with Government expectations.

We will use these principles to develop governance arrangements to support our devolution deal.





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Working together



Agenda Item 17



Meeting: Council

Date: 24 September 2015

Wards Affected: All Wards

Report Title: Clinical Governance Framework (Mayoral Decision)

Is the decision a key decision? No

When does the decision need to be implemented? ASAP

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

Supporting Officer Contact Details: Nanette Amos Tribble, Treatment Effectiveness Manager – Public Health Team, nanette.tribble@torbay.gcsx.gov.uk, 01803 207352

1. Proposal and Introduction

- 1.1 On 1 April 2013, Public Health commissioners transferred back into Local Authorities. Although this is the most effective place for public health commissioning to belong to, the team brought with it the commissioning of several clinical services – and the subsequent need for clinical governance of those services.
- 1.2 Public health clinical services include sexual and reproductive health (contraception and sexually transmitted infection (STI) management), drug and alcohol treatment services and Lifestyles services (including obesity and smoking cessation services). Some of these client groups can be complex in their clinical and social presentation.

2. Reason for Proposal

- 2.1 Clinical governance ensures that public health services are cost-effective, high quality, safe and represent best value for money. Our clinical governance framework outlines a hierarchy of clinical bodies to which clinical issues can be escalated, where there are risks or commissioner concerns.
- 2.2 Managing a robust clinical governance framework is part of our obligations when commissioning clinical services. The document has already been approved by Torbay Clinicians, who sit to monitor quality of clinical services the public health team provides.
- 2.3 A decision to adopt this clinical governance framework as a means of providing assurance around clinical interventions is the final requirement to ensure that the document is ratified for use.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Clinical Governance Framework set out at Appendix 1 to the submitted report be approved for a period of 3 years, whereupon it will be reviewed and updated.

Appendices

Appendix 1: Clinical Governance Framework

Appendix 2: Extract from Minutes of the Clinical Governance “Quality Committee” approving the Clinical Governance Framework – 12 August 2015

Background Documents

None



September 2015

Clinical Governance Framework

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Ratification Process

Quality Committee approval – 12 August 2015
Mayoral Decision to ratify –

For Review

This Clinical Governance Framework will be reviewed in 3 years, or less if legislative/organisational changes dictate.

1 Introduction

1.1 Background

Since 1 April 2013, Local Authorities have been responsible for improving the health of their local populations through the provision of a range of Public Health services. It is important for both individual service users and for communities that Local Authorities commission services and interventions which are cost-effective, high quality and safe for patients (Department of Health a, 2013).

1.2 Definition of Clinical Governance

The term, Clinical Governance, is a description of all the systems and processes needed to ensure that clinical and related services are able to deliver safe, high quality and cost-effective care; a *systematic method to raising standards of healthcare* (Collins, 2003). Scally and Donaldson (1998) expand this by defining Clinical Governance as, *the framework through which organisations are accountable for continuously improving the quality of their services and safeguarding high standards of care by creating an environment in which excellence in healthcare will flourish*".

Lord Darzi (2008) defined quality as comprising:

- Patient Safety – avoiding harm from the care that is intended to help
- Effectiveness – aligning care with science and ensuring efficiency
- Patient Experience – services must be patient centred and equitable.

2 Why we need a Clinical Governance Framework

Torbay Council Public Health Team, as commissioners of clinical and related services, has a duty to assure itself that the services it commissions are safe, cost-effective and of high quality.

It is acknowledged that Public Health service providers can be organizationally complex and deliver clinical interventions and services where, by definition, there is an element of inherent risk. Risks can be grouped into categories, and the following represent common issues for Public Health services:

- Safeguarding risks – where clients of such services are vulnerable adults or young people
- Financial risks – through litigation and/or the provision of ineffective treatment
- Clinical risks – the prescription of controlled drugs requires a system of governance that is also a statutory requirement because of high levels of mortality and morbidity in the population served

- Reputational risk – particularly for public health services where partnership working and engagement of the public and service users is critical to successful service delivery.

The external and internal processes necessary to providing assurance to the commissioner that risk is being managed appropriately, and as planned, are described in this document.

The Local Authority – in its exercise of Public Health commissioning functions – is required by law to have regard to the NHS Constitution in its decisions and actions (Department of Health *b*, 2013). This requirement covers all services contracting with the Public Health Team, whether NHS Trusts or not.

Finally, in summary, the Public Health Team’s clinical governance process is focussed on gaining assurance that the clinical governance systems of those providers it contracts with are robust and promote safety, cost-effectiveness and quality of service provision.

3 Managing Contractual Relationships and the Escalation Process

3.1 Commissioner Assurance

Contracts with public health providers each contain requirements that the providing organization has an effective clinical governance and quality assurance framework in place. They are also required to demonstrate that they adhere to clinical and service standards set by relevant professional organisations. These requirements are evidenced to the commissioner at point of procurement. Provider processes must provide reassurance that practice, incidents, risks and compliance are managed systematically, transparently and robustly.

In addition to their own internal systems, public health provider organisations are expected to disclose to the commissioner incidents, risks and compliance issues transparently, and on a prescribed frequency as laid out in contractual documentation. The provider organization is expected to report serious incidents within internal structures (as per local protocols) and is then expected to disclose the serious incident to the commissioner without delay. Less serious issues have less immediate timeframes.

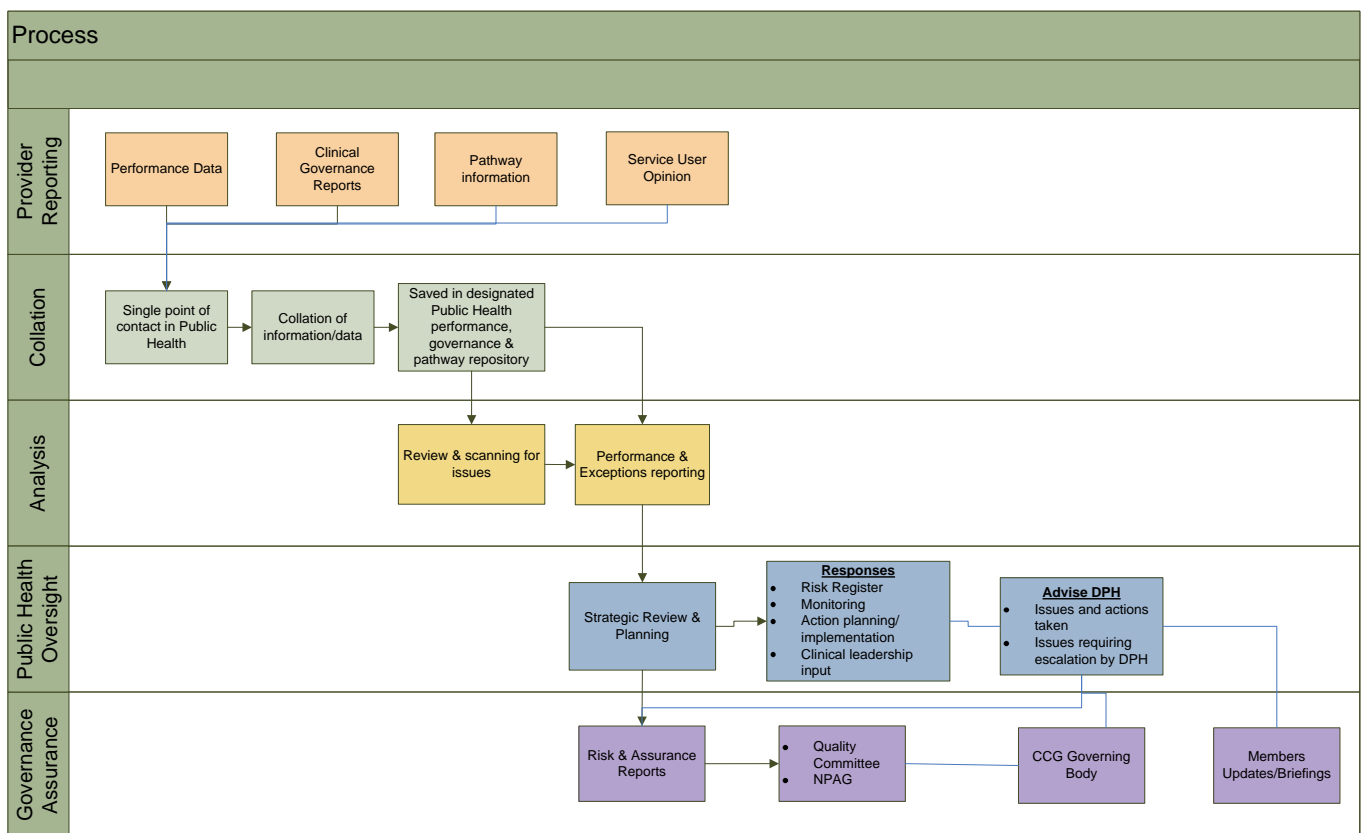
Robert Francis QC (2013) stated that ‘there needs to be a relentless focus on the patient’s interests and the obligation to keep patients safe and protected from sub-standard care’. He explains that this can be achieved, in part, by a culture of ‘openness, transparency and candour in all the system’s business’. The Public Health team will seek to monitor contracts in dialogue with providers using a collaborative and facilitative approach, where the findings of the Mid Staffordshire Inquiry are characteristic of the commissioner provider relationship.

3.2 Escalation

A framework for the escalation and resolution of issues that deviate from contractual and/or quality expectations is necessary, to ensure the commissioner is confident the provider is operating correctly. Clinical details and identifiable personal information is not within the commissioner’s gift (rightly) however it is their responsibility to check provider processes are fit for purpose and are taking place.

Escalation will be proportionate to both the index incident/risk and the assurance that it is being appropriately managed by the provider organization.

- Non-clinical groups and managers (such as are common in the Local Authority) are convened to manage non-clinical risks.
- Clinical risks are escalated as appropriate, to Torbay and Southern Devon Clinical Commissioning Group (“CCG”), which provides their clinical governance mechanisms – in partnership with the public health team – right up to CCG Executive Level.



4 Public Health roles and responsibilities in the Escalation Process

4.1 Escalation Process

Activity	Responsibility
Data reporting	Designated Responsibility: Ian Tyson
Sending reports	Provider
Chairing of Public Health Provider Quarterly Review Meeting ("QRM")	Designated Responsibility: Lead Public Health Commissioner
Issue / incident reporting	Provider and Key Stakeholders
National datasets	Lead Public Health Commissioner with Public Health Epidemiology Team
Collation	Designated Responsibility: Public Health Business Administrator
Single Point of contact for Provider reports	Public Health Business Administrator
Collating data into designated Public Health Repository	Public Health Business Administrator
QRM reports and minutes	Designated Responsibility: Public Health Business Administrator
Issue or incident reports	Provider
Analysis	Designated Responsibility: <ul style="list-style-type: none"> • Performance – Lead Public Health Commissioner • Governance – Public Health Treatment Effectiveness Manager
Review of performance/issue identification and exception reporting	Lead Public Health Commissioner
Review of clinical governance/issue identification and exception reporting	Public Health Treatment Effectiveness Manager
Review of pathways	Public Health Principal/Public Health Consultant
Public Health Oversight	Designated Responsibility: Head of Public Health Improvement
Issues within tolerance and no escalation required	Lead Public Health Commissioner/Public Health Treatment Effectiveness Manager
Issues outside of tolerance and strategic input required	Head of Public Health Improvement/Public Health Consultant
Issues require the most senior input and/or action	Director of Public Health
Governance Assurance	Designated Responsibility: Head of Public Health Improvement
Reports provided to Quality Directorate / Committee	Public Health Treatment Effectiveness Manager
Reports provided to NPAG	Public Health Treatment Effectiveness Manager
Reports provided to Public Health Team/Senior Team	Public Health Treatment Effectiveness Manager / Lead Public Health Commissioner
Reports provided to Sexual Health Clinical Pathways Group	Lead Public Health Commissioner / Public Health Treatment Effectiveness Manager
Reports provided to Pharmaceutical Harm Reduction Panel	Public Health Treatment Effectiveness Manager
Reports provided to Treatment for Recovery Group	Public Health Treatment Effectiveness Manager

Activity	Responsibility
Update/Highlight reports for members	Head of Public Health Improvement
Update/Highlight reports for Health and Wellbeing Board	Head of Public Health Improvement

5 Overview of Analysis, Oversight and Response Process

The Public Health Team’s structure allows for a clear division between performance and quality monitoring, whilst using the same structures to oversee both.

5.1 Quality Monitoring

The table at Appendix 2 represents the quality agenda (ie) the management and escalation of risks, incidents and compliance with national/professional standards. Quality, in its broadest sense, is overseen by the Treatment Effectiveness Manager, as a delegated responsibility from the Head of Public Health Improvement.¹ The Internal Public Health Governance will align with the contracting and performance monitoring architecture and processes.

See Appendix 2.

5.2 Performance Monitoring

The table at Appendix 3 represents the performance monitoring function, and the escalation process when significant deviations from expected contract outcomes / outputs are detected.

Whilst it is not anticipated that every underperformance or deviation from contract will be escalated beyond the Quarterly Contract Review Meeting (“QRM”)², the process allows for an architecture in which the Public Health team can ensure provider organisations are delivering best possible outcomes: this translates as best value to the public.

See Appendix 3.

¹ Although distinct and separate, quality and performance monitoring may be undertaken in the same meetings.

² An initial approach will always be to work collaboratively with the provider organization to resolve performance difficulties in their contract delivery or service quality.

6 Scope

The final scope will be defined nationally.

Area of responsibility	Clinical Delivery	Direct delivery or commissioned
Comprehensive sexual health services (including testing and treatment for sexually transmitted infections, contraception outside of the GP contract and sexual health promotion and disease prevention)	<ul style="list-style-type: none"> Torbay Sexual Medicines Service (SDHCFT) The Eddystone Trust School Nursing Service (T&SD) 	Commissioned Commissioned Commissioned
National Child Measuring Programme	<ul style="list-style-type: none"> School Nursing service (T&SD) Independent Pharmacy contractors 	Commissioned Commissioned
NHS Health Check assessments	<ul style="list-style-type: none"> Independent GP contractors 	Commissioned
Provide Public Health expertise to NHS Commissioners (Core Offer)	<ul style="list-style-type: none"> Clinical commissioning advice to NHS England, Clinical Commissioning Group. Screening Programmes Tuberculosis interventions 	Direct Delivery Direct Delivery Direct Delivery
Drug misuse services (treatment)	<ul style="list-style-type: none"> Shrublands House (DPT) Torbay Primary Care Drug Service (T&SD) CheckPoint (Children's Society) Independent Pharmacy contractors for Supervised Consumption & Needle Exchange 	Commissioned Commissioned Commissioned Commissioned
Alcohol misuse services (treatment)	<ul style="list-style-type: none"> Torbay Primary Care Alcohol Service (T&SD) Shrublands House (DPT) CheckPoint (Children's Society) 	Commissioned Commissioned Commissioned
Tobacco control/smoking cessation services	<ul style="list-style-type: none"> Independent GP contractors Independent Pharmacy contractors Healthy Lifestyles Team (T&SD) 	Commissioned Commissioned Commissioned
Obesity and community nutrition initiatives	<ul style="list-style-type: none"> Healthy Lifestyles Team (T&SD) School Nursing Service 	Commissioned Commissioned
Increasing levels of physical activity in the local population	<ul style="list-style-type: none"> Healthy Lifestyles Team (T&SD) 	Commissioned
Emotional health and wellbeing services	<ul style="list-style-type: none"> Healthy Lifestyles Team (T&SD) School Nursing Service (T&SD) 	Commissioned Commissioned

Area of responsibility	Clinical Delivery	Direct delivery or commissioned
	<ul style="list-style-type: none"> Health Visiting Service (T&SD) 	Commissioned
Oral health services	<ul style="list-style-type: none"> Healthy Lifestyles Team (T&SD) 	Commissioned
Accidental injury prevention	<ul style="list-style-type: none"> Health Visiting Team(T&SD) School Nursing Service (T&SD) 	Commissioned Commissioned
Population interventions to reduce and prevent birth defects	<ul style="list-style-type: none"> Screening Programmes 	Commissioned
Behavioural and lifestyle campaigns to prevent cancer and long-term conditions	<ul style="list-style-type: none"> Screening Programmes Lifestyles Team (T&SD) 	Commissioned Commissioned
Local initiatives to reduce excess deaths as a result of seasonal mortality	<ul style="list-style-type: none"> Lifestyles Team (T&SD) 	Commissioned

7 Safety, Effectiveness and Quality Reporting by Commissioned Providers

7.1 Core Reporting Requirements 2015/16

	Indicator	Frequency
1	Compliance with CQC outcomes standards	Quarterly
2	Never Events – using NPSA national definitions	Monthly
	SIRIs or SEA's	
3a	Number of SIMs/STEIS reports	Monthly
3b	Number of SIRIs reported	Monthly
3c	Number of SIRIs outside policy timescales	Monthly
3d	Action plan updates for all closed SIRIs/SIMs	Quarterly
3e	Root causes and lessons learned for closed SIRIs/SIMs in the previous quarter	Quarterly
3f	Trend Analysis	Quarterly
	Safeguarding children and adults	
4a	Safeguarding children % compliance	Quarterly
4b	Safeguarding adults % compliance	
4c	Compliance with CQC outcomes standards	
	Complaints/ Patient Experience:	
	Submit a report that shows the following:	Monthly
5a	Concerns	
5b	Complaints	
5c	Compliments	

	Indicator	Frequency
5d	Comments	
5e	Patient Outcomes/Satisfaction of dealing with concerns and complaints	Bi-annual
5f	Evidence of learning from complaints including how services/provision changed as a result of investigation	
5g	Reported experience of patients and Service User involvement on how they are consulted with on key changes and proposals?	Quarterly
Patient Experience Survey Results specifically:		
6a	Service user experiences	Quarterly
6b	Carer experiences	Quarterly
NICE compliance		
7a	Report & evidence adherence to NICE Standards, Technology Appraisal and Guidelines	Quarterly
7b	Provision of NICE Guidance Exception Report	Bi-annual
CAS/NPSA alerts		
8a	Provision of Exception Report detailing where CAS/NPSA Alerts have not been implemented or have not met the timeframes	Quarterly
8b	The number of CAS/NPSA alerts relevant to the service.	
8c	Detailed action plan addressing the lapsed status, (including action leads).	
8d	Risk rating in respect of lapsed status.	
External Reports, Reviews or audits		
9a	The number of internal and external audit reports	Quarterly
9b	Findings and action plan implementation from audits	Quarterly
9c	What self-assessment against recommendations is occurring as a result of any National Review, or CQC Review of another establishment?	Quarterly
Staff Wellbeing		
10a	Evidence of a workforce development plan	Annual
10b	Staff vacancy, long term sickness and absence report with remedial action plan where appropriate	Quarterly
10c	Number & proportion staff who receive supervision in accordance with organisational policy	Annual
10d	Number & proportion of staff who have attended all required essential training	Annual
Infection Control		
11	Standard Hand Hygiene should be practiced. Compliance with the DH Hygiene Code 2006 and registration with the CQC. Report exceptions and include action plan	Monthly

7.2 Core Reporting Definitions 2015/16

Indicator	Descriptor
Compliance with CQC outcomes standards to include a report on any breaches or suspected breaches of compliance against any standard or regulation	Compliance the Care Quality Commission's national outcomes standards of quality and safety that are set out in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009.

Never Events – using the most up-to-date Department of Health national definitions	Incidents that the Department of Health has specified as unacceptable and preventable.
SERIOUS INCIDENTS REQUIRING INVESTIGATION (SIRI)	
Number of STEIS incidents recorded each month	The national NHS system for strategic oversight of Serious Untoward Incidents. Reporting the number of incidents that have been logged with the national incident system.
Number of STEIS incidents completed/removed each month	The number of logged incidents that are removed following completion of investigation and action planning or due to no longer being assessed as being necessary (indicate the reason for removal).
Number of SIRIs reported each month	A serious incident that can have a devastating and far reaching effect. These may involve service users, members of staff, visitors or the public. These incidents require investigation by the organisation and learning that comes out of this should inform service development. The number of these incidents each month is to be recorded, with any commissioning reporting in accordance with the service specification and contract.
Number of SIRIs not closed within policy timescales (with a Summary Report)	organisational policies for incident reporting and investigation include timescales for completion of any investigation. Exception reporting for the number of incidents SIMs/STEIS/SIRI not being completed within timescale are reported for each Quarter. A summary report for the reasons for delay
Root causes and lessons learned for closed SIRIs in the previous quarter	Report summarising root cause of serious incident and the lessons learnt.
Action plan updates for all closed SIRIs	Report summarising actions and their implementation that come out of learning from serious incidents
Trend Analysis (Summary report to be submitted)	Report summarising any themes of incidents in the year.
SAFEGUARDING	
Safeguarding children training completion (% of staff trained)	Linked to Ofsted Safeguarding Children - All staff (90% threshold to account for staff turnover) have up to date training appropriate to their role. An Adequate Grade three score would be expected to be no less than 85%.
Safeguarding adults training (% of staff trained)	All staff (90% threshold to account for staff turnover) have up to date training appropriate to their role and all staff are in receipt of regular supervision to support them in their role. An Adequate Grade three score would be expected to be no less than 80%.
COMPLAINTS AND PATIENT EXPERIENCE	
Submit a report that will allow Public Health to identify trends and provide assurance of service improvement in these areas. Show monthly totals against lines below: a) Concerns b) Complaints c) Compliments d) Comments	Numbers of concerns, complaints, compliments and comments received per month with summary report of good practice, issues, and themes.
Number of complaints escalated due to Service User dissatisfaction with response	Number of complaints where the complainees has been dissatisfied with the response received and further resolution is required.
Evidence of learning from complaints including how services/provision changed as a result of investigation	Summary report outlining issues, learning and implementation of developments arising from concerns, complaints or comments

EXPERIENCE OF SERVICE	
Service User experiences	Summary report outlining service user involvement activities and learning from patient experience initiatives within the service to inform safety, quality and effectiveness of provision.
Carers & 'Concerned Significant Others' experiences	Summary report outlining Carers & Concerned Significant Others' involvement in service user treatment.
NICE REPORTS	
Report adherence to NICE Standards, Technology Appraisal and Guidelines published in the last Quarter	Summary report providing assurance of service compliance to all relevant NICE standards published in the last Quarter. Report to include appendix of completed 'self-assessments' and any organisational ratification documentation where appropriate.
Provision of NICE Guidance Exception Report	Summary exception report for areas of non-compliance with NICE standards. To include appendix of action/implementation plans as evidence of assurance.
CAS/NPSA ALERTS	
The number of CAS/NPSA alerts published in the previous Quarter relevant to the service.	The number of National NHS alerts to ensure patient safety that have relevance for the service and require remedial actions in the previous Quarter
Provision of Exception Report detailing where CAS/NPSA Alerts have not been implemented or have not met the timeframes in the last Quarter	Summary exception report for areas of non-compliance with National Alerts. To include appendix of action plan addressing the lapsed status, (including action leads).
REPORTS, REVIEWS, AUDITS	
The number of internal and external audit reports completed in the last Quarter	The number of audits that have taken place, with reports published in the last Quarter
Submit a report that shows the findings and action plan implementation from audits	Summary report outlining the findings of the audits that have been published in the last Quarter, including appendix with action plans where remedial action is required.
What self-assessment against recommendations is occurring as a result of any National Review, or CQC Review of another establishment?	Summary report outlining the findings of self-assessments completed in the last Quarter, including appendix with action plans where remedial action is required.
STAFF WELLBEING	
Evidence of a workforce development plan	Summary report of organisational and/or service work force development plans with implementation progress
Staff vacancy, long term sickness and absence report with remedial action plan where there is an impact on service delivery	Summary report of vacancy, sickness and absence within the workforce where there is an impact on service delivery. To include appendix of action plans to mitigate impact.
Percentage of staff who have received supervision in accordance with organisational/service policy	The percentage of staff who have received supervision to date in the year, in accordance with the frequency defined in the organisation or service supervision policy
Percentage of staff to attend mandatory/compulsory/essential/core training	The percentage of staff who have undertaken the core or essential training that is mandatory within the organisation. (90% threshold to account for staff turnover)

8 Appendices

Core Quality reporting templates:



Governance core reporting template.xls



Quality report summary template.doc

Nanette Amos Tribble
Public Health Treatment Effectiveness Manager
September 2015

9 References

Department of Health, *a: Sexual Health: Clinical Governance*, October 2013

Department of Health, *b: Commissioning Sexual Health services and interventions*, March 2013

Francis QC Robert: *Report of the Mid Staffordshire NHS Foundation Trust Public Enquiry*, February 2013

Scally G and Donaldson LJ, *Clinical governance and the drive for quality improvement in the New NHS in England*, 1998

10 Appendix 1

10.1 Local NICE Assessment, Assurance, Planning and Reporting Process

The National Institute for Health and Care Excellence, NICE, is an independent body which provides national guidance and advice to improve health and social care services. Published NICE guidance is a repository of the best available evidence to help organisations commission and deliver cost effective, modern, high quality, safe and evidenced services.

NICE guidance and advice is published at regular intervals to help organisations make continuous improvements to the services they commission or deliver. Organisations do this by:

- Comparing newly published NICE recommendations with existing service provision
- Auditing service provision
- Updating service specifications
- Informing contract monitoring conversations
- Using resources to best meet service user expectations
- Ensuring services are fit for purpose so as to fulfil independent audits from bodies like CQC or Ofsted.

Most documents NICE publishes are in the form of 'guidance', where commissioners and providers can jointly make informed decisions as to the appropriateness of adopting NICE recommendations; decisions that are based on local context and resources. However, the exception to this is Technology Appraisals where findings are mandated not just advised, and assurance must be provided through the Clinical Governance Framework that there has been implementation within 3 months.

NICE publishes guidance in relation to three main areas of service delivery:

- Clinical Guidance
- Social Care Guidance
- Public Health Guidance.

All three areas are relevant to Torbay, with the Public Health Team taking the lead on and co-ordinating the Public Health Guidance. The Public Health team may also need to contribute to Social Care and Clinical Guidance, but the expectation is that they will not ordinarily lead on this.

Many Public Health guidance documents take a system-wide approach to their recommendations. The Public Health Team is committed to multi-agency working and collaborative monitoring groups, so the best outcomes for service users in Torbay can be obtained.

The **NHS** in England has published its Five Year Forward View (2014) that emphasises the importance of ill health prevention and as a consequence, NICE has committed itself to a radical upgrade of its prevention and Public Health guidance. **NICE** (2015) says, 'ensuring people develop healthy habits from an early age can help prevent long-term disease and early death. We can help the NHS and local authorities to take action in their local area and educate younger people so that healthy choices become a life-long habit'.

Public Health providers and commissioners in Torbay can expect to see greater increasing input from NICE. Where NICE guidance and advice overlaps with Torbay Health and Wellbeing Board priorities, these will mean that changes, re-focusing and improvements in local services will be inevitable, and may form a major part of their work plan.

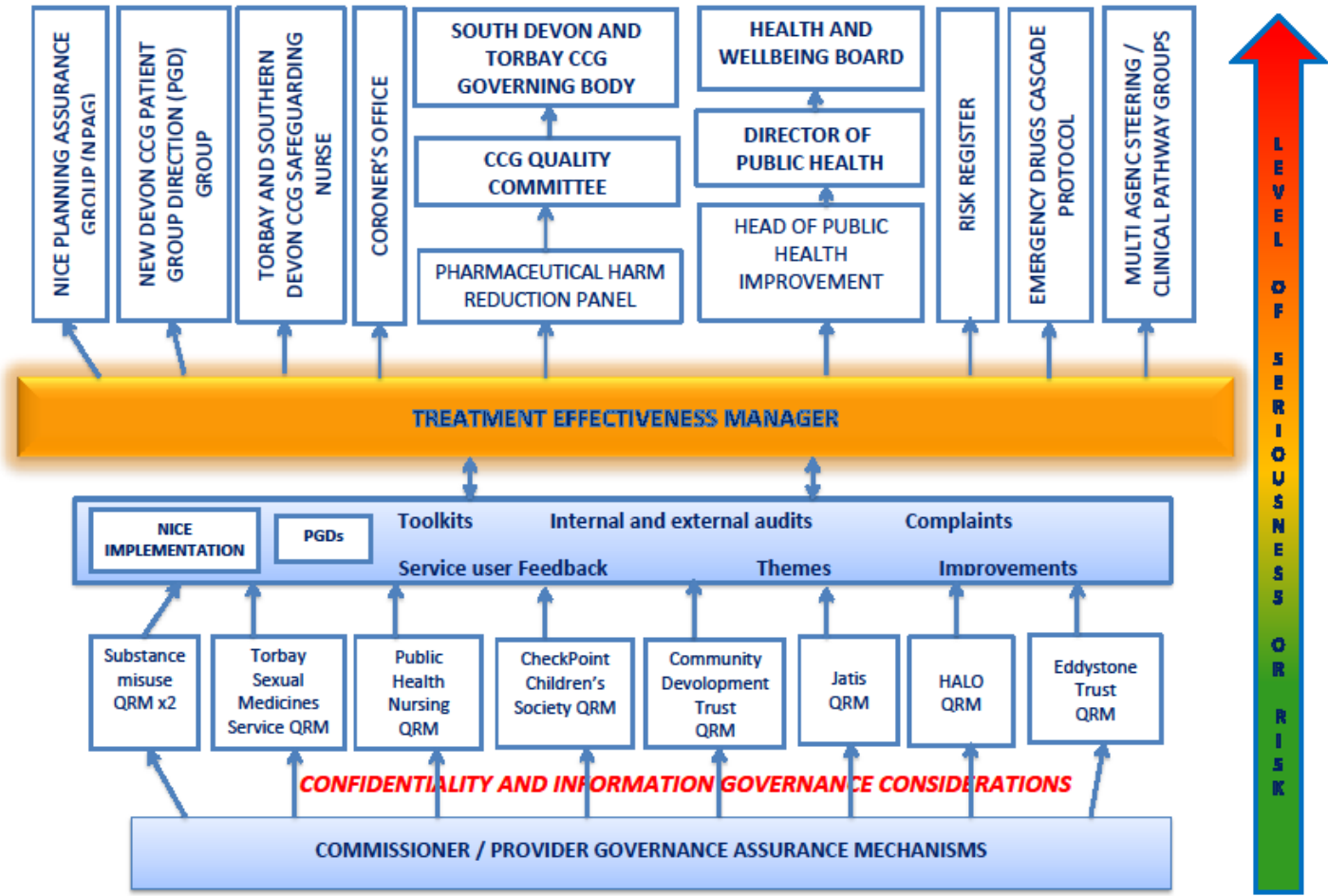
NICE assurance will be, via the Clinical Governance Framework, to NPAG and the CCG Quality Committee in their respective formats.

It is expected that each newly published NICE document will be reviewed in Public Health to consider whether there are implications for Public Health services. NICE also states that it aims to review each piece of NICE guidance every three years. However, the revisiting of NICE guidance and topic areas may also be triggered locally by the following situations:

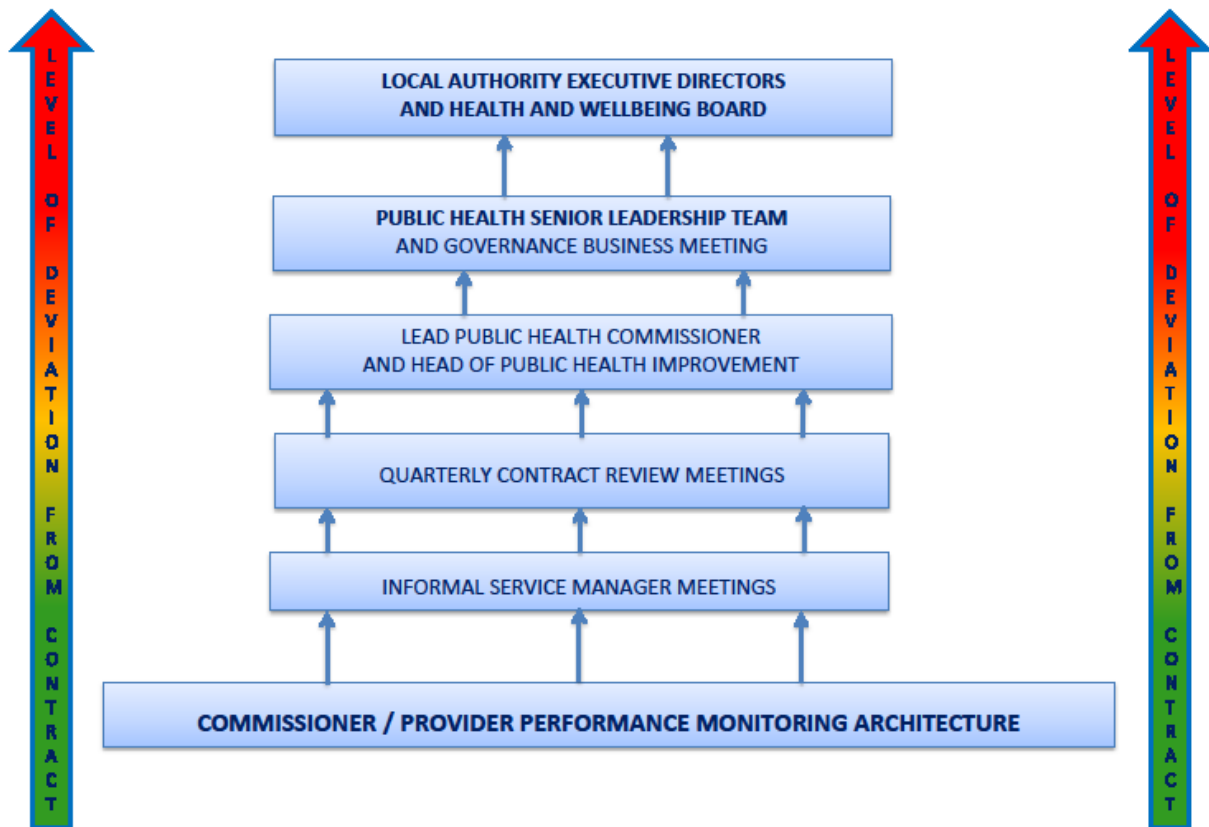
- When there is a significant local service delivery change
- Where CQC, Ofsted, or other independent (internal or external) evaluation has been carried out, and it is deemed that there are areas for service improvement
- When a procurement exercise to appoint a new local provider is undertaken
- Where a referral pathway is not felt to be providing the outcomes that may have been expected
- Where there is a complaint about a local service that causes sufficient concern so as to warrant a revisit
- After three years, if there has been nothing new published by NICE in the meantime.

The Public Health Treatment Effectiveness Manager will take a lead on co-ordinating NICE guidance and service improvement action plans on behalf of the commissioning team. The interface with providers will be via interim Service Manager Meetings and those conversations ratified, as necessary, at the respective QRMs.

11 Appendix 2



12 Appendix 3



Agenda Item 17

Appendix 2

Extract from Minutes of the Clinical Governance “Quality Committee” approving the Clinical Governance Framework – 12 August 2015

“12.0 Public Health Clinical Governance Framework

12.1 NT presented the new Public Health Clinical Governance Framework for the information and comments of committee members. The committee approved the document as fit for purpose within the existing clinical governance structures. The next step for ratification of the document will be local authority adoption, and sign off from the Mayor and the elected member with portfolio responsibility for public health.”



Meeting: Council Meeting

Date: 24 September 2015

Wards Affected: All

Report Title: Corporate Parenting Strategy

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Councillor Julian Parrot, Executive Lead Children

Supporting Officer Contact Details: Jacqui Jensen, Assistant Director Children's Services, 8451, Jacqui.jensen@torbay.gov.uk

1. Proposal and Introduction

- 1.1 'Corporate Parenting' refers to the collective responsibility of the Council to take strategic responsibility for providing the best possible care and protection to our children looked after.
- 1.2 The Corporate Parenting Board met on the 10th September '15 and agreed the strategy, considered the Corporate Parenting Strategy, the Children Looked After Pledge and began work on a draft Action Plan.
- 1.3 Membership of the board consists of:
 - Lead Member as Chair
 - Children's Services Officer lead (Head of Permanence)
 - Councillors (including corporate parenting Champion and other children's champions)

2. Reason for Proposal

- 2.1 There is a statutory requirement for the Council to enact their Corporate Parenting responsibilities (Children Act '89). These duties are done through a Corporate Parenting Strategy, Action Plan directed and monitored through a Corporate Parenting Board.
- 2.2 There is a duty on Health, Housing and education services (s.27 Children Act '89) to assist Children's Services to fulfil the duties under the act.
- 2.3 The Lead Member is required to chair the board and Councillors including Children's Champions are included in the membership of the Corporate Parenting Board.
- 2.4 Effective Corporate parenting requires authority-wide approach, including all elected members

3. Recommendation(s) / Proposed Decision

- 3.1 That the Corporate Parenting Strategy set out in Appendix 2 to the submitted report be approved.

Appendices

- Appendix 1 Supporting Information and Impact Assessment
Appendix 2 Corporate Parenting Strategy
Appendix 3 The Placement Sufficiency Strategy

Background Documents

None

Supporting Information and Impact Assessment

Service / Policy:	Corporate Parenting Strategy
Executive Lead:	Cllr Julian Parrot
Director / Assistant Director:	Richard Williams

Version:	1	Date:	24.9.15	Author:	Jacqui Jensen
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Section 1: Background Information	
1.	What is the proposal / issue?
2.	<p>What is the current situation?</p> <p>There is a previous duty on the Local Authority to publish Corporate Parenting Strategy. To enact the duty, a children looked after 'Pledge' and Corporate Parenting Action Plan are required. A corporate Parenting Board oversees the activity ensuring that the best possible care and protection is afforded our children looked after and care leavers.</p>
3.	<p>What options have been considered?</p> <p>This section is not applicable as there is a statutory duty.</p>
4.	<p>How does this proposal support the ambitions and principles of the draft Corporate Plan 2015-19?</p> <p>This policy supports both the Corporate Plan ambitions of prosperous and healthy as a plan which will support children looked after and care leavers in Torbay to achieve the best outcomes possible.</p>
5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Children and young people who are looked after by the authority and care leavers.</p>
6.	<p>How will you propose to consult?</p> <ul style="list-style-type: none"> • We intend to consult with the children in care group • These young people will ensure that the voice of children and young people is brought to the board through meetings with specific members; forming a briefing paper to outline views.

Section 2: Implications and Impact Assessment	
7.	<p>What are the financial and legal implications?</p> <p>There are no financial or legal implications in relation to this proposal.</p>
8.	<p>What are the risks?</p> <p>There are risks associated with a decision not to endorse the proposed document in that we would be in breach of statutory requirements. . There are no risks associated with the proposed decision being made.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable for this policy.</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Evidence with regards to best practice in work with children looked after and care leavers including Ofsted thematic reports and findings from Ofsted inspection outstanding and good authorities have been considered. Ofsted 'Best Practice seminar: looked after children</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <ul style="list-style-type: none"> • Children looked after have improved outcomes where their needs are considered by the whole council • Children engage more in their planning where their views are taken into consideration even if they do not have the outcome they desired.
12.	<p>Amendments to Proposal / Mitigating Actions</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	Children looked after are more able to recognise the Council as a positive force in their lives where they have been engaged in service development and design.		
	People with caring Responsibilities	n/a		
	People with a disability	Looked after children and Young people with disabilities are a target group for additional support and are supported through this strategy		
	Women or men	In as much as they are care leavers.		No differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	Looked after children and care leavers who are black or from a minority ethnic background or are lesbian, gay bisexual or; transgendered are constituted a vulnerable group within the CLA and care leaver population. They are considered within this strategy.		
	People who are lesbian, gay or bisexual			
	People who are transgendered			
	Religion or belief (including lack of belief)			

	People who are in a marriage or civil partnership	If care leavers	
	Women who are pregnant / on maternity leave	Teenage parents or parents to be are a target group and supported through this Plan.	
	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)	The Strategy intends to improve health outcomes through partnership working and proportionate targeting of resources	
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)		

**Torbay Council
Corporate
Parenting
Strategy
2015 – 2019**

Foreword

Welcome to Torbay's Corporate Parenting Strategy.

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

This strategy therefore outlines our key aspirations for these children and young people and sets out the actions we intend to take to achieve them. It provides the framework for all Torbay Council Officers, Managers and Councillors to fulfil their roles in the lives of these children and young people.

Our commitment to corporate parenting in Torbay is embodied in the following statement:

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

We are confident that this strategy demonstrates the Council's commitment to fulfilling this enhanced role and taking corporate responsibility for improving the life chances and outcomes of every child and young person looked after by Torbay Council.

Signed:

Lead Member



Executive Lead for Children



DCS = Richard Williams



Executive Director = Steve Parrock

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Section 1

Introduction to Corporate Parenting

What is Corporate Parenting?

‘Corporate Parenting’ is the term used to refer to the collective responsibility of the Council to provide the best possible care and protection for infants, children and young people who are ‘Looked After’, that is, those who are in public care. The term ‘Looked After’ refers to any child or young person for whom the authority has, or shares, parental responsibility, or for whom the authority provides care and accommodation to the child or young person on behalf of their parent. The majority of these children and young people need alternative care and accommodation due to the inability of their parent, for a range of reasons, to offer safe and effective caring within the family home. Many, but not all, have suffered abuse or neglect of some form prior to coming into our care. The term “child” refers to any child or young person between 0-18 years. The Authority also has a duty and responsibility to those young people who leave their long term care from the age of 16 years until they reach the age of 21 years, or 25 if they are in higher education. Effective corporate parenting will need a commitment from all council employees and elected members and an authority-wide approach.

What are the Legal Duties?

This collective responsibility for Local Authorities was first laid out in the Children Act 1989. Previous Government guidance for Councillors “If this were my child” (DfES 2003) reiterated the leading role of Councillors in ensuring that their Council acts as an effective corporate parent for every infant, child and young person in care, actively supporting standards of care and seeking the high quality outcomes that every good parent would want for their child. The question and mindset should be ‘if this were my baby’, if this were my child in their school years, if this were my son/daughter moving into independence’. As well as local authority responsibilities to their Children Looked After and young people, section

27 of the Children Act 1989 places a duty on the NHS as well as housing and education services to assist children and young people’s social care services to fulfil their functions under the Act – providing help, support and services as part of the corporate Parenting responsibilities.

The Children Act 2004 emphasised the role of collaborative service agreements in achieving the right services for children and young people. Other key legislation and guidance governing the provision of children and young people’s services are detailed in Appendix 1.

Who are the Corporate Parents?

When a child or young person becomes 'looked after', the tasks of their parent become the responsibility of everyone working for the Council, including the elected Members and partner agencies and not just Children and Young People's Services.

Like any good parent, the corporate parent should put its own children first and want the best for them now and for the future. That means being a powerful advocate for them to receive the best of everything and help children and young people to make a success of their lives and be the best that they can be.

This concern should include their education, health – physical and psychological – what they do in their leisure time, how they celebrate their culture and how they receive encouragement and praise for their achievements.

All departments in the Council are expected to work in partnership with those people who have key roles in the life of a looked after infant, child or young person. Similarly, we expect to work with the local health community services and Mental Health Trust to ensure that Children Looked After and young people have access to the universal and specialist health care services available to other children and young people. Members have a crucial role in making sure that the interests of Children Looked After and young people come first. Councillors set the strategic direction of the Council's services and determine policy and priorities for the local community within the overall framework set by Government.

Who are our Children Looked After and Young People?

Our role as corporate parents covers any infant, child or young person looked after by the local authority - either through an agreement with their parents or through a Care Order made by the Courts – whether with other members of the extended family or friends, with foster carers or residential children's home.

The majority of the children and young people need alternative care and accommodation due to the inability of their parent, for a range of reasons, to offer safe, nurturing and effective care within the family home. The majority of our children and

young people have suffered abuse or neglect of some form prior to coming into our care.

In the last few years Torbay Council has had approximately 300 Looked After Children in our care at any one time, although over the period of a year up to 450 children may have been looked after. Children and young people can be looked after for a short period either returning to their families or moving to alternative permanent arrangements such as adoption or permanent foster care.

Legally the term "child" can refer to any infant, child or young person between 0-18 years. At the age of 18 young people are no longer looked after and leave care.

Who are our Care Leavers?

Our role as corporate parents does not end when children exit care. Our responsibilities continue beyond to cover young people who have been looked after by the local authority and whom the local authority has a duty and responsibility to support and keep in touch with when they leave care after the age of 16. The responsibility lasts up to the age of 21 or up to 25 if they are in higher education or training.

Section 2

Children Looked After and Care Leavers in Torbay

National Context

The national trend over the last three years has shown a near 7% increase in the number of children and young people becoming looked after. The national figure for Children Looked After in 2014 was 68840*. The number Torbay children who were looked after increased almost twofold during the authority's recovery journey. Torbay now has one of highest relative rates for Children Looked After per 10,000 of the general population 0-17 years, compared with the average of our statistical neighbours (127 compared with 80 in 2014)

*Department for Education, BIS, National Statistics for 31 March 2014.

Our Placements Strategy for Children Looked After in Torbay

In Torbay, our Children's Commissioning Plan and Sufficiency Strategy is about supporting families to stay together in the interests of children and young people, as well as providing positive experiences in care where children cannot stay safely with their birth families.

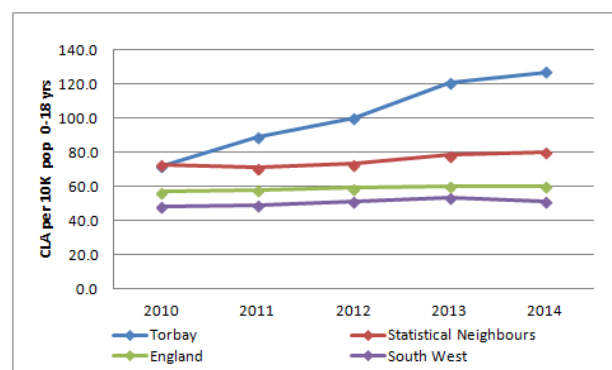
Torbay's Children's Commissioning Plan and Sufficiency Strategy was developed at the end of 2014 in response to a rise in the number of Children Looked After to over 300 in 2014 from 180 in 2010. Along-side the Strategy, a five year plan was also put in place to secure the financial underpinning to deliver a safe and sustainable reduction to the number of Children Looked After. The five year plan has begun to calm the previous sustained rises in the numbers of Children Looked After and the attendant demand this generated for higher cost independent sector placements. The second year of the 5year plan, like the commissioning strategy, is focusing on increasing the capacity and capability of services to provide more effective support for families in Torbay.

The goal of the strategy and the plan is on delivering a long-term strategy for care placements but also on reducing the number of children coming into care, by providing support for families before they reach the point of crisis. We acknowledge that there is a significant cohort who came into care during the recovery journey that will remain looked after for some time to come. However we are carefully reviewing all existing Children Looked After plans to ensure we have the right child in the right placement.

The strategy also acknowledges the part played by all services in identifying and supporting vulnerable families and raises the profile of Children Looked After beyond the Social Care sector. The five year plan also focuses on the practice and service changes that Children Services itself needs to make that will help the move away from longer term care placements. However we recognise that schools, universal settings, health services, voluntary organisations and partners across the children's workforce in preventing children becoming looked after as the social workers working with families in crisis.

The early impact of the strategy has been encouraging. The numbers of children in residential care has started to come down and greater use is being made of in house 'local' foster care. This is in line with a strategy to reduce the number of Children Looked After being placed at some distance from their communities, enabling them to maintain school places, social and familial links. The changes made have taken place with no change to the threshold for accommodation.

The Total Number of Children Looked After in Torbay



Torbay's trend is in contrast to the experience of other Local Authorities in the South West region, our statistical neighbours and nationally who have

not seen the same steep rises in their care populations. However Torbay's experience is similar to other authorities that have been on a recovery journey.

Outcomes for Children Looked After and Care Leavers

This chart shows the educational attainment of children looked after by Torbay (who may live and be educated outside Torbay) against the performance of all pupils in Torbay schools. This very low school attainment is reflective of a range of other complicating barriers facing young people who have been looked after makes it much more difficult for care leavers to successfully move into continued learning, training or work. For example, nationally about 66.6% of Children Looked After has a Statement of Special Education Need and about 76.6% of all Torbay Children Looked After and young people have some form of special educational need. This level of need is significantly higher than that experienced in the general population where 2.8% of all pupils have a statement*.

Over the last five years results at KS2 have improved over five years. The year 2012/13 was exceptional with a small cohort and the gap between our CLA and their peers was only 4.7% in English and 4.3% in Maths. The gap between all CLA and all children nationally was 25% in English and 26% in Maths. The following year in both subjects the results dipped but the cohort was nearly 3 times bigger and whilst lower in Maths than 2013 it was still above the figure from 2012 and the gap was 25% between our CLA and their peers. In Reading the results in 2014 indicate a gap of 13% between our CLA and their peers.

Clearly the results demonstrate that we need to focus on end of KS4. The results in 2010/11 were excellent and really started to challenge the gap between CLA and their peers. The gap in 2013 between CLA and their peers nationally was 42.7% and whilst the gap has narrowed in recent years it is still higher than it was in 2009.

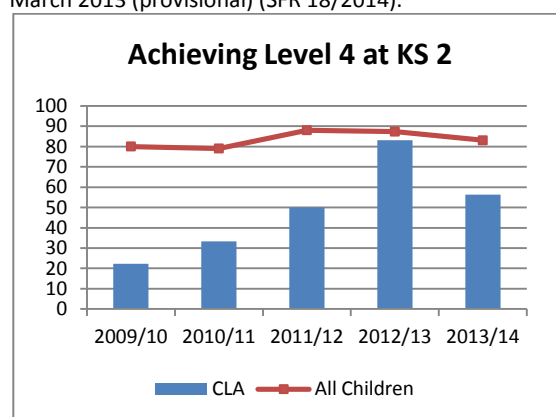
At 31 March 2014, nationally 52%* of care leavers aged 19 were in Education, Employment or Training (EET) compared with only 43%* for Torbay's Children Looked After and 72.1% for general 18 year old population**.

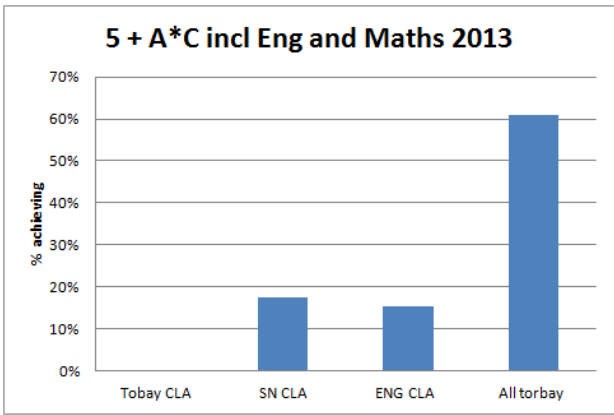
The differential between attainment and post-16 outcomes for Children Looked After and their peers also extends into others areas such as health, mental health, income and crime and these statistics emphasise the huge importance of our role as corporate parents in helping these children and young people overcome the challenges they face. For example, although offending rates are coming down nationally, nationally 5.6% of Children Looked After have offended, Torbay's rates are much lower**. CLA is a key factor in reoffending, although the number of CLA who offend is low, 50% of these reoffend compared to 25% of the non CLA cohort.

Despite the many challenges and scale of the gap that needs to be narrowed, Children Looked After do succeed and make good progress. For example, in 2014, 7 Children Looked After were in University and one of our care leavers obtained a Masters Degree (2015) .

*Department for Education, BIS, National Statistics for 31 March 2013 and 2014 (SFR 49/2014).

** Department for Education, BIS, National Statistics for 31 March 2013 (provisional) (SFR 18/2014).





Section 3

Objectives of the Corporate Parenting Strategy and Delivery Principles

Children and Young People's Plan Priorities

Torbay Children and Young People's plan 2014-19 priorities are:

- Children have the best start in life
- Children and young people lead a healthy and happy life
- Children and young people will be safe from harm, living in families and communities
- Opportunities to participate and engage in community and public life

In order to deliver these outcomes the Council recognizes that the majority of Looked After Children and young people start from a position of increased vulnerability and disadvantage and will need additional help to overcome the factors which contribute to unacceptably high levels of poor educational attainment, mental illness, criminal activity, and homelessness in this group of children nationally.

Council services will therefore be required to prioritise the needs of these children, in partnership with Children and Young People's Services, to ensure that such poor outcomes are avoided through early prevention and effective intervention and support.

Specifically for Looked After Children, the Council acknowledges that there is a need to focus on:

- Improved long term stability of placements offered to looked after children:-
- Fewer children being placed Out of Authority;
- Increased educational attainment;
- Improved employment and training opportunities for care leavers.
- Sustained low incidence of involvement in criminal activity

The Objectives of the Corporate Parenting Strategy

The specific intention of the Corporate Parenting strategy is to improve the life chances of Looked After infants, children and young people and care leavers by widening the ownership of responsibility for the care of Children Looked After beyond Children's Social Care and other direct support services and ensuring that all councillors and employees in all departments are aware of the roles they should play.

The strategy aims to drive forward, support and strengthen the areas of good practice and work with a whole-authority approach to corporate parenting, which includes strong and effective working with key partners in the statutory, voluntary and private sectors.

The strategy aims to achieve and support improvement in all the key performance indicators relating to Children Looked After and young people in line with national and local targets and to strive to continuously improve the outcomes for Looked After infants, children and young people in line with their peers.

The strategy acknowledges Torbay's CYPs priorities, the Placement Strategy for Torbay Children and Young People's plan (2014-19) and the need for strong and effective prevention to ensure that the vast majority of children who are in need, are supported to remain living within their own families and communities. Children and young people become looked after only when this is necessary to safeguard and promote their welfare.

For councillors specifically, this means;

- Councillors having a clear understanding and awareness of the issues for Children Looked After in their authority so that they can ensure that their responsibilities as corporate parents are reflected in all aspects of the work of the Council;
- Communication between Councillors and Children Looked After is facilitated to achieve participation and inclusion, so that children and young people have a say in how decisions are made about the services that affect them, and that they have an opportunity to influence those decisions;
- Members are supported by officers to promote partnership working as a prerequisite for delivering effective services to Looked After Children, and to ensure that the joint planning

and commissioning framework continues to deliver to this agenda;

- The Council provides effective scrutiny of corporate parenting duties.

For service departments, specifically, this means;

- Auditing the ability of all services to deliver to the corporate parenting agenda, and reinforce mechanisms to monitor and review their service's contribution to positive outcomes for Looked After Children;
- Ensuring employee awareness and commitment to the Corporate Parenting Strategy
- Creating human resources policies that support the needs of employees who provide care to our Looked After Children;
- Establishing recruitment and employment practices that offer supported work experience, apprenticeships and employment opportunities for young people who are in or have left the Council's care;
- All relevant services promote access for Children Looked After and their carers through both policy and practice.
- Ensuring the commitment to corporate parenting is realised through a quality of care and range of opportunities that lead to measurable improvement in the life chances of Children Looked After - enabling them to succeed in line with their peers;

Principles in Corporate Parenting

Torbay Council must work to the following principles when carrying out its responsibilities as a corporate parent for its

Children Looked After and young people and Care Leavers:

- To provide good quality and supportive care – for children and young people to be cared about as well as cared for.
- To promote continuity in the lives of Children Looked After and young people in order to reduce disruption.
- To encourage all children and young people to participate in decision-making and ensure their voice is heard and for them to contribute to appropriate plans about their lives and these plans are acted upon.
- To ensure the specific needs of Looked After Children and young people with disabilities are met in service provision, communication, participation and policy making.

- To be ambitious for them, encourage and support them in achieving their full potential through good education. To help them be the best that they can be.
- Ensure access to good health care and appropriate health services – physical and psychological.
- To recognise and celebrate their achievements in all aspects of their lives.
- To encourage, enable and support contact with family members where it is in the child/young person's best interests to do so.
- To encourage, promote and support their involvement and participation in the community and to support them in fulfilling their hobbies and interests.
- To celebrate their birthdays and/or festivals as appropriate within their culture
- To provide advice, guidance and practical help when needed and support their progression into independence.
- To provide help to leave care and support into independence or transition into adult services, recognising that most young people do not leave home until they are in their twenties and continue to return frequently.
- To ensure the specific needs of Looked After Children and young people from different cultural, religious and linguistic backgrounds are met in service provision, communication and policy making.

In order to achieve these, the Council will ensure that:

- It provides opportunities to engage with all Children Looked After and young people, to hear and respond to their views, and to celebrate their achievements.
- It has in place an effective mechanism to systematically collect and analyse information about the children and young people for whom it is responsible, the factors that influence their lives, and what this means about the life experiences and life chances of those children and young people.
- In order to meet the changing needs of Children Looked After and young people throughout their care experience and beyond, all Council services must be resourced and required to respond effectively to this ongoing analysis.
- Through the creation and maintenance of effective partnership and commissioning

arrangements, ensure that other service providers are influenced and engaged in meeting this agenda.

- Through the creation and maintenance of effective partnership and commissioning arrangements, ensure that other service providers are influenced and engaged in meeting this agenda.
- The specific needs of Children Looked After with disabilities and children from different cultural, religious and linguistic backgrounds must be met in service provision, communication and policy making.
- Corporate parents should raise awareness of their Children Looked After at all levels within the Authority and challenge negative and discriminatory perceptions.
- All elected Members will champion the Children Looked After and young people and Care Leavers in their electoral ward and through their links in the community.

Section 4

Improving Outcomes: Our Four Key Areas of Focus

This section describes the challenges we must overcome as corporate parents in each of these four areas and how we plan to address them.

1 - Ensuring that Children Looked After fulfil their educational potential

In order to support this aim we must

- Ensure that Children Looked After are not moved and do not have to change schools during key stage 4 (years 10 and 11).
- Ensure that the correct procedures are followed in order for children to gain a place in a school which best meets their needs and, where possible, is close to their foster or residential placement.
- Improve wider learning and life skills for all children and young people, ensuring access to existing opportunities and being creative in developing others - bearing in mind that nationally 66.6% of Children Looked After (for at least 12 months) have a Statement of Special Education Need and about 76.6% of all Torbay Children Looked After and young people have some form of special educational need.

*Department for Education, BIS, National Statistics for 31 March 2013 and 2014 (SFR 49/2014).

- Ensure that Social Workers and Young People's Workers promote and support the 16-19
- Use the Virtual School Management Board to act as "governing body" to the Head of Virtual School, which will allow the Member representative to link directly to the Corporate Parenting Partnership Board.
- Where bullying is reported, Corporate Parents ensure that those responsible for dealing with it do so.
- Ensure all services work together to provide support to ensure Children Looked After are carefully inducted into the school;
- Seek opportunities for children with disabilities who may not be able to achieve well in formal examinations and assessments, to succeed in other ways.
- Make all carers and professionals and Children Looked After and young people aware of post-sixteen opportunities for Further Education and University entrance and provide

information about entitlements and support from Universities and schools (e.g. the Realise project hosted by Cambridge University.) This work is being led through the Raising the Participation Age project as well as Children's Social Care.

- Deliver the commitments in "Narrowing the Gap" - Torbay's strategy to raise the attainment of vulnerable groups has Children Looked After and young people as a priority group.

2 - Promoting and Providing Employment Opportunities

Only 52% of Care Leavers aged 19 are in Education, Employment or Training compared with 88% for Torbay's general 19 year old population (March 2012).

It is well evidenced that there are a number of factors that can affect the career options and success after the age of 16: including, limited educational qualifications and training, mental health difficulties, substance and/or alcohol abuse, relationship breakdowns (personal or family), moving home, living in a rural area with limited public transport and support networks.

These factors will all contribute to whether or not a young person will be successful in securing employment. Young people who have a stable care history or who are able to achieve some stability in their personal circumstances on leaving care are more likely to enter and remain in employment, training or study.

A National Care Leavers Survey highlighted the following issues that young people face when trying to secure employment:

- The need for guidance, advice and help identifying the options open to them, and help in finding the right job or course. The right job or course was seen as very important to young people, as they were more likely to remain interested and motivated;
- Childcare - many young mothers stay at home to look after their children, and feel that they can't think about furthering their education or going out to work because childcare is too expensive, and they are unaware of any options available to help them with this;
- Limited job opportunities in the local area leading to a reliance on benefits;
- Limited help with health related problems;

- Lack of money for: transport, clothes, books and other support materials – all of which can affect the choices they can make.

In order to promote the employment opportunities of care leavers the following must be inherent in practice and service delivery:

- placement stability (at home and/or a care placement and in school), positive encouragement and high aspirations, effective school and education service links;
- the assessment of current skills and career planning being addressed early, from 13-14 years, and to be a central part of the leaving care planning and review process;
- signposting to future entitlements to support and financial assistance should they wish to return to further or higher education some time after leaving care and how to access them;
- continuing support and contact to help young people maintain motivation and to respond to those wishing to return to learn or earn;
- inter-agency links to provide access to opportunities and to plan service developments in this area – including: careers, training agencies, further/higher education colleges, employers, Benefits Agency and youth services.

Work experience and apprenticeships:

Torbay Council is a major employer in the area and is well placed to provide both work experience placements and apprenticeships within the various departments and services of the Council. Enabling young people to have relevant work experience or apprenticeships is essential for maintaining their sense of inclusion in the transition from adolescence into adulthood. All work placements require resources to provide dedicated support to young people and employers to ensure success for the young person and the business.

The Council has pledged to provide apprenticeships and as a start 10 will provided to Looked After young people and Care Leavers.

3 - Promoting physical and psychological health and well being

The level of physical and psychological ill-health tends to be higher in Children Looked After and young people than the general population because of their often difficult start in life.

Children Looked After can have more health problems compared with their peers and can result from a range of factors including:

- missed health checks such as dental and optician visits;
- early life experiences leading to a legacy of health problems, physical and psychological;
- limited education and support to both parents and young people so that they understand how health matters are important;
- poor diet, smoking, alcohol or drug misuse within their household;
- mental health or emotional difficulties.
- complex health needs associated with a disability
- understanding why they are, or were, Looked After

It is therefore important that Looked After Children are provided with a holistic health check with annual reviews and that children and young people, parents and carers are educated, trained and supported to lead to healthy lifestyles and help identify and address areas of concern.

In planning for the child/ young person’s future, and their move to independence, an individual health plan that sets out their health needs and how they will be met must be completed. Life-story work is critical to psychological wellbeing by helping children and young people make sense of why they are/were looked after and that it is/was not their fault.

In addition, it is important that opportunities to pursue social and leisure interests are provided and promoted to children and young people, whatever their abilities, to help improve their emotional, psychological and physical health and wellbeing.

The Designated Nurse for Children Looked After will ensure that all children and young people who are looked after are provided with appropriate health care and advice including, for young people sexual health advice, and that annual health assessments are undertaken.

We need to continue to improve our performance in health assessments and dental checks and meet our target of our 100% performance rate.

The Designated Nurse for Children Looked After will visit or liaise with the relevant health professionals for all disabled children and young people, including those placed out of authority and those in residential school to:

- Ensure appropriate arrangements are in place with the health authority which covers the

area where the placement or school is situated,

- Clarify whose responsibility it is to provide therapeutic health services, such as physiotherapy/occupational therapy assessments e.g. school or the health authority.
- Ensure there is a designated health professional in Torbay to have oversight of the child's health needs and provision, links with the health authority where the school is located and ascertain the annual health assessment arrangements.

The Designated Nurse will contribute to the Statutory reviews of disabled Children Looked After who are placed out of authority and the Statement of Special Educational Needs Review.

The Government's suicide prevention strategy (July 2011) highlights looked after children, young people and care leavers as a high risk group for suicide, and 6-7 times the rate of mental and behavioural problems and 'conduct disorders'. Stricter access criteria/service thresholds for adult social care and mental health services will add to the level of vulnerability. We need to work with partners in mental health agencies to commission, jointly, appropriate psychological services for young people, particularly those aged 17+ who fall between child and adult statutory mental health services.

4 - Accommodation and Housing - Preparation for Independence and providing a safe and secure home.

Young people leaving care are a diverse group whose accommodation needs will vary according to their care experience, ethnicity, gender, sexuality, contact with their families, degree of preparedness for leaving and any disability they may have. It follows that their accommodation needs will be equally diverse.

Although amendments to legislation have made some difference, the fact remains that there continues to be a large number of care leavers who do not have appropriate accommodation. A number of factors can be seen to contribute to this including:

- a lack of safe, secure and affordable accommodation for care leavers – there are a number of supported housing projects but they are in the main transitional and so very often

young people have to move on from them quite quickly;

- low incomes and unemployment;
- restrictions in levels of Income Support and Housing Benefit for under 25 year olds, and lack of entitlement to Income Support for most 16 and 17 year olds, have contributed to increased homelessness amongst young people.

Many of the problems young care leavers face are not just about finding accommodation but sustaining it.

Firstly, many care leavers will have limited life skills, such as cooking and cleaning, along with limited experiences and skills in managing finances and are likely to be unable to manage their budget to cover all the associated costs with living independently e.g. bills, food, rent. In some cases, this problem is further compounded by the reality that a large number of care leavers are reliant on state benefits as their limited educational qualifications prevent them from securing suitable employment. Young people also require preparation for the experience of coping with being on their own.

The provision of an appropriate range of accommodation options to meet the diverse range of needs requires agreements with statutory and voluntary housing providers to plan services, ensure access to a range of tenancies and partnerships or joint ventures to establish a range of good quality supported accommodation options. When planning accommodation to meet the varying needs of young people and to promote and assist positive outcomes it is important to:

- involve young people in planning and decision making;
- assess the needs of the young person and help prepare them for independent living;
- offer a choice in the type and location of accommodation;
- ensure there has been effective planning and preparation for the move;
- have a contingency plan in case the planned accommodation falls through;
- set up a package of housing support;
- have a clear financial plan to help manage the accommodation.

For those children and young people who are looked after it is essential that the authority continues to ensure that they are able to live in a safe and secure home. The focus will be on the availability and quality of safe and suitable

accommodation for young people and work with foster carers, residential homes and social housing and private sector providers to achieve this. This will include Supported Lodgings and Staying Put – where young people can remain with their current foster carer up until the age of 21 years; and to have a flexible approach which allows young people to move back to more supported accommodation if they need to.

The average leaving home age for the general population is around 24 years with young people returning home frequently, The Council needs to offer the same support to our young people.

For those children and young people who have returned home, Torbay must work with parents to ensure that they are accessing the support and services they need to help them address any problems they or their children may have so that the children can be appropriately cared for.

For those children and young people in foster care and residential care Torbay must continue to follow its thorough assessment, approval and review procedures to ensure it has appropriately skilled and experienced people and staff to look after our children.

We will consult with young people to remodel the supply of accommodation in various locations across Torbay which will include options for emergency accommodation and “trainer” flats; and build independence and resilience skills well in advance of young people leaving care to promote successful tenancies in the future.

We need to work closely with adult services to ensure that young people with disabilities who will require continuing care are consulted and have their future accommodation planned well in advance.

Who will ensure we deliver in these 4 areas?

The action plan will be steered by the Corporate Parenting Partnership Board and implemented by the multi-agency Corporate Parenting Working Group.

The Corporate Parenting Board will be chaired by the Children and Young People’s Cabinet Lead Member and will include representatives from the key stakeholders, including carers, young people and Elected Members. The Board will receive information on the Council’s performance in respect of Looked After Children, and will provide via the Children in Care Council, a forum for Children Looked After and young people to

express their views for consideration in developing policy and in realising this strategy.

Section 5

The Role of Councillors

“Elected Councillors, you have a crucial role. Only you can carry it out. You can make sure the interests of the children in care come first.” (If this were my child” DfES Oct 2003)

All Councillors should be prepared and ready to champion the interests of Looked After infants, children and young people in their community. Councillors are in the unique position in being able to promote opportunities for Children Looked After and Care Leavers through their political power and influence; and through their connections in the community, schools, health services, local businesses, district councils and with employers. If these links can be built upon then ‘life choices’ and outcomes for children and young people can be greatly improved.

This section sets out the arrangements in place and expectations of Councillors.

Leading the Corporate Parenting Partnership Board

The Corporate Parenting Partnership Board will meet every six months and the multi-disciplinary Corporate Parenting Working Group will meet quarterly. The Board is seeking cross Party representation and will work to a revised terms of reference, strategy and action plan. It will also work closely with the Children in Care council. The Corporate Parenting Working Group will develop and implement the action plan and will report to the Board.

Safeguarding Assurance Sessions

A rota of sessions will be established for all Members to follow the child’s journey. Each session will give a small group of Members the opportunity to gain an overview of the performance and quality of each aspect of Children Services. The session will focus on helping Members better understand how the service operates and the outcomes achieved for Children.

Upholding Torbay’s Promise/Pledge to Looked After Children:

Torbay Council has a Pledge -or “Promise”- which upholds our corporate Parenting responsibilities. We want Members to be asking whether, as corporate parents, we are keeping our promises and if not, what should we all be doing to make sure that we do?

[Children and young person’s Pledge/Promise see Appendix 4](#)

Challenging and Championing Outcomes for Looked After Children and young people:

The outcomes for Children Looked After and young people tend, generally, to be poorer compared with their non-looked after peer group including educationally, in terms of their physical and psychological well-being and with work prospects. The reasons for children coming into care will have placed them at a disadvantage – we want their experiences and opportunities in the care of Torbay Council to compensate for this disadvantage not compound it.

We want Members to be asking questions about the outcomes for their Children Looked After and what Members can do, in all aspects of their work, to champion and help improve things for children and young people.

The Lead Member for Children and Families will ensure that the local authority is meeting its statutory responsibilities, in particular the duty to safeguard and promote the welfare of Looked After Children and care leavers.

Leading on Apprenticeships for Children Looked After and Care Leavers

We want Members to lead on apprenticeships and hold the Cabinet Lead Member to account.

We would like to see Members agree to ensuring that at least 10 apprenticeships will be dedicated to Torbay’s own Looked

After young people and care leavers – a job in the council will help improve the outcomes, opportunities and future prospects for our young people.

Undertaking Induction and Training

There will be an induction and training for Members wanting to become more involved in their corporate parenting role.

Some questions for Councillors to ask themselves:

- Do I understand why infants, children and young people need to be looked after and the legal and policy framework that governs this?
- Do I know about the profile, needs and achievements of all children looked after by my Council?
- Are we providing the best care possible to our Children Looked After and care leavers?
- Would it be good enough for my baby, my child, my son/daughter moving into independence?
- Do I know how well my council is doing in comparison with other comparable councils and government indicators?
- Is there an action plan to address any shortcomings in services and to constantly improve outcomes for Looked After Children?
- Am I taking responsibility for promoting the welfare and opportunities for Children Looked After and care leavers in all my work in the council – and in my other capacities?

Section 6

Expectations of Council Officers and Partner Agencies

In order to deliver the 'corporate parenting' strategy we need to make explicit the individual functions, including roles and responsibilities of the relevant council departments and partner agencies to ensure that the development and delivery of their services take into account, and wherever possible meet, the needs of Children Looked After and care leavers.

Council officers should ensure that elected members are provided with appropriate information in relation to their corporate parenting responsibilities, including service developments and key messages that contribute towards achieving positive outcomes for Looked After Children and care leavers.

The following highlights the key roles that Torbay Council departments can play in fulfilling their responsibility as corporate parents.

Children and Family Services – Enhanced and Preventative and Social Care

The design and direction of the Children Service's is committed to reducing the number of Children Looked After and young people through its Torbay's Children's Commissioning Plan and Sufficiency Strategy whilst maintaining best practice. Locality and Social Care services have been re-structured to provide support to families which aims to enable children to live at home or within their family network. Children's Social Care recognises the importance of families, and engaging parents and extended family in the care and planning process. We will ensure that if a child or young person has to become looked after that our first consideration is a family placement.

A joined-up approach with partner agencies is essential to ensure that children and young people have as positive as possible experience of being Looked After.

High quality multi-agency assessment, planning and the monitoring of outcomes, including placement stability, for Children Looked After and young people is essential.

The 16+ Personal Adviser service will provide on-going support and advice to those young people leaving the care system to live independently. This

will include: multi-agency pathway plans, assessments and reviews, support with the practicalities of transition, training and employment, accommodation, finance and emotional support.

Virtual School for Looked After Children

Virtual School focuses on promoting and supporting the educational needs for Looked after Children. The Virtual School ensures that all School aged Looked After Children can maintain a school place with support designed to meet their individual needs.

The Virtual Head, designated teachers working alongside the Social worker, Carer and school are well placed to have a positive influence on the education and career pathway of a Looked After child or young person by helping to raise aspirations and by providing effective and targeted support and guidance for individual pupils. Carers are also in the process of receiving additional training in THRIVE and KEEP style approaches that will enhance their ability to constructively support and promote achievement. Carers ability to use a THRIVE approach will also help as this is the same emotional support model used in a large majority of Torbay's primary schools.

Personal Education Plans will ensure that all needs are planned for during important times such as transition between placements, transition to a new school, during exam periods and on the transition from school based education to employment or training.

We are committed to working with the relevant partner agencies and services so that school moves are limited and that placement moves, if necessary, do not occur during the lead up to or during exam times.

Housing

The lack and quality of supported tenancies and supported accommodation is a major concern within Torbay and it is imperative that we work in-partnership with housing providers to increase the number of properties available for care leavers. In addition, it is important that housing providers work with Children's Social Care and other partners to ensure there are robust and varied packages of support to enable young people to maintain their accommodation provision.

Human Resources, Training and Work Opportunities

We want all Children Looked After and young people to achieve their aspirations and goals along their career pathway and need to ensure that young people are aware of all the training and employment opportunities available to them.

Torbay Council as a major employer is well placed to provide work experience placements and or apprenticeships, within the various departments of the Council.

Enabling young people to access relevant work experience and apprenticeships is essential for maintaining their sense of inclusion during the transition from adolescent to adulthood. In addition, these young people are well placed to raise awareness to staff, managers and elected members about the experiences of being looked after and leaving care and the issues that are important to them - their involvement in the delivery of training and awareness raising will be encouraged and promoted. Training and skills development for those involved in such activities will be provided and where possible appropriate accreditation given.

Health

Improving the physical and psychological health of Children Looked After and young people is a high priority.

The Specialist Nurse for Children Looked After and young people play an important role in ensuring that Personal Health Plans are developed with the child or young person and that these are fully implemented. Developing effective communication channels between agencies is fundamental, to ensure that there are robust monitoring and referral processes.

Addressing and meeting the health needs of Children Looked After and young people will include their mental health needs as well as emotional and physical health needs.

Work with partner agencies to ensure access to a wide range of services alongside a good education and training programme for Children Looked After and young people and their carers is essential in achieving positive health outcomes.

Section 7

Consultation and Communication with Children Looked After and Care Leavers

Communication and consultation with children and young people is an underlying principle of corporate parenting and at present is facilitated by Children and Young People Services in a variety of ways:

- Children In Care Council has met Senior Managers from across the council to inform and influence decision-making.
- Involvement of young people in audits and reviews of services. Young people have already had a track record of being engaged in the evaluation of tenders and helping to shape the tender specification for targeted services.
- An independent advocacy service is provided to enable children and young people to represent their views and achieve change.
- Young people are involved in and contribute to the recruitment of staff who will be involved in working with Children Looked After and young people; and contribute to annual staff appraisals.
- Children Services working in conjunction with Health Watch has trained a number of children and young people as young inspectors who have already reviewed some services.

Children and young people's achievements are celebrated at the annual awards ceremony which is attended by kinship/family members and corporate parents. It is well supported and the feedback from children and young people is very positive.

This strategy endorses an on-going commitment to increased communication, consultation and involvement with Children Looked After and young people. The opinions and views of our Children Looked After need to be taken into account and acted upon by all providers of services and their representation needs to be increased on important issues.

Improving use of the Complaints procedure by children and young people with an opt-out for having an advocate.

Children and young people will receive information on Corporate Parenting appropriate to their understanding including a children's version of this strategy.

Young people will be invited to the Board for specific items.

Disabled children, who, due to their unique and complex needs are often looked after in residential Out of Authority placements, far from their homes and family networks, are particularly vulnerable. The communication difficulties experienced by some of these children and young people increases this vulnerability. To consult with severely disabled Children Looked After and young people the Council will involve specialist services to ensure that people with skills in communicating with children and working directly with this vulnerable group.

Children and young people from black and ethnic minority groups also experience increased vulnerability when they become looked after. The Council will ensure that the views and specific needs of this group of children will be heard.

See appendix 3 for Good Practice Principles.

Section 8

Delivering: The Corporate Parenting Working Group

The Working Group supports the work of the Corporate Parenting Partnership Board as well as turning strategy and policy into service delivery. The group is overseen by Children's Social Care and comprises of key officers, including policy and strategy makers and operational and front-line staff, from across the whole [Council](#). [Membership is set out in the terms of reference](#)

The objectives of the group are:

- to develop and promote a range of resources and opportunities available from our wealth of community networks to promote and develop our Children Looked After and care leavers;
- to develop and monitor a comprehensive work programme to develop practice and take forward service development to promote the outcomes and opportunities for our Children Looked After and care leavers;
- to develop a Corporate Parenting training programme for elected members to understand and develop their roles and responsibilities as corporate parents;
- to collate emerging issues and feedback to relevant management teams to support service development.

The work of the Corporate Parenting Working Group is set out in the action plan.

Appendices

Appendix 1

Legal and policy framework

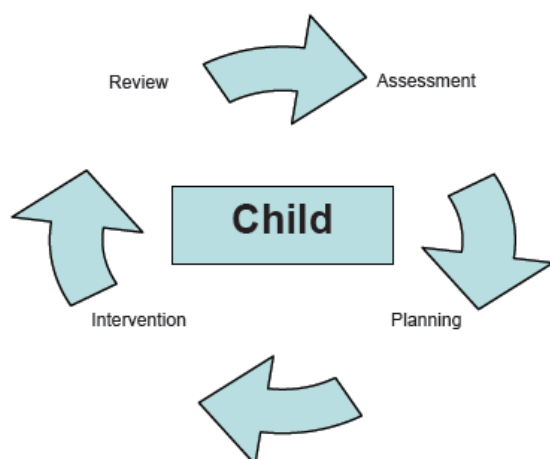
- The United Nations Convention on the Rights of the Child (1989) – provides the framework for all services and activity.
- The Children (Leaving Care) Act 2000 – extends responsibilities to care leavers up to 21 and to 25 if in higher education or training. It requires LAs to produce a ‘pathway’ plan and provide support to care leavers into independence.
- The Care Standards Act 2000 – set out national minimum standards for care in residential homes, fostering and adoptive placements and requirement to be inspected by Ofsted (after CSCI)
- The Adoption and Children Act 2002 – reformed existing adoption law to ensure welfare of child central to all decision making. The Act also extended responsibility of adoption services (including LA adoption services) to provide support for adoptive parents and birth parents.
- National Service Framework for Children, Young People and Maternity Services 2004 a 10 year programme aimed at achieving long term improvements in children’s health.
- The Children Act 2004 – enactment of Every Child Matters placing a duty on all local authorities to produce a plan which addresses disadvantage, raises achievement and safeguards children and young people in their area.
- Statutory Guidance on Promoting the Health and Well-being of Children Looked After 2009 (DoH)
- Statutory Guidance on Corporate Parenting responsibilities of Directors of Children’s Services and Lead Members 2009 (DCSF)
- Promoting the Educational Achievement of Looked After Children: Statutory Guidance for Local Authorities 2010 (DCSF)
- Statutory Guidance and Regulations on Care Planning, Placement and Case Review (2010)
- Legal Aid and Punishment of Offenders Act 2012

Appendix 2

Effective Care Planning

‘Children Looked After deserve the best experiences in life, from excellent parenting which promotes good health and educational attainment to a wide range of opportunities to develop their talents and skills in order to have an enjoyable childhood and successful adult life. Stable placements, good health and support during transition are all essential elements, but children will only achieve their potential through the ambition and high expectation of all those involved in their lives.’

Effective care planning:



Clear processes of: assessment, care planning, intervention and review so as to improve the experience of care and its outcomes maintaining the centrality of the child at all times

- Increased levels of scrutiny and oversight of the care plan by the IRO
- Carefully manage tricky issues e.g. contact

Permanence options must be identified as soon as possible after child becomes looked after.

- Need to reduce delays in decisions and long term placement.
- High quality care plans will help judges make timely, informed decisions

- Additional support to prevent placement breakdown, positive experiences
- Enhanced participation of children, young people and their families in these processes e.g. children in care councils, personal advisers, review meetings, advocacy

A plan developed under the Care Planning, Placement and Case Review regulations (2010) must be capable of satisfying these 3 requirements:

- Would this be good enough for my own child?
- If it doesn't go as expected, is there a backup plan?
- Is this plan really tailored to all seven elements of this Child's individual identified needs, particularly if these are complex and require multiple agencies?

What goes in the plan?

Clarity and transparency in the care plan are essential in order that it can be understood by the child (subject to his/her age and understanding), the child's parents and wider family, the child's carer and a range of professionals and practitioners who are supporting the child and family.

What children said about Care Plans:

- 67% of the children in 2013 told us they knew what a Care Plan is, and knew that they had one;
- 12% of children in 2013 told us they didn't know what a care plan is;
- In 2013, young people in care aged over 14 were much more likely than children under 14 to know about their care plans. Seventy two percent of over 14s knew what a care plan is, and knew that they had one, compared with only 60% of those under 14.

Children in Care Monitor – Dr Roger Morgan, Children's Rights Director (2013/4)

In order to achieve this, the care plan should:

- describe the identified developmental needs of the child and the services required to meet those needs, including services to be provided to family members;
- describe why a particular placement has been chosen;
- include specific, achievable, child-focused outcomes intended to safeguard and promote the welfare of the child and identify how progress will be measured;
- include realistic strategies and specific actions to bring about the changes necessary to achieve the planned outcome;
- clearly identify and set out roles and responsibilities of family members, the child's carers and practitioners, including for example GP, nurse and designated teacher, and the frequency of contact of those practitioners with the child, his/her carer and/or family member;

- describe the contingency arrangements if the proposed permanence plan for the child is not achievable in order to reduce delay.

References:

- the "Young person's DCSF_Guide_Full_web[2].pdf for more helpful information about care planning and involving young people in their care plans.
- Children Act 1989 Guidance and Regulations: Care Planning, Placement and Case Review Regulations, Vol 2, 2010
- Implementation of Guidance DFE 2010 (powerpoint)

Appendix 3

Good Practice Principles

The provision of services to Children Looked After is regulated by the Government, and this is reflected in the policy framework adopted by the Children and Young People's Services and supported by the Council:

- To design and direct services in a way which will enable families to continue to care for, or resume care of, their children;
- To ensure that services provided to families are based on the principle that all children have a right to a positive, safe and healthy childhood that takes into account their race, gender, sexuality, culture, religion, disability or special needs;
- To ensure that, in circumstances where care or accommodation cannot be avoided the aim will be to achieve a speedy rehabilitation with the birth family in a way that safeguards the child and promotes the child's well being;
- Every child who enters care or accommodation will be the subject of a core assessment which will inform structured and purposeful care planning;
- To ensure that if a child has to enter care or accommodation that the first consideration will be given to a family placement.
- That every child in care or accommodation has a detailed Care or Pathway Plan which identifies the child's needs, the objectives of care and sets out specific timescales for action and review; (see appendix 1 Care Planning Principles.)
- To undertake care planning in an open and honest way seeking to engage parents and the extended family in the planning process, and informing family members of the factors which can influence the direction of planning;
- To ensure that all children have an allocated social worker and that an up to date, comprehensive case record is maintained for each looked after child and young person which details the nature and quality of care provided and contributes to an understanding of the child's life events;
- To ensure that the child and anyone involved in his or her care is provided with accurate, relevant and up to date information on the reasons for care, the direction of care planning and the day to day details of placement planning;
- To ensure that, at a minimum, every child is visited within Statutory Requirements;
- To maintain robust mechanisms for ascertaining, recording and responding to the wishes and feelings of Children Looked After and young people, including access to the Independent Visitors and Advocates;
- Through the provision of detailed, inclusive care and placement planning to ensure that a care placement is assessed and obtained for the child which meets their emotional, developmental, educational and cultural needs;
- To ensure that when being looked after sibling groups are placed together wherever possible, unless their individual needs determine this to be inappropriate;
- To ensure that Children Looked After are supported to maintain links with their parents, wider family, social network and community;
- To ensure that Children Looked After from black and other ethnic minority backgrounds are provided with the means to maintain continuity with the heritage of their birth family in their day to day life;
- To ensure that all Children Looked After have comprehensive health care, consistent education provision and the use of specialist advice and therapeutic interventions when required;
- To ensure that whenever plans for permanence are being considered, they will be made on the basis of the needs of each looked after child and within defined timescales;


- To ensure that all children are subject to a case review within the statutory timescales and that the child and parents are partners in the review process;
- Where secure accommodation is used, that this is a 'last resort' and for the minimum time necessary;
- To ensure that those leaving care have been helped to develop skills, competence and knowledge necessary for adult living and that, for those eligible, a package of continuing support is available set out in a Pathway Plan which is regularly reviewed until the age of 21 (or 25 if in Higher Education).
- To ensure a smooth transition to adult services for those severely disabled care leavers who are likely to need social care support, specialist health care and accommodation throughout their adult lives.
- To ensure that all care provided adheres to the Healthy Care Standard laid down by the Department for Education and Schools (DfES).

These principles inform the vision statement and commitment to all children and young people and should be understood to extend to the provision of services to the families and carers of Children Looked After in order to promote permanent and stable placements, which are the essential basis of positive outcomes for children and young people.

Appendix 4

Pledge for Children Looked After

Children in care pledge for torbay



We would like to thank the Children in Care Council for their time telling us what is important to them, what their experiences have been, and what they would like to happen for themselves and other young people in care and leaving care. This group meets weekly and can be contacted through CIC@torbay.gov.uk

Torbay Council promise to help, support, stand by and alongside children looked after to get the very best outcomes for each and every child.


This Pledge has been developed by children in care and support staff working through what is really important and what will make a difference. Together, we have thought about the things that are needed to stop children in care from feeling different or disadvantaged. This has been turned into a list with headings.

Torbay Council has responded to the list with promises that they will keep.

The council will review this document every year with the Children in Care Council to ensure it remains up to date and relevant.

The next review will be June 2015.

This document can be made available in other languages and formats. For more information telephone 01803 208100.



Social workers & staff/ corporate parents

young people say

We want you to have training to work with us
 We want you to be understanding and kind
 We would like to get to know you better and trust you
 Let us choose who works with us (people and organisations)
 Don't put us down
 Don't let us down
 Listen to us and involve us in decisions about our lives
 Give support when we get into trouble or do things wrong.



Torbay Council promises

To provide a qualified social worker for every person in care. Your social worker will get to know you, listen to you and include your views in your planning. He or she will treat you with respect and understanding.
 They will support you with the right service for your needs and age.
 They will be honest with you about decisions that they take.

being in care

young people say

We want to see the Care Plan before the review but we want help understanding it!
 Please use language we understand and explain what things are.
 We want to know who the people are in our reviews and who is involved with us before we turn up.
 We don't want social workers or carers to tell us we will have to move if we misbehave.
 We want to stay where we are happy and we like stability.
 We want to know that we won't have to move from our carers unless there is good reason and we want to be able to say if we don't feel good with our carers and want to move.
 If we don't like decisions you make, we need easier access to advocates and we need to know exactly how to contact them.

Torbay Council promises

You can have time before the review to make sure you have your say.
 Your social worker will listen to your views about where and when to have reviews and who comes to them.
 You will have a place to live with carers who will meet your needs.
 You will be given an information pack and your social worker will go through it with you giving you names and numbers to contact if you have concerns or you are worried or just need to talk.
 They will try their best to help you stay in your foster home or care placement where you are happy.
 They will support you with the right service for your need and age.
 They will make sure there is an advocate for you if you want this.

families, friendships, School and Social life



We would like contact with our families arranged in advance and to fit around other things we would like to do.

We want to be allowed to stay with friends or go away with friends because they are important to us.

We want you to respect our relationships with our families. We want to be able to take part in activities if we want.

We want you to trust us to do stuff on our own and not over-protect us. We don't want to move schools if we like it and our friends are there.

Torbay Council promises

They will make sure they plan your meetings in advance and tell you.

They will help you have planned contact with your family unless there are good reasons why you can't, like your safety. They will explain this.

They will help you take part in things and they will provide a youth worker to support you if you need this.

They will talk to you about your own safety planning so that you can take care of yourself as much as possible.

They will work closely with your school and will not move you without good reason.

Support and Safety



We want to be safe and we need you to work with us to agree what safe looks like for us and why.

Foster carers, teachers, youth workers, schools and family make us feel safe as it stops us being alone.

We want to be protected from bullies and people that want to fight us.

We want to know there is someone we can talk to about our feelings/stuff we need to get off our chests.

We want to feel supported and loved.

We would like to feel more like part of a foster care's family.

We need access to services to help if we are doing things that aren't healthy for us.

You need to make sure we understand how to look after ourselves as we are growing up so we can live on our own eventually.

We want help and support about the way we feel and see ourselves.

Torbay Council promises

They will talk to you about your own safety planning so that you can take care of yourself as much as possible.

You will have a plan that guides your time in school – this is called a PEP (Personal Education Plan).

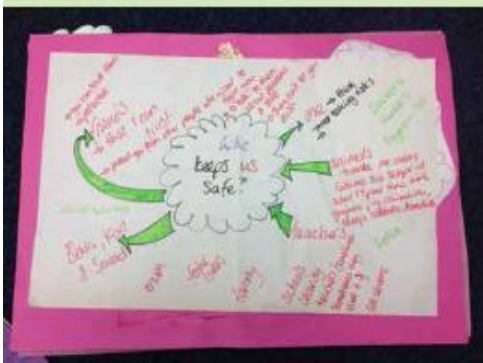
They will help you to easily access the full range of health opportunities and you will have a Personal Health Plan.

They will listen to you and take any bullying seriously, helping you and giving you support.

They will work with you and your foster carer or care placement to make it the best.

Get in touch with us

Use this space to write down the details of your Social Worker and Independent Reviewing Officer (IRO).



Social Worker:

Name: _____

Phone: _____

Mobile: _____

Email: _____

Independent Reviewing Officer:

Name: _____

Phone: _____

Mobile: _____

Email: _____

Appendix 2



Torbay Council's

Children's Commissioning Plan and Sufficiency Strategy. 2014-2019

Children and Young people's Placements



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Introduction

The purpose of the Children's Commissioning Plan and Sufficiency Strategy is to set out how Torbay Council will meet the commissioning of services to meet the needs for children, young people and families requiring services provided by Torbay Council. Additionally the placement needs of current and future children in care and care leavers are identified in light of our understanding of their needs and current provisions.

This document sets out the current position and identifies the next steps that Torbay Council plans to take in order to commission services for children, young people and families. Torbay Council also to manage children's placement needs more effectively and achieve our aspiration to ensure sufficient local provision to enable choice and value for money.

In Torbay we endeavour to carefully match using a range of measures including the type and location of available placements to the needs of individual children. However we do currently need to place children outside of Torbay on occasions where an appropriate resource isn't available locally. In order to reduce this number we need to ensure there is sufficient choice of placements on offer to meet the needs of children and young people in Torbay.

This document is set within the context of national policy, legislation and guidance. It is linked to key local documents, in particular to Torbay Children and Young Peoples Plan 2019, Torbay Early Help strategy 2014, submitted to Health and Well Being Board June 2014 and Children's services 5 Year Forward Strategy June 2014.

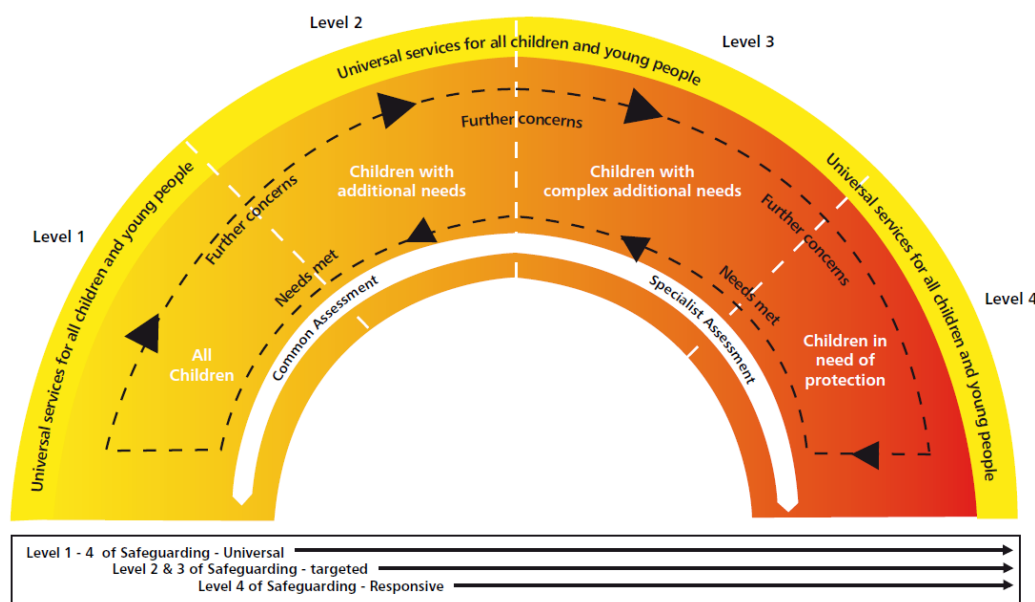
Local Authorities are required to take steps to secure, so far as is reasonably practicable, sufficient accommodation for children in care within their local area. In 2010, the Statutory Guidance for the Sufficiency Duty was issued. This guidance is explicit in placing a duty on Local Authorities to act strategically to address gaps in provision by ensuring that they include, in relevant commissioning strategies, their plans for meeting the sufficiency duty.

We know from research that maintenance of existing family ties, friendships and education, wherever possible, is crucial and significantly impacts on the likelihood of positive outcomes for

children. Local provision also makes it easier to ‘wrap’ services around children using local statutory and other services from a range of agencies in order to achieve better outcomes.

The Commissioning approach is supported by the newly formed joint commissioning partnership to ensure integration of Adults, Children and CCG Commissioning, a shared understanding, response and commitment to an effective partnership approach that secures good quality provision to meet local need.

The Children Act 2008 defines Sufficiency as “a whole system approach which delivers early intervention and preventative work to help support children and their families where possible, as well as providing better services for children if they do become looked after. For those who are looked after, Local Authorities and their partners should seek to secure a number of providers and a range of services, with the aim of meeting the wide-ranging needs of looked after children and young people within their local area.”



However, the scope is not restricted to just making good quality placements; the intention is to co-ordinate the range of activity across Children’s Services, including a clear focus on supporting families to stay together, wherever it is safe to do so, thus minimising the need for children to come into care, or supporting their timely return to their families.

The reduction in the level of funding for Local Authorities means that the focus on efficiency and value for money will be stronger than before. The challenge alongside this for Local Authority Children's Services will be to sustain or improve on service quality and good outcomes for service users.

To ensure that successful outcomes for young people are sustained, and the investment in placements by Children’s Social Care is effective, it is important that we help young people to make smooth transitions from placements into independence, or into adult social care or other services.

The interface between adult and children's social care and other services is critical to the achievement of adult independence for our children and young people.

Working to ensure placements remain stable is also crucial as we know stability impacts significantly on outcomes. We also know that a child's different levels of complexity of need and challenging behaviours crucially affects what type of placement is needed and available, as well as the likely outcome. Torbay is developing a therapeutic model of intervention to provide alternatives to care for adolescents where their behaviour and the family dynamic is the primary factor for accommodating them and also for those who could be re-united with their families. Investing in multi agency assessments and more effective support services has been successful in meeting the needs of families and children earlier and therefore the numbers of children coming into care has reduced in contrast to regional and national trends. However our Looked After Children LAC population has grown 17% per year since 2010/11 and over the past 4 years spend on placements for LAC has increased by £8.4m. We have seen an increase in demand from Older Children and Parent and child need. Finding, in particular, that we are placing these parents in residential units in order to assess their parenting capacity, but then having insufficient local provision to enable a return to a supported unit.

This strategy addresses the needs of children and young people from birth to the age of 21, (or 25 where children's services continue to have statutory responsibility) including children and young people with disabilities who are, or who may be, accommodated. It meets the requirements of the sufficiency duty by collating needs and resource information and market analysis but also describes what needs to happen in relation to work with children in care or children at risk of coming into care.

The Commissioning and Sufficiency plan has identified **Six Strategic objectives**, all of which focus on reducing the numbers of children in our care where safe to do so, and using our resources in the most efficient and cost effective way. We have also identified key delivery activity for each objective. The document also includes some impact measures which will be monitored to evidence progress on delivery.

Strategic objectives and activity:



1. To support Children and Young People to remain safely within their family/ community. Improve early help offer, and support Looked After Children (LAC) to return to live with their families as soon as possible and where it is safe to do so.

We will deliver by :

- Providing access to early intervention and prevention services commissioned through our Early Help Strategy.
- Review our Children's Centres to ensure they target services for our most vulnerable families and extend the functional role and brief to support siblings of Under 5s up to age 11, whilst retaining their core offer and focus on universal provision.
- Align our work with the Troubled Families programme aimed at supporting families with multiple needs
- Identify new investment and re-commissioning opportunities to create new initiatives for preventing the need for care.
- Commission a New CAMHS provision to include Child Sexual Exploitation and Sexually Harmful Behaviour and Self Harm
- Development of the Children's Community Hub
- Work with adults to improve access to drug/alcohol, misuse services
- Identify increasing numbers of extended family members or kinship network who have capacity to provide care.
- ensure that suitable provision is developed for 16 to 17 year old young people who become homeless.
- Develop a to increase the use of Staying Put provision
- Review use and cost of remand provision for young people

This contributes to CYPP Priority: Children Have the Best Start in Life, and Children and Young People will be safe from harm, living in families and Communities.

Children's Service Forward Strategy: Right Child. Right place Right Time Better Outcomes in the Community

Children's needs are best served in their own families if this can be safely supported. Helping families stay together must therefore be a key focus for all Children's Services. Early identification of need and effective early intervention is essential. Early intervention and prevention services can reduce the number of children and young people reaching the threshold for care and needing to become LAC, avoid repeat entry into care or support them to return safely to their families in a timely manner.

We must manage risk effectively with families that are approaching the threshold for care, and work to ensure the right children come into care at the right times, and are supported to leave at the right time. We will provide a range of effective interventions which support families to make changes whilst always ensuring that children and young people are kept safe.



2. To provide and commission the right mix of placements and support locally where possible to meet identified needs of children who are or may become Looked After (recognising that in some cases placements beyond a 20 mile radius in residential settings may be a positive option) as cost effectively as possible; the services provided should contribute positively to improving outcomes, maximising the child's potential and improve stability.

We will deliver by:

- Recruit more in-house foster carers with the right combination of skills to meet the needs of children and young people in our care.
- Explore the use of KEEP + Intervention provision for carers
- Work in partnership with Independent Fostering Agencies, to negotiate the best possible price with them for existing placements, and commission future placements through the Preferred Provider Framework which will achieve efficiencies through reduced unit costs and inclusion of support services
- Review the role of Access to Resources, Permanence and SEN/ DIS panels to promote greater understanding of need and improve placement commissioning both in-house and external.
- Put in place a performance monitoring process to establish a better understanding of the needs of children coming in and out of care on a monthly basis, and to monitor the use of in-house and external placements. Role of review officer's feedback on placements to be improved.
- Specifically commissioning services to meet the needs of children and young people requiring specialist provision including parent and child placements complex residential placements and placements for Children with Disabilities.

This contributes to: CYPP Priority: Children and Young People Lead a Healthy and Happy Life, Children have the best start in life

Children's Services Forward Strategy: Right Child, Right Place, Right Time Efficiency and effectiveness, Performing Better as a Team

We need to be sure that we have the right range of placements to meet the assessed needs of Looked After Children. As a result of rising numbers of Children in Care, we do not currently have enough capacity in our in-house fostering service to meet the statutory requirements of placing within 20 miles of their homes. This means we have increased our use of Independent Fostering Placements. We particularly need foster carers who can manage challenging and risk taking behaviour, provide care for sibling groups and disabled children, and placements of parents and child.



3. To plan effectively for Looked After Children to ensure they have stability and permanence, do not remain in care longer than is necessary and leave care positively. In particular supporting a successful transition into adulthood, and increasing permanent placement choices in fostering and adoption.

We will deliver by:

- Focus on improving social work practice in relation to assessment and outcome based Care Planning, direct work with children, and management oversight of this work.
- Work closely with our partners to ensure the right support services from education, CAMHS, health and other universal and early intervention services are available to LAC, in order to prevent unnecessary placement breakdown, and meet identified needs.
- Promote detailed transition plans and develop services which enable successful transitions to adulthood

This contributes to: CYPP Priority: Children and Young People lead a Healthy and Happy Life, Opportunities to participate and engage in community life

Children's Services Forward Strategy: Right Child. Right place Right Time, efficiency and effectiveness, Performing Better as a Team

Having a clear Care Plan in place is essential for children and young people in care, not only to ensure that they come into and exit care at the right times, but to meet our statutory obligations under the Care Planning Regulations. We need to ensure that children do not 'drift' through care, but have clearly-planned processes which allow them to be reunited with family and friends where possible, have stable, supported and well matched placements with alternative carers and exit the care system in a timely and positive way at whatever age this happens.

In order to support this we will:



4. To continue regional partnership working, and increase local provider offer to improve the quality of placement provision so that the aspiration to use only Ofsted graded good or outstanding provision is eventually achieved.

We will deliver by:

- Providing regular reports for all Looked After Children placed in Torbay, including provider Ofsted status
- Regularly inspect and review all providers
- Use regional partnership working to effectively understand the quality of provisions and the areas in which they are most skilled
- Review the provision for SEN
- Continue partnership conversations to develop further local joint commissioning opportunities.

This contributes to: CYPP Priority: Right Child, Right place, Right time, Children and Young People lead a Healthy and Happy Life,

Children's Services Forward Strategy: Right Child. Right place Right Time, Better Outcomes in the Community, efficiency and effectiveness, Performing Better as a Team



5. To ensure we achieve, value for money, effective contract management, flexibility of provision and Quality

We will deliver by:

- Reviewing the Placement process, to ensure clear accountability, quality assurance and robust contract management is in place for all contracts.
- Ensuring the IPA element of the contract are completed monitored and assessed against quality and compliance measures. Appointing a Peninsula Consultant to undertake benchmarking and value for money analysis on all providers within the peninsula region
- Continue to participate in the Peninsula Partnership to ensure appropriate Market development and framework provision to meet need.
- Gain feedback from social workers and IRO service on service providers and quality based on outcomes for children and young people

This contributes to: Children's Services Forward Strategy: Right Child. Right place Right Time, efficiency and effectiveness, Performing Better as a Team



6. Embed an approach that provides quality information to children, young people and families, carers and professionals and recognises and encourages feedback.

We will deliver by:

- Work with providers to ensure good communication and information sharing
- Ensure the voice of the child is part of placement provision decision process, and that they understand reason for placement
- Development of the role of community directory and co – production of Torbay wide information and Advice Services
- Development of the Children's Community Hub

This contributes to: CYPP Priority: Children Have the Best Start in Life, Children and Young People lead a Healthy and Happy life, Children and Young People will be safe from harm, Living in families and Communities, Opportunities to participate and engage in community and public life.

Children's Services Forward Strategy: Right Child. Right place Right Time

Corporate Parenting

When they are elected, all councillors take on the role of 'corporate parent' to children looked after by their local authority. They have a duty to take an interest in the wellbeing and development of these children, as if they were their own. Although the lead member for children's services has particular responsibilities, the role of corporate parent is carried by all councillors, regardless of their role on the council. In Torbay the corporate parenting group meets regularly and meetings are held in two forums, the officers group and the members group. The groups take a very active interest in the quality of placements offered to children looked after by Children's Social Care. Senior Children's Social Care Managers meet with the group and report on current issues affecting children in care. Feedback on children and young peoples achievements are given to the group.

The Voice of the Child

Our commissioning and sufficiency strategy places the voice of the child at the centre of its activities, for all services established for children and young people, we take account of the views of those they are designed to serve. This means not only asking what services should look like, but also obtaining feedback about the experiences of using those services and considering how this feedback then creates a loop back into commissioning. Torbay's Participation Strategy supports the voice of the child at all levels of need and seeks to embed service design, delivery and feedback, with particular focus on listening and enabling those children and young people involved in our Child in Need, Child Protection and Children Looked After Services.

The Peninsula Procurement and Commissioning Partnership Current Arrangements

Torbay is a member of the Peninsula Commissioning and Procurement Partnership for children and young people's placements which is a longstanding collaboration between Cornwall Council, Devon County Council, Plymouth City Council, Somerset County Council, and Torbay Council.

Member authorities have an agreement to collaborate on the commissioning and procurement of independent sector foster care, children's homes and residential and day independent special school placements. These authorities have jointly tendered for services since 2009 and co-operate on the monitoring of the quality of provision undertaking joint site visits and investigations.

In 2012/13 the partnership started a major procurement exercise to retender the suite of Open Framework Agreements which underpin the commissioning of children's homes, day and residential special schools and fostering agencies provided by the independent sector.

The Peninsula frameworks tender opportunity will be open several times a year for new applications until March 31st 2017 in order to increase supply.

Once a provider is awarded a framework contract the provider is approved to supply individual placements to all five authorities, these are accessed using Individual Placement Agreements and contracts. In 2013 a new type of provision is being included for the first time which focuses on the delivery of accommodation and support for 16-25 year olds, with a specific focus on 16 -18 year old care leavers and those who meet Local Authority thresholds. Devon, Plymouth and Torbay will be the three authorities using this framework list currently.

Other Joint Commissioning

There are a small but significant number of placements for children and young people that are jointly funded by health or education, usually because of the high level of complex need and challenging behaviour of the children concerned. Torbay also commissions some services jointly with individual or groups of Peninsula member authorities where all the five member authorities do not wish to participate. Plymouth initiated a joint cost and volume contract for fostering with Devon and Torbay which has delivered significant savings

The Torbay Needs and Options Appraisal Process

The Peninsula Commissioning and Procurement Partnership Framework Agreements do not commit Torbay Council to expenditure with the suppliers on the framework. This commitment is only made when individual placement contract decisions are made. The Torbay needs and options appraisal system ensures that for all new placements, or placement moves, mini competitions are undertaken. This allows value for money judgements to be made at the point when each placement decision is made. Through improving market management, the availability of alternative placements is improving, and this is increasing our ability to improve quality and secure savings over time.

However it is important to note that wherever we are not able to secure a placement in Torbay this leads to a move for children away from family and friends as well as possibly a move of school. Placement stability is known to be key in attaining good educational and other outcomes for children. So Torbay is starting work with providers locally and in conjunction with the peninsula to improve placement supply closer to Torbay, as well as reducing the number of placement breakdowns that can then lead to out of area placements, to reduce disruption caused to established networks and schooling for a child or young person. Torbay is undertaking a review of the Placement Process to reflect the increase use of in house Foster placements and improve, accountability, quality and monitoring.

Deprivation

2009 figures show that just under one quarter (24.3%) of children under the age of 16 live in poverty across Torbay, this is higher than the England average of 22.0%. However, across Torbay's most deprived communities the proportion of children living in poverty is much higher again. The difference in life expectancy is as much as 7 years between our most deprived and most affluent wards.

Hotspots of child poverty, multiple deprivation, high levels of crime and unemployment are well documented locally in Tormohun, Ellacombe, Roundham with Hyde and Watcombe. However, within the wards of Blatchcombe and St Mary's with Summercombe there are pockets of deprivation and high proportions of children living in poverty.

Ethnicity

So far Torbay has not encountered difficulties in placing children due to particular ethnic needs.

Further research to be completed/ added.

Children with Special Educational Needs and or Disabilities

A recent change in legislation within Special Education Needs has developed how children are identified as in need. Previously a statement of Special Educational Needs (SEN) may be offered to students with significant needs and this is now replaced with an Education Health and Care Plan. Torbay is proactively working with this new guidance and promoting more joint working and increase in joint commissioning of services.

The numbers of children with a Special Education Need are quite small but 20.4 % of children in care have a statement. Services to Disabled Children are varied and include a range of services. The commissioning of services to meet the need of children and young people with disabilities is ongoing and focuses on a range of needs. This includes the commissioning of overnight short break services for disabled children.

The fostering service has a specialist role in the recruitment and support of foster carers who provide short breaks to children with disabilities. Further recruitment of foster carers with a range of specialist skills to meet the needs of children with disabilities and special educational needs is actively being undertaken.

Child and Adolescent Mental Health

One in four children will experience some form of emotional or mental health problem during their childhood and given the strong link between inequalities, and child and adolescent mental health the deprivation statistics for some localities are likely to impact on the mental health of children in Torbay. We also understand the increased levels of emotional challenge and trauma that children in care face.

Children living in deprived areas in Great Britain are more than twice more likely to have mental health problems than children in wealthy areas. Children and young people who are looked after and also young offenders have particularly high levels of mental health problems.

Torbay is in the process of writing a CAMHS Service Development Plan. This will be developed following a gap analysis, risk assessment of continuing to meet levels of urgent referrals and impact this may have on thresholds for routine work, and specifically for Looked After children.

Substance misuse

See appendix data

Teenage Pregnancy

Rates of teenage pregnancy in Torbay continue to be on a downward trajectory. A Teenage Pregnancy Partnership Plan is in place, and is currently being refreshed to ensure that we have the right services in place to better target those most vulnerable young people with clearer guidance around sexual exploitation, relationship violence and abuse and to counter low self esteem and aspirations.

Domestic Violence

Domestic violence is a significant feature in the lives of the children that receive support from the council. National research suggests that nearly 70% of children subject to Child Protection plans come from families where there are parental issues with domestic violence, mental health and alcohol and substance misuse. Local audits and research indicate that this is the case in Torbay. The recently commissioned Integrated Domestic Abuse Service, run by Sanctuary Supported Living, started September 2014.

The service also includes:

- Independent Domestic Violence Advisors (IDVAs) working with all high-risk cases through the Multi-Agency Risk Assessment Conference (MARAC)
- Outreach support
- Non statutory voluntary community perpetrator programme
- Support programmes for adults
- Tailored support for children and young people
- A survivors' group, designed to empower and assist participants to recognise an abusive relationship
- A telephone helpline for clients to help combat isolation
- Partner Link Work incorporating the Building Better Relationships Programme (funded by Probation)

Offending

Risk factors that appear to be implicated in the causes of anti-social behaviour and offending relate to individual children, their families, friends and peers, their education, and the neighbourhoods in which they live. The actual numbers of CYP coming to the attention of the criminal justice system through the court process is smaller and historically has significantly reduced from the levels seen 5 years ago. However there are increasing numbers now being dealt with via out of court disposals which allows the Youth Offending Team to intervene at an earlier stage. Whilst the numbers are lower the complexity and risk within the cases is greater.

Early Help: The Early Help Strategy

Torbay published an Early Help Strategy in September 2014. This describes a Partnership commitment to support the identification of early need for support and to co-commission services with local communities that will prevent the escalation of risk and need. Four priorities for Early Help are:

- **Children have the best start in life**
- **Children and young people lead a happy and healthy life**
- **Children and young people will be safe from harm living in families and communities**
- **Opportunities to participate and engage in community and public life**

Those families identified under the 'Troubled Families' programme will be at the heart of our Early Help offer. Evidence nationally shows that these families are faced with a minimum of eight complex issues and that, without intensive support to turn them around, are likely to require intensive services at high cost and with increasing risk of poor long-term outcomes.

Children or Young People with High Levels of Complex Need

For children with the most complex needs that Children's Social Care looks after achieving good outcomes is a challenge and trends suggest that the needs of this group are increasing. These children are at risk of developing mental health problems, achieving poor educational outcomes and of experiencing multiple placement breakdowns unless effective interventions by social workers and placement providers working together in a family approach to a clear care plan are effective. CAMHS staff, Children's Social Care, the Virtual Schools team and substance misuse and other providers make significant contributions to care plans for this group of looked after children Torbay has already been successful in encouraging the development of independent sector foster care provision to accommodate children and young people with challenging behaviours and complex needs. We will as part of an invest to save initiative look to develop KEEP + to support foster placements, to further reduce those who would have been living in residential settings in the past. Further work is needed however and Torbay intends to continue this process to increase the number of providers able to offer placements with good outcomes for this group. and also to introduce a therapeutic programme for these young people to enable them to remain at home or to stabilise within a placement.

Secure settings

Secure settings are used very occasionally on welfare grounds for short periods for small numbers of young people and demand fluctuates. The nearest secure children's home is in Exeter and is run by Devon County Council. Torbay use of the welfare secure units is identified on an individual basis when secure accommodation is required for a young person. Any young person secured on criminal grounds (remanded) would be placed by the Youth Justice Board with the nearest facility being in Bristol. Any secure remand would be paid for by the local authority so the Youth Offending Team offer robust alternatives to the court where possible. However, a serious offence committed by more than one person under the age of 15 could potentially cause an upsurge in costs, which can create some volatility in the remand budget.

Parent and child placements

These placements provide accommodation for both parent and child together whilst the parent is being assessed, usually mothers and babies either in a residential setting, community based assessments or foster care. There are five Residential Family Centres registered by Ofsted in the South West, one run by Cornwall County Council and the rest by independent sector providers.

Parent and child foster care is provided by independent sector providers in the community under the cost and volume contract for fostering. Places are sometimes court ordered at short notice. It can be difficult to find placements with prices varying greatly. Some placements require high levels of supervision because of high levels of risk which leads to higher costs.

Torbay is actively recruiting foster carers to provide assessment and placements for Parent and their children within.

16+ pathways to independence

There are a number of placement options open to young people beyond 16, to help them move on from being looked after into independence and adulthood. In 2013 the Peninsula has developed a specific 16+ specification and included these types of placements in the Peninsula tender for the first time.

The Leaving Care Service supports all young people who are eligible to leaving care services from the age of 16. There are a range of placement types and options available to young people ages 16 to 25.

Staying Put is a new initiative link to recent legislative changes which enables young people to remain in their foster placement beyond 18. The placement ceases to be a foster placement and becomes a staying put/supported lodging arrangement, where the young person is expected to contribute towards the cost of the placement, either through earnings or housing benefit.

For in-house placements staying put arrangements are made directly with the foster carer. In the independent sector these are made on a spot purchase basis.

The specification for the Cost and Volume foster contract ties independent sector providers to the principle of offering staying put placements when appropriate. Providers have submitted indicative prices as part of the most recent tender. Work is under way with the Cost and Volume providers to include more detail in the specification.

Supported Lodgings are provided for young people aged over 16 usually purchased using a block contract with a voluntary sector supplier. These are similar to foster placements in that they place the young person in a family setting with a host rather than a foster carer, but are designed to encourage independence skills, with a view to moving the young person into their own accommodation as soon as is practical.

Torbay is currently working on a Prevention of Youth Homelessness Pathway and strategy and will seek to re-commission its local services once this is completed.

The payments consist of a 'rent' payment to the host, a payment to the provider to cover management costs, and a contribution from the young person.

For the first time in April 2013 the Peninsula Framework retender included the above 16+ services in the tender opportunity. An element of the 16 to 25 year old provision is unregulated, so the inclusion of these services will allow the authorities to work together to quality assure these services.

Adoption

Section to be added

CSE

Torbay are signed up to the peninsula framework for CSE and have agreed a set of tools and minimum data set. We are in the process of devising the pathway and protocol to ensure all agencies are clear and engaged in the process. This will give a consistency to the work and a clear pathway for young people to access support and intervention regarding CSE. Large scale police operations can impact on resource and services need to be responsive when needed.

Sufficiency Analysis / next steps Actions

Torbay is meeting the sufficiency duty from the point of view of purchasing placements for children from a range of providers, however closer examination of the market reveals that there is a need to:

- Increase the availability of placements within the Torbay area across a range of placement types.
 - improve the quality of some provision, in particular children's homes.
 - work with regional partners to increase the options for children if their needs are very specialist and only one provider is available locally.
 - increase placement supply within 20 miles radius of Torbay in order to reduce the numbers of children that have to be placed outside of this area so that outcomes are improved for these children and they are nearer family and friends and can remain at the same school if possible. increase placement stability for children and young people.
 - increase foster care placements in the following areas:
 - parent and child foster carers;
 - foster carer for sibling groups;
 - risk taking teenagers with complex and challenging needs (such as at risk of substance misuse and/or sexual exploitation and or with behaviour management or mental health issues);
 - children who pose a sexual risk;
 - and children who need to be placed away from other children for a period of time.
 - Foster Carers able to take a child in an emergency
-

Commissioning/ Sufficiency Performance Monitoring

Performance monitoring/ Governance will be overseen by the Corporate Parenting group and Health and Wellbeing Board. The document is included as part of the Market Position Refresh of data as an additional Appendix.

An Action Plan will be developed to support the implementation of the strategy and the key Commissioning Objectives.

The strategy will be updated on an annual basis (within 6 months in first year) to reflect changes in needs or supply information, and respond to emerging policy initiatives.

All partners should be supported to recognise their role in implementation, through leadership, communication, supervision to promote good care planning practice, and clear accountability frameworks.

Key Impact Measures for Commissioning and Sufficiency Strategy Actions

The following impact measures have been identified as the key indicators of the success of the strategy and will be closely monitored and reported on formally every six months for the duration of the strategy, linked to the Business plan.

Financial Year	IN-HOUSE	ISP	RESIDENTIAL	OTHER
	% of CLA	% of CLA	% of CLA	% of CLA
2014/15	40%	18%	15%	27%
2015/16	43%	16%	14%	27%
2016/17	47%	14%	13%	26%

Overall Number of LAC – 5 year strategy says we will achieve 72 per 10K by March 2019 this equates to 180 (see table below)

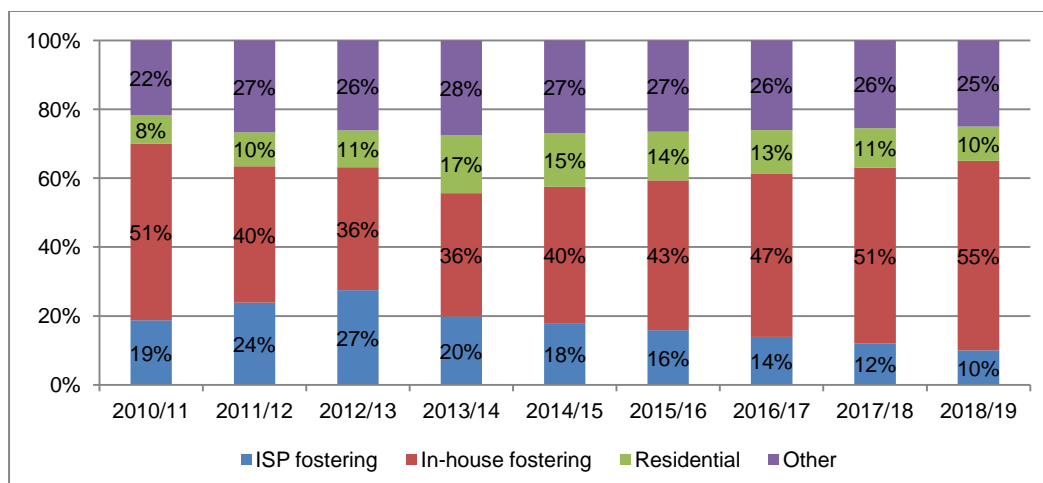
Year	Strategy year	Nos in care	Rate per 10K
2014/15	Year 1	305	122
2015/16	Year 2	274	109
2016/17	Year 3	242	97
2017/18	Year 4	211	84
2018/19	Year 5	180	72

Current and Projected Spend on placements with independent providers

Number of Children beginning/ceasing to be LAC per month, by area and age band

Proportion of Residential, In-house Fostering, IFA fostering and supported living placements

As per the 5 year plan



Reduce the number of LAC placed outside of Torbay radius (no officially agreed target with members yet but we are currently above the national average for children placed 20+miles away so we should have a target of reducing this to national levels over the 5 years of the financial plan) –

Year	Strategy year	% placed 20+ miles from Torbay
2014/15	Year 1	23.7
2015/16	Year 2	20.8
2016/17	Year 3	17.9
2017/18	Year 4	15
2018/19	Year 5	12

Numbers of Looked After Children placed for adoption and made subject of SGO (no officially agreed target with members yet but we have agreed with members that our numbers of adoptions need to stay at or above 25/26 and we are just below the national levels for SGO disposals but to stay at or above this would require us to make 30+ SGOs every year)-

Year	Strategy year	SGO's started	
2014/15	Year 1	31	
2015/16	Year 2	26	
2016/17	Year 3	26	
2017/18	Year 4	26	
2018/19	Year 5	26	

Level of capacity, referrals to and actual placements made in in-house foster service

Net gain of in-house foster placements by locality and placement type – plan was to increase the % of fostering placements in house to equal 70% of all those in foster care currently we are at 62%.

Successful independent living for 18 plus year olds – A positive outcome for young people is to remain in their supported lodgings, foster care placements post 18 until they are ready to leave and become independent. Whilst a positive outcome for young people this increases has created a need for more long term foster placements and supported lodgings providers.

Length of time in placements - in principal we need to shorten the average length of placements but this has not been worked up as a target Complaints and quality issues/ changes made to services – link to QA priority work - draft Version 10 22.10.2014

Appendix 1

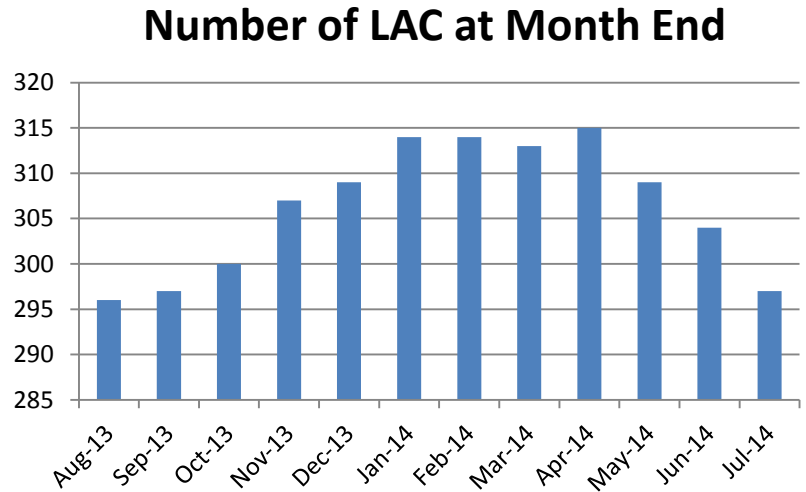
Demand – Referrals to Children’s Social Care and Numbers of Children in Care

The number of children being referred to Children Services increased by 10% in 2013/4. The authority receives relatively high numbers of referrals compared to national and regional benchmarks.

Month	Police	Agency	Anon	Education	Health	Housing	LA	Other LA	Prisons	Probation	Other	Total
Jul-13	39	21	23	41	32	2	28	2	0	35	12	237
Aug-13	50	19	31	2	58	2	20	3	0	51	5	242
Sep-13	47	21	14	36	35	4	22	7	0	33	11	232
Oct-13	46	12	4	41	36	2	28	15	2	36	9	235
Nov-13	71	18	1	69	32	1	37	14	0	22	6	271
Dec-13	43	7	6	46	16	0	22	11	2	18	5	176
Jan-14	53	16	6	26	23	1	32	10	0	21	9	202
Feb-14	29	14	2	50	44	1	19	10	2	14	2	187
Mar-14	40	25	14	43	34	0	21	10	0	22	6	216
Apr-14	43	10	19	24	22	1	4	9	0	25	6	164
May-14	37	14	13	50	51	1	19	4	0	26	10	232
Jun-14	47	23	4	53	34	1	29	12	0	38	3	251
Jul-14	66	22	41	32	50	6	10	11	4	84	7	336

While the number of Looked After Children has been increasing, these figures are declining. This may be due to summer months with people on holiday, children moving into 16+ accommodation or the result of the preventative work carried out in the local communities.

Age at 31 March 2014	Boys	Girls
Under 1	8	2
1 - 4	25	22
5 - 9	37	41
10 - 15	78	47
16 - 17	17	37
18+ in community home	0	0
Total	165	149
total LAC March 31st 2014	314	



Appendix 2

Supply – Torbay’s Placements for Children in Care

Local Provision

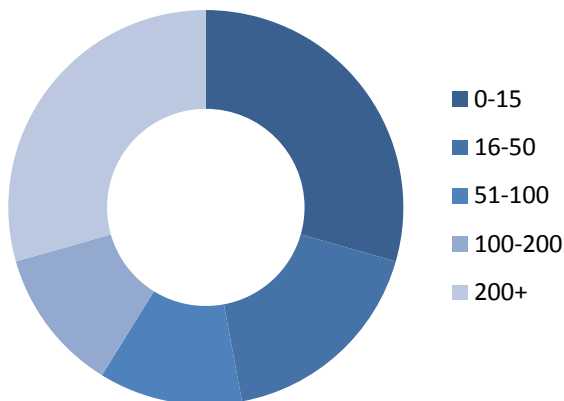
The most up to date statistics on the type of placements in use in both the independent sector and in-house by Torbay on one day, June 14 are as follows.

Local overview – fostering

Data needed

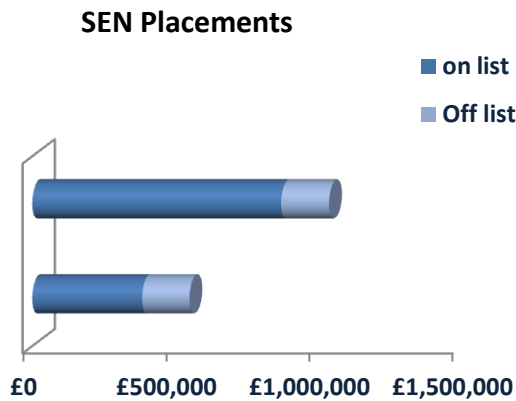
Local over view - Children’s homes

Children’s Residential Placements distance from Torbay (miles)



Some placements out of area are necessary for safeguarding, however, this pie chart highlights the need for more specialist care within our area.

The average annual cost of placements ON the preferred supplier list is £166,906, and £193,326 for the placements OFF list.

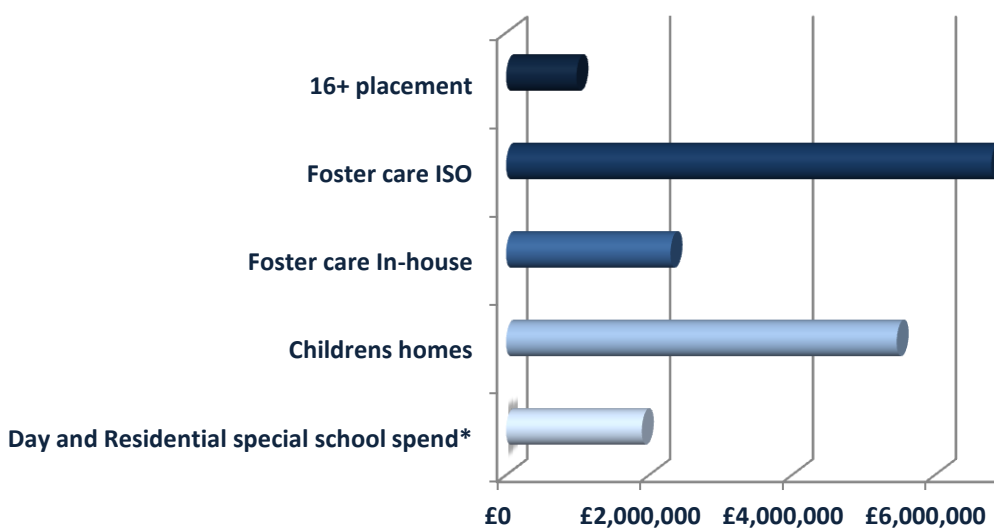


Local Overview of Non-maintained and Independent Sector residential Schools

Of the 19 children currently in non maintained and independent sector residential special schools, 3 are in non maintained special schools - this is based on 2 education and 1 joint funded education/social care health. There are 16 children in independent sector special schools, of this 14 are funded by social care and Education jointly and 2 by Education alone these 2 have emotional, behaviour difficulties. Some may be placed after difficulties have occurred in their previous placements. The schools provide weekly, term-time or full boarding and are based outside the Torbay boundary. Where possible we would aim to place within our local area but there are occasions where the most suitable placement cannot be found within this area.

The type of placement by sector and funding arrangements at the end of April 2014 snapshot was as follows:

Financial Overview of Torbay children’s placements April 2013 – March 2014



The total spends for the financial year 2013-2014 shows £17.4 million spend. Within foster care £2.3million was spent in-house and £6.7million spent in the independent sector. It is estimated that the full cost of placing a child with in-house foster care is 50% less than through the Independent sector

Quality Issues

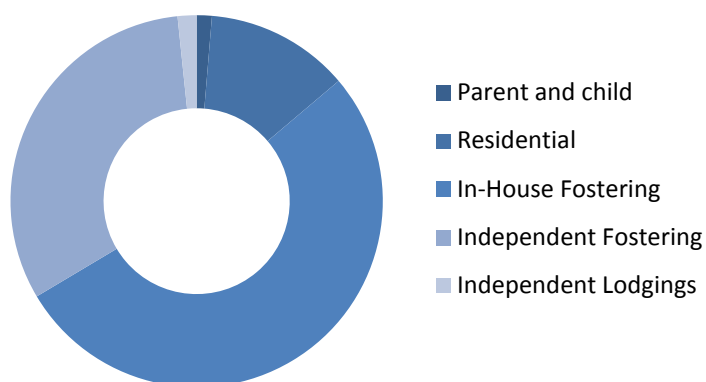
Torbay Council aspires to use providers of children's social care placements graded good or outstanding by Ofsted the national regulator.

At the beginning of 2012, Ofsted introduced a number of radical changes covering much of their social care inspection activity toughening up the inspection framework. (Source Ofsted Annual Report 2011/12.) An amended inspection framework for children's homes and foster care was introduced in April 2012.

Torbay is working with Peninsula partner neighbour local authorities to improve the quality of provision by regularly monitoring providers, carrying out site visits and offering regular provider forums.

We are looking to further develop relationships with existing and potential providers to collaboratively meet and exceed the expectations of Ofsted, to ensure excellent quality of care for

our children and those placed within our area from other authorities. Further we are thinking about new solutions to the growing needs of the children and families within our area and encouraging the right providers to invest in Torbay.



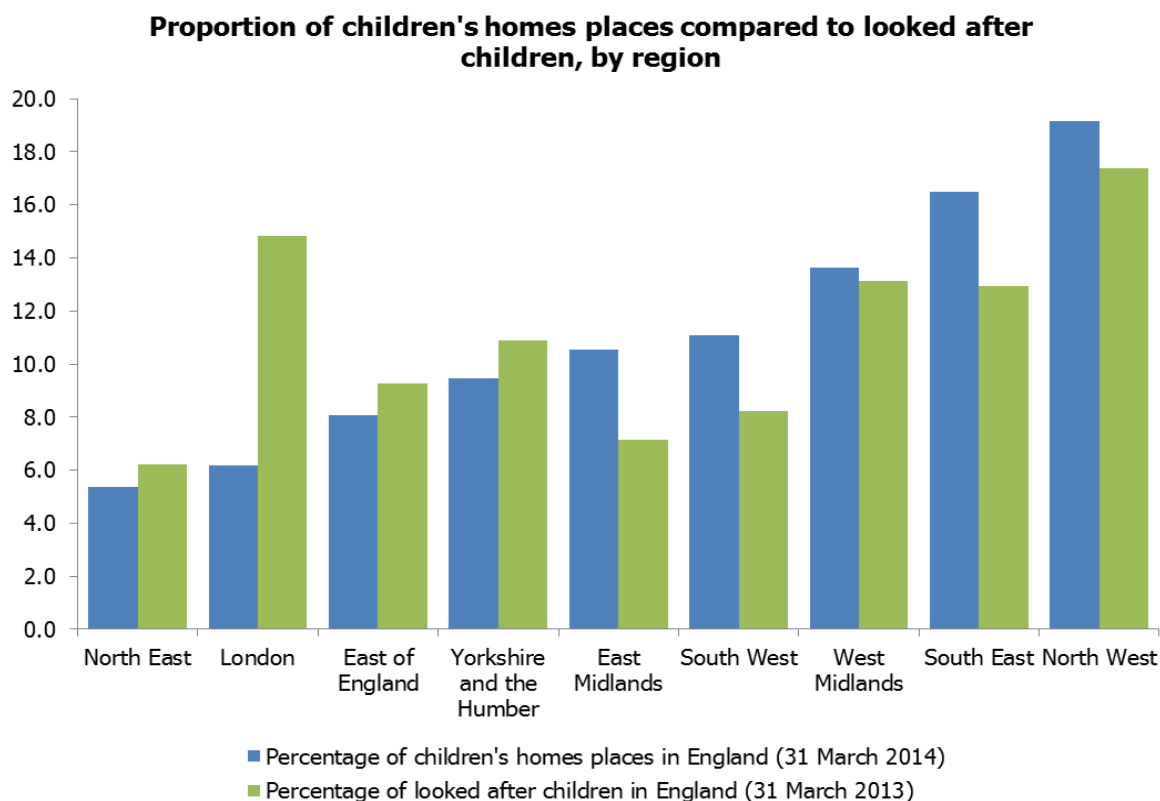
Children Homes

The current national percentage of good or better children's homes is 72%.¹² The change to the Ofsted frameworks has been felt in the Peninsula area and has increased the number of children's homes in particular receiving an inadequate inspection grading.

Between the introduction of the revised children's homes inspection framework on 1 April 2012 and 31 December 2012, nationally 16% of homes received an outstanding overall effectiveness grade. This compares to 27% in the first nine months after the introduction of the children's homes inspection framework in April 2011.

Nationally five per cent of homes have received an inadequate overall effectiveness grade between the introduction of the revised framework on 1 April 2012 and 31 December 2012. This is an increase of three percentage points, from 2% in the first nine months after the introduction of the children's homes inspection framework in April 2011.

Torbay are seeking to identify key providers who have the capacity, ability, a proven reputation and high Ofsted results in the care of looked after children. In collaboration we intend to progress their market place position to one that will fit with the needs of the region that they are situated in.



Foster Care

Between the introduction of the new fostering inspection framework on 1 April 2012 and 30 September 2012, nationally 12% of fostering services received an outstanding overall effectiveness grade, this is a decrease from 30% in the first two years of the inspection cycle between 1 April 2010 and 31 March 2012.

Special Schools

Of the 50 residential special schools inspected in this period nationally 28 (56%) were outstanding for overall effectiveness, 15 (30%) were good, five (10%) were adequate and two (4%) were inadequate.

The Peninsula Regional picture

This graph shows that the South West have 11% of the children's homes places in England and 8% of England's looked after children. While this appears a healthy position, often children with specialist needs cannot be placed within Torbay, the Peninsular or even the South West. Torbay is working independently and together with the Peninsula to plan strategies to enhance the required market place to ensure sufficiency supply and value for money. While it is sometimes necessary for children to be placed out of area, we need to make sure that this only happens due to the child's specific safeguarding needs rather than lack of specialised providers.

The current numbers of outstanding and good providers in the Peninsula region is being affected by the toughening of the Ofsted grading system that is leading to changes of grading locally. There is a need to drive up quality of provision locally.

At the time of data collection the South West had ? outstanding providers. Torbay has ? Torbay Council in house fostering service was graded ? by Ofsted in ?.

On Peninsula Framework	Total	Outstanding	Good	Adequate	Inadequate	Suspended	Not Inspected
All Ofsted graded provision							
Total	129	12 (9%)	66 (51%)	29 (22%)	0	17 (13%)	5 (4%)
Lot1							
	86 (67%)	6 (7%)	42 (49%)	18 (21%)	0	16 (19%)	4 (5%)
Lot 2							
	15 (12%)	5 (33%)	9 (60%)	1 (7%)	0		
Lot 3							
	28 (22%)	1 (4%)	15 (54%)	10 (36%)	0	1 (4%)	1 (4%)
On Peninsula Framework							
Not Ofsted Regulated							
Lot 4							
	59	n/a	n/a	n/a	n/a	1 (2%)	n/a

*Source Children's homes inspection outcomes Oct to Dec 2012 Provisional Ofsted 04a1212CSC data children's homes

New framework tender fourth quartile, 2014

All providers within the Peninsula area are able to apply online via Pro Contract to the Framework of preferred providers with opportunities to join every six months. With the exception of the 16+ category, each provider is challenged on Complaints, Safeguarding, Challenging Behaviour and Safer Recruitment. The 16+ providers must score a minimum of 5 out of 10 or above in each of the three quality questions set.

Future Progress

The Peninsula commissioning and procurement partnership are focuses on the new Parent and Child Residential Family tender which is being led by Somerset and is a great opportunity to improve this provision which is very low in the area.

Gaps

- Learning disability placements
- Parent and child placements

The other placement area where there is a need to drive up quality locally is in the 16+ providers. These services are not regulated by Ofsted. In order to assist these providers specific guidance was produced after round one of the Peninsula tender process. Further development work is taking place regionally with Peninsula partners to improve the quality of these independent sector services.

Ofsted grades of Children's Homes within the Peninsula Area*

Within the Peninsula Area		Outstanding	Good	Adequate	Inadequate	Closed	Not Inspected
All Ofsted graded provision	TOTAL 118	8 (7%)	58 (31%)	43 (23%)	1 (1%)	0	8 (7%)
Children's Homes							
Cornwall	14 (12%)	0	9 (64%)	5 (36%)	0	0	0
Devon	40 (34%)	2 (5%)	26 (65%)	7 (18)	1 (3%)	0	4
Plymouth	6 (5%)	0	1 (17%)	3 (50%)	0	0	2 (33%)
Somerset	43 (36%)	3 (7%)	15 (35%)	23 (53%)	0	0	2 (5%)
Torbay	4 (3%)	0	4 (100%)	0	0	0	0
Within the Peninsula Area		Outstanding	Good	Adequate	Inadequate	Closed	Not Inspected
Residential Schools							
Cornwall	1 (1%)	0	1 (100%)	0	0	0	0
Devon	5 (4%)	1 (20%)	1 (20%)	3 (60%)	0	0	0
Plymouth	0	0	0	0	0	0	0
Somerset	2 (2%)	1 (50%)	0	1 (50%)	0	0	0
Torbay	0	0	0	0	0	0	0
Secure Units							
Cornwall	0	0	0	0	0	0	0
Devon	1 (1%)	0	1 (100%)	0	0	0	0
Plymouth	0	0	0	0	0	0	0
Somerset	0	0	0	0	0	0	0
Torbay	0	0	0	0	0	0	0

Information taken from Children's Homes List for Lac 20140602. June 2014

Action to improve quality

Torbay and Peninsula authorities have clearly signalled to local providers that the aim is to favour placements with good or outstanding providers and the authorities are actively working to assist more providers to reach this standard.

Also providers graded as inadequate by Ofsted are not eligible to join the Peninsula provider list.

The new framework list that first came into use on April 1st 2013 now has 141 sites listed for use offered by 39 organisations. Because this tender opens several times a year until March 31 2017 more providers will come onto the list on a regular basis each year increasing the supply of placements locally. For example in the current application round open at the moment over 20 further providers have applied to join the list

In the last tender round, 33 organisations submitted an application and 8 were successful. This resulted in 174 sites being added and 50 organisations on the framework. This result shows that the LA's expect a high level of quality and safeguarding for our placed children as well as value for money. Providers are encouraged to re-apply at the next round and offered support to improve their applications where necessary. The peninsula is approaching the deadline for the new tender applications, but it is unknown how many new providers will be applying. Successful providers will be added to the framework in December.

From information available publicly from Ofsted March 2013, within the Peninsula there are:

- 3 boarding schools with 429 places
- 113 children's homes with 415 beds, 86 in the private sector with 253 beds
- 5 further educational colleges with residential accommodation of 440 places
- 5 residential family centres with an estimated 27 places
- 1 secure home with 8 beds
- 13 Residential special schools with 560 places and
- 7 residential special schools > 295 days per year with 199 places

In the broader SW region in total (ie these figures already include providers listed by Ofsted in each Peninsula local authority area) there are 61 independent sector providers registered with Ofsted that could potentially come onto the Peninsula frameworks.

Recent national analysis of the independent sector foster care market indicates that the Peninsula has a similar pattern of provision to other peripheral areas in the UK such as the North East ie the big three foster care agencies have a larger share of the local market (@60% as opposed to @40% elsewhere). A strategy of ensuring a diverse market with mid-range competitors to the large nationals would be in the interests of ensuring sufficient supply and increasing value for money to maximise the purchasing power of the Peninsula authorities.

It is also notable that providers that enjoy a near monopoly as a regional supplier are less likely to be receptive to negotiation on price or other issues. The current co-ordinated Peninsula response to developing these markets and communicating with these suppliers is helpful.

Market Analysis

Most of the regional children's placement market of both children's homes and fostering is under pressure because of the increase in the numbers of children coming into care across the region, and the rise in the complexity of their needs.

Although there is currently a list of 141 provider sites available on the Peninsula frameworks list it has not always been possible to match a child to a placement within the local area., and this has knock on implications for outcomes for children and young people, as well as cost implications for the statutory and other agencies working with Torbay children in care.

☒☒We have particular shortages of foster care placements in the following areas: parent and child foster carers; foster carer for sibling groups; children from minority communities; young people on remand; risk taking teenagers with complex and challenging needs (such as at risk of substance misuse

Sufficiency of placements for looked after children

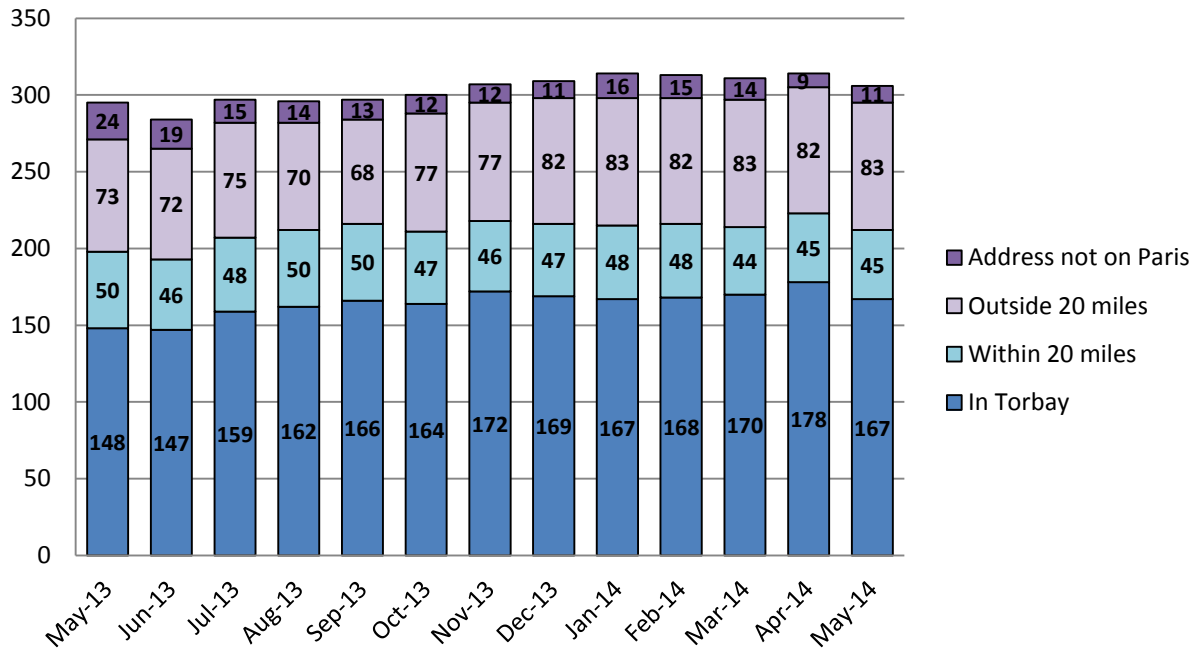
On April 2014 ? children were looked after by Torbay. Of these:

241 were placed in foster care.

39 were placed in children's homes, hostels or secure units and 4 were placed in residential special schools.

Within the 20 mile Torbay boundary the following placements are potentially available to meet the demand for placements – potentially possible if the registration details are looked at– spk to Bob Lord but we can say now :-

Children Looked After Placement Distances



Address not on Paris = Children placed for adoption

Dec 2014.

Agenda Item 19



Meeting: **Overview and Scrutiny Board**

Date: **8th September 2015**

Council

Date: **24th September 2015**

Wards Affected: **All Wards**

Report Title: **Revenue Budget Monitoring 2015/16 – Quarter One**

Is the decision a key decision? No

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

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

Supporting Officer Contact Details: **Martin Phillips, Chief Finance Officer (CFO)**,
Martin.phillips@torbay.gov.uk

1. Proposal and Introduction

- 1.1. The revenue monitoring report provides a summary of the Council's revenue income and expenditure for the financial year 2015/16.
- 1.2. As at Quarter One the Council's revenue budget is predicting an overspend of £3.7m primarily as a result of expenditure pressures in both childrens' and adults social care.

2. Reason for Proposal

- 2.1 Report for review and information

3. Recommendation(s) / Proposed Decision

Overview & Scrutiny Board

- 3.1 That the forecast 2015/16 revenue budget position be noted.
- 3.2 That the Overview and Scrutiny Board be asked to report directly to Council on any recommendation it may have following its review of the current position.

Council

- 3.3 That the forecast 2015/16 revenue budget position be noted.

4 Supporting Information

4.1 Summary Position

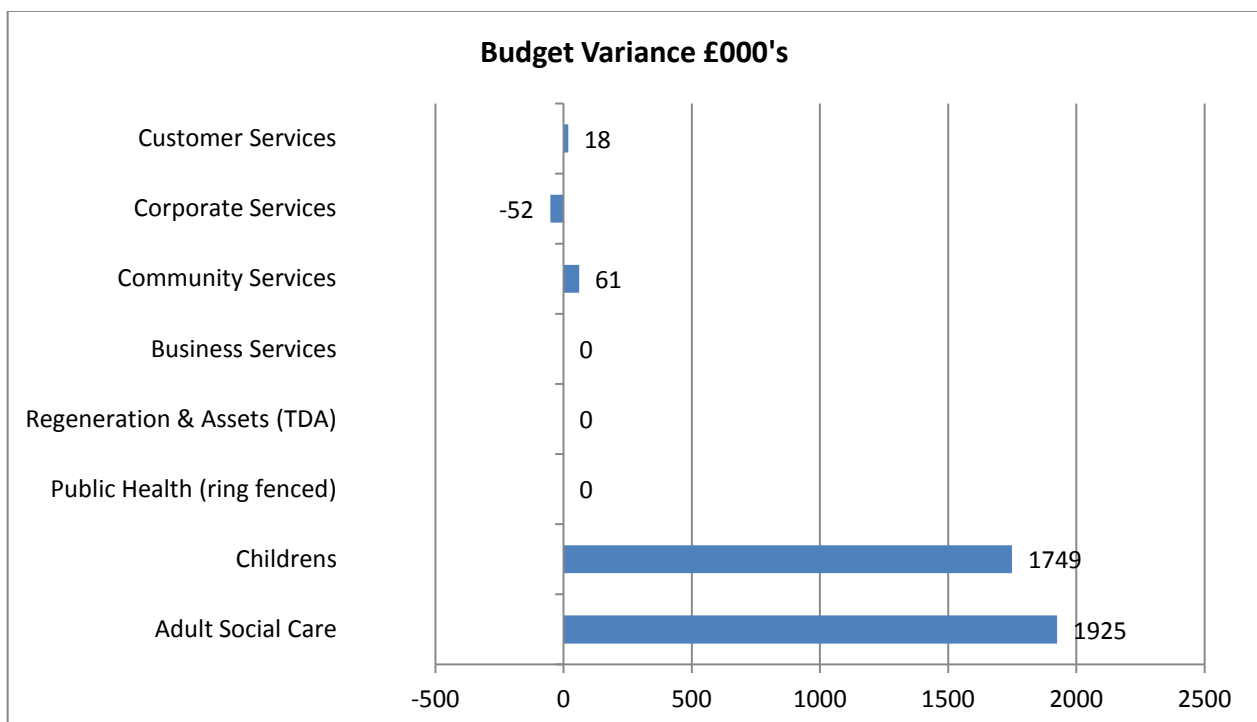
4.2 As at Quarter One the Council's revenue budget is predicting an overspend of £3.7m primarily as a result of issues in both childrens' and adults social care.

4.3 The predicted overspend on adult social care of £1.9m is a combination of increased demand for services but primarily the non achievement of planned savings during 2015/16 by Torbay and Southern Devon Health and Social Care NHS Trust (TSD). However the savings are expected to be realised in future years.

4.4 The predicted overspend on childrens' social care of £1.7m is primarily the non achievement of planned savings linked to the childrens' services cost recovery plan and the continued high use of agency staff.

4.5 This level of overspend is a cause for concern. Recovery plans have been commissioned for both social care areas and the Council's senior leadership team have initiated action to limit uncommitted expenditure and to look to identify savings in other services with the aim of achieving a balanced budget position.

4.6 A bar chart summarising the projected budget variance by service for 2015/16 is as follows.



4.7 Detailed Position

4.8 The budget position for each service is shown in the table below:

Service	2015/16 Budget – revised as at August 2015			As at Q1 2015
	Expenditure £000s	Income £000's	Net £000's	Forecast Variance £000's
Adult Social Care	42,598	(802)	41,796	1,925
Childrens' Services	82,885	(54,140)	28,745	1,749
Public Health	9,853	(9,853)	0	0
Joint Commissioning	135,336	(64,795)	70,541	3,674
Community Safety	4,503	(2,440)	2,063	59
Residents & Visitors	27,817	(4,715)	23,102	2
Community Services – sub total	32,320	(7,155)	25,165	61
Customer Services – IT, Libraries & Exchequer & Benefits	73,861	(69,399)	4,462	18
AD Customer Services	106,181	(76,554)	29,627	79
Commercial & Business	5,893	(1,646)	4,247	196
Finance & Corporate	20,844	(16,012)	4,832	(268)
Spatial Planning	1,487	(1,130)	357	20
Corporate Services – sub total	28,224	(18,788)	9,436	(52)
Business Services - Harbours, resorts services & car parking	5,806	(9,957)	(4,151)	0
Regeneration and Assets (TDA)	6,891	(2,268)	4,623	0
AD Corporate Services	40,921	(31,013)	9,908	(52)
Total Expenditure	282,438	(172,362)	110,076	3,701
Sources of Funding	-	(110,076)	(110,076)	0
Net Expenditure	282,438	(282,438)	0	3,701

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

Service	Variance to Budget £m	Main Variances in 2015/16
Adult Social Care	1.9	<p>- Primarily the non achievement of planned savings in 2015/16 both in total and in terms of timing (+£1.5m).</p> <p>- Some increased demand pressures primarily in ordinary residency clients (+£0.3m).</p> <p>- continuation of the prior year pressures on the Joint Equipment Store but at a lower level following management action (+£0.2m)</p> <p>- lower than budgeted costs due to changes in the profile of some supporting people contracts.(-£0.1m)</p> <p>The Director of Adult Services (DAS) has initiated an action plan to realise additional savings which may improve the position by up to £0.4m.</p> <p>This forecast in the current year is based on the current risk share with TSD. If the Integrated Care Organisation starts from 1st October then the Council's share of risk from that date will change to be a 9% risk share of the total position of the, then combined, TSD and South Devon Healthcare Foundation Trust (SDH) – a share of a total budget of £400m. This could improve the Council's outturn position. Financial performance of SDH is reported to its board – minutes are available on the link below:</p> <p>http://www.sdhct.nhs.uk/about-us/board-meetings</p>
Childrens Services	1.8	<p>- The overspend is primarily linked to the non achievement of the reductions identified in the Childrens' cost recovery plan. The number of children in residential care is not falling at the rate laid out in the five year plan. The Plan approved by Council in October 2014 projected that the service would require the use of £2.3m of reserves in 2015/16 to achieve a balance position. The overspend is currently in excess of that figure by a further £2.3m.</p> <p>The number of Children Looked After (CLA) is 309 (as at 30/6/15) which is similar to the level and costs in 2014/15. Due to the number of children (224 as at 30/6/15) in longer term placements ("legacy cases") the opportunity to reduce costs has been limited.</p> <p>The level of agency staff remains high with spend to mid August in excess of £1m to date, although this is partly offset by reduced salary costs.</p> <p>The Director of Childrens Services (DCS) has initiated an action plan to realise additional savings which have been included within the current forecast.</p> <p>In the light of the above issues the Chief Finance Officer and the DCS have requested that the Recovery Plan be updated both in terms of its assumptions and timing and likelihood of savings. The results of the revision will be reflected in the 2016/17 budget process.</p>

Public Health	0	Ring fenced budget
Community Services	0.1	Projected overspends on CCTV, Licensing, Housing Options Torre Abbey, Theatres, Toilets & Sport partly offset by salary savings.
Corporate Services	(0.1)	Expected saving on "corporate" pension payments offset by the target of increasing income within Commercial Services is proving challenging. In addition use of agency staff to support workload in legal services has increased costs.
Total	3.7	

4.10 2015/16 Savings

4.11 The 2015/16 budget relied on the achievement of £11m of approved savings. The Council's senior leadership team have been monitoring the achievement of these savings as part of the current year budget monitoring. The majority of savings are being achieved. The main areas of variance are, as identified above, within social care and the achievement of additional income targets over a number of services is proving a challenge. Services have been asked to identify other savings within their services to cover any shortfall.

4.12 Recovery Plans

4.13 This forecast level of overspend is a cause for concern. Recovery plans have been commissioned for both social care areas and the Council's senior leadership team have initiated action to limit uncommitted expenditure and to look to identify savings in other services with the aim of achieving a balanced budget position.

4.14 Emergency Budget

4.15 The Chancellor in his Emergency Budget in June 2015 announced a £200m cut in public health budgets. This is equal to a 6.4% national reduction in public health funding. A 6.4% cut in the Council's public health grant would be a £0.6m in-year reduction, however at the time of writing the exact financial implication to the Council has yet to be confirmed as central government is currently consulting on options for the actual calculation of the reduction.

4.16 In the Emergency Budget the Chancellor did not "open" the 2015/16 local government finance settlement therefore there are no other in-year funding reductions for the Council.

4.17 Risk & Sensitivity

4.18 The predictions for the full year outturn in this report are based on three months of financial information and will be subject to changes in both assumptions and demand.

4.19 There are a number of financial risks facing the Council. Key risks were identified in the Revenue Outturn report to Council in July and some of these are now having an impact on the current financial year.

Risk	Impact	Mitigation
Achievement of £11m of approved savings for 2015/16	High	15/16 Budget monitoring and "saving tracker" monitored by senior staff.
Potential impact and costs of judicial review for care home fees	High	Balance of CSR reserve and 2015/16 social care contingency to fund if required.
Achievement of Childrens' Services cost reduction plan	High	Regular monitoring of performance and recovery plan
Identification and achievement of £33m of savings for 2016/17 to 2018/19	High	Issue identified in Medium Term Resource Plan and 2016/17 budget timetable to include future years.
Additional demand for services particularly in both adults and childrens' social care	High	15/16 Budget monitoring, use of service performance data and recovery plan.
Additional Costs associated with Deprivation of Liberty and Safeguarding (DOLS) statutory duty	High	15/16 Budget and performance monitoring in consultation with Torbay and Southern Devon Health and Care NHS Trust.

4.20 Implications on future years & reserves

4.21 The implications of the current forecast of an overspend of £3.7m on future year budgets and reserves are as follows:

- Where the overspend is linked to increased demand, additional resources may need to be allocated to these services in future years which will have to be funded from additional savings elsewhere.
- Where the overspend is linked to delays in achieving the childrens' services recovery plan, this has two consequences: firstly any increased funding needed for this service will have to be funded from additional savings in other Council services or by the use of earmarked reserves currently allocated to other Council services. Secondly the childrens' service recovery plan estimated a future financial position which enabled the service not only to reduce its costs, but also repay £4.6m of reserves to other services. Non repayment of these reserves will cause a financial issue for the other services.
- Any overspend in-year will have to be funded from reserves. Options could include using:
 - o Comprehensive Spending Review Reserve – current balance £2.9m. This reserve has been earmarked for the estimated costs of the Judicial Review on care home fees if the Council's appeal is refused - expected to be determined in spring 2016.
 - o General Fund Reserve – current balance £4.4m. This reserve is the Council's core unallocated reserve and the target balance for this reserve is 4.2% of net revenue budget (currently 4%).
 - o Use of reserves earmarked for other services – current balance £24.9m (excluding schools). Potential to use these reserves is limited as £4.6m has already been allocated for childrens' services due to be repaid in future years.

4.22 At its meeting on February 26th 2015 Council approved the following:

The Overview and Scrutiny Board is concerned about the possible calls on the General Fund balance of £4.4 million given the high probability that the Comprehensive Spending Review reserve will be depleted due to the estimated level of redundancy costs, the current projected overspend at year end and the possible outcome of the current Judicial Review.

Therefore the Council requests the Executive Director of Operations and Finance to undertake a further Review of Reserves to identify whether there is spare capacity within the Reserves to replenish the Comprehensive Spending Review reserve.

4.23 As noted above the Comprehensive Spending Review reserve balance is £2.9m which is higher than forecast as in 2014/15 the Council achieved a break even financial position and redundancy costs in 2014/15 were £0.5m. However this reserve still has to fund any impact of the Judicial Review of care home fees.

4.24 The 2016/17 Review of Reserves is due to be updated by October 2015 which will include options for increasing the level of this reserve.

4.25 Amendments to Budget

4.26 The budget has been amended to account for changes within services linked to the senior management restructure that commenced in May 2015. In addition the budget will have been updated for any new funding in-year such as allocations from Better Care Fund for adult social care.

4.27 2016/17 Budget Process

4.28 The Mayor intends to present his budget proposals for 2016/17 and future years 2017/18 and 2018/19 in the autumn. At this point consultation on significant proposals can proceed along with the budget scrutiny process.

4.29 Based on the Council's medium term resource plan the Council is planning savings to meet an estimated £33m funding gap which will inevitably have a significant impact on services.

4.30 The Chancellor in July 2015 in announcing the Spending Review 2015 released a document called "A country that lives within its means". In that document it states that "HM Treasury is inviting government departments to set out plans for reductions to their Resource budgets. In line with the approach taken in 2010, HM Treasury is asking departments to model two scenarios, of 25% and 40% savings in real terms, by 2019/20".

4.31 The results of the 2015 Spending Review will be announced on 25th November 2015. This will identify spending totals for local government; therefore the local government finance settlement that sets out individual allocations to councils will be a few weeks after that, probably announced in late December.

4.32 The Government in the Summer Budget also announced some national changes that will lead to increased costs to the Council. There is a minor financial impact

from the increase in the insurance premium tax from 6% to 9%. A more significant impact is the introduction from April 2016 of a national living wage for those aged 25 and over that will increase the current national minimum wage of £6.50 an hour to £7.20 an hour and to over £9.00 an hour by 2020.

4.33 These issues will be included in the next update to the Medium Term Resource Plan, due to be updated by end of September.

4.34 Balance Sheet issues

4.35 In the first quarter no long term borrowing was taken or repaid so the Council's long term borrowing remained at £138m which was within the Council's approved Operational Boundary and Authorised Limit (for debt and long term liabilities as set by Council In February 2015).

4.36 Apart from a finance lease for a minibus within a school the Council's long term liabilities did not increase in the quarter. The Energy from Waste Plant became operational in April 2015. If this is assessed as an asset that the Council and its two partners has control of it will be accounted for as "on balance sheet". This requires the Council to reflect its share of the asset and liability to the contractor on its balance sheet. The impact will be to increase both Council assets and long term liabilities by approximately £34m.

4.37 The Council has interests in a number of companies. The financial performance for 2014/15 of these companies is included in the Council's statement of accounts (link below). The 2014/15 accounts have now been approved, the external auditor's unqualified opinion issued and the accounts published.

4.38 Write offs above £5,000 have been circulated to Members of the Overview and Scrutiny Board as an exempt annex to this report and are available to all other Members upon request on a confidential basis.

Background Documents

2015/16 Budget Digest & supporting reports including 2015/16 Review of Reserves.

<http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=574&MId=6261&Ver=4>

Medium Term Resource Plan

<http://www.torbay.gov.uk/index/yourcouncil/financialservices/budget/budget2016-17.htm>

2014/15 Statement of Accounts

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

Agenda Item 20



Title: **Adoption Activity Report**

Public Agenda: **Yes**

Wards Affected: **All Wards in Torbay**

To: **Council** On: **24 September 2015**

Contact Officer: **Amanda White, Head of Service**

☎ Telephone: **01803 207195**

✉ E.mail: **amanda.white@torbay.gov.uk**

1. Purpose

- 1.1 This report is to inform members of the Torbay Council Children's Services of the Torbay Adoption Agency activities for the period 1st April 2014 to 31st March 2015.
- 1.2 There is a requirement that the Adoption Agency Activity is reported to the Executive annually.

2. Introduction/Service Update

- 2.1 The Adoption process in England and Wales has been subject to a series of Government led changes in recent years to address delay across the adoption process. This includes both for children waiting to be adopted and prospective adopters who wait to be assessed, approved and matched with children waiting for adoptive families. Torbay Adoption Service is small and has previously struggled to meet the timescales met. In the past three years there has been considerable improvement across all areas in relation to delay. These improvements have been maintained in this period and recognised nationally. It is hoped that the next Adoption score card results due later this year will reflect the achievements of the service in the past three years and show the improvements made.
- 2.2 This year the Adoption Service received recognition from the Department of Education for the changes made to the service and the positive impact this has made to the number of adopters recruited and children placed with permanent adoptive families. The service was rewarded with a page about the service in a commemorative book marking 750 years of Democracy and Parliament. Staff members were invited and attended a launch at Westminster Abbey in London.

- 2.3 Recruitment of adopters remains a key part of the Government agenda with a drive and encouragement for Adoption Agencies to work collaboratively with each other to improve the opportunities to recruit more adopters. Torbay Adoption Service has actively worked towards this with Plymouth City Council, Devon County Council, Families for Children and Barnados developing a consortium. **Adopt South West** is a new partnership of councils and charities working together to make the adoption process quicker and simpler. It is aimed at encouraging people who have not considered adoption before to come forward and discover if adoption is right for them. A launch earlier this year with a positive television campaign has proved to be very successful.
- 2.4 The Adoption Team has been fully staffed throughout this period with a permanent manager, social workers and community care workers with vacant posts being quickly recruited to. One Community Care Worker had a period of six months sick leave before leaving the team. This has impacted on some work which has not been fully completed around life story work with children. In March the permanent practice manager moved up to the position of Head of Service and an interim manager is currently in place. Morale and confidence within the adoption service remains high.
- 2.5 Data shows that adoption activity has remained consistent with the numbers of children achieving adoption as part of their plans. Recruitment activity remains strong and feedback from adopters is positive about their experiences with the service. Changes and challenges within the legal environment have had a negative impact on some cases where adoption was delayed due to processes. Courts need to be satisfied that there is no alternative to adoption for the child before agreeing an Order and birth parents have opportunity to challenge through the Courts up to the point that an Adoption Order is granted. These factors have meant that for some children there has been delay before an Order was granted or waiting to be placed. The number of Torbay children who achieved adoption was slightly affected by these issues meaning some Adoption Orders were delayed into the next year.
- 2.6 The responsible Agency Decision Maker has changed to the Assistant Director Children's Safeguarding and is making decisions in line with the requirements and responsibilities of the role. Returning to this situation has improved the scrutiny and independence of the processes requiring an agency decision.
- 2.7 The adoption support fund which is a government based fund to provide therapeutic services post adoption to adoptive families and children. This has been implemented since May 2015 and Torbay adoption service have made a number of successful applications to the fund.

3. Plans for children

- 3.1 During the period of 1st April 2014 to 31st March 2015 there were 19 children who the Agency Decision Maker recommended should be placed for adoption.
- 3.2 Following Court decisions 37 children were subject to a Placement Order as of 31st March 2015.

4. Placements

- 4.1 The adoption panel recommended approval of 27 matches for children with Adopters. These were all subsequently approved by the Agency Decision Maker and children were placed.
- 4.2 Geographically Torbay Council area means that it is not always appropriate to place our children with our approved adopters. Children are matched to prospective adopters from other Authorities. In this period 4 Torbay children were matched with Torbay adopters and 23 were matched and placed with adopters from other Adoption Agencies.
- 4.3 As of the 31st March 2015 there were 19 children in Adoptive placements awaiting an Adoption Order.
- 4.4 There have been 2 disruptions of placements during this period. One child with complex needs adoption broke down after the Order was granted. Another child's placement within the first day of placement when the adoptive parent felt she was unable to parent any child.

5. Adoption Orders

- 5.1 There have been 19 children who have been adopted in this 12 month period. This means that there are Adoption Orders made for each child and the children cease to be Looked After by the Local Authority.
- 5.2 The percentage of children adopted during the year is based on the total number of children looked after (for over 6 months) on 31st March 2015 and it is this percentage that is reported. However, almost two thirds of children Looked After are aged 10 and over and adoption is not likely to be a realistic option for these children.
- 5.3 The numbers of children being adopted in Torbay have risen considerably in the last three years and this has been maintained in this period.
- 5.4 The aim of Torbay Council is to consider adoption for all Looked After Children who cannot remain in or return to live with their birth families.

Table 1

Percentages of children adopted from care

Date	Total number of children looked after	Percentage of all children adopted from care	Children aged 0-9 years	Percentage of children aged 0-9 years adopted from care
31/3/12	195	2%	69	5.79%
31/3/13	221	4.98%	104	10.6%
31/3/14	249	5.59%	111	10.73%
31/3/15	305	6.22%	130	14.61%

6. Timeliness

6.1 Statistics for children adopted during the year 2014-2015, the time between the point the child became Looked After, to placement with adopters, and the time from Placement Order to matching is still below the national average. This has been affected by some wider issues which are being addressed. Torbay has successfully increased the number of older children, sibling groups and children with complex needs being adopted; the benefits of this are over shadowed by the length of time it takes to achieve the Adoption Order. There are also some children where adoption is no longer an appropriate plan or realistic option for them. As they are subject to a Placement Order they are considered in these numbers.

6.2 In this period there are 8 children who's Placement Order's have been rescinded. These include a sibling group of 3. There was one child who has had their plans returned to the Court and the Placement Order rescinded since the 31st March 2015. There are currently no children waiting to have their plans for adoption returned to the court.

6.3 Between April 2014 and March 2015, 27 children were matched and placed with adopters. This included:

6 sets of siblings (12 children)

2 children aged over 5 at the time they were placed

2 children who achieved an Adoption Order within 6 months of the Placement Order being granted

2 children who achieved an Adoption Order within 7 months of the Placement Order being granted

- 6.4 The Adoption Team still hold the responsibility for each child with a Placement Order up until the point of the Adoption Order. Early planning and matching is undertaken including the use of adoption activity days and close links with the local consortium to ensure early matches for children.
- 6.5 On 31st March 2015 there were no children with Placement Orders with over 12 months duration where the child hadn't been matched or placed with adopters. This is a significant improvement and reflects the cases that have had placement Orders rescinded.

7. Approved Adoptive Families

- 7.1 Torbay Adoption Service recruit, assess, and approve adopters via the Adoption panel and Agency Decision Maker. On 31st March 2015 11 adoptive families were approved. Of these:

7families were waiting to be matched with children
4families had had children placed with them but had not had a final Adoption Order made.

Between 1st April 2014 and 31st March 2015:

13 Adoptive families were granted Adoption Orders
4 Adoptive families were matched to children
0 Adopters withdrew from being approved adopters
1 foster carer was approved to adopt the child they were fostering
1 approved adopter was deregistered as an adopter

8. Recruitment of Adopters

- 8.1 Recruitment of adopters has continued throughout the year with focused recruitment of adopters being undertaken during National Adoption Week. There has been development of the adoption website and other materials to improve our marketing. Changes to how the team respond to new prospective adopters have been introduced to ensure a swift and clear response. Ongoing marketing and recruitment activity is likely to sit predominantly with Adopt South West although once identified prospective adopter's progress with the team through the recruitment and assessment process.
- 8.2 Between 1st April 2014 and 31st March 2015:

81 initial enquiries to become adopters were received

15 applications from people wishing to adopt were received
13 applications progressed to stage two of the assessment process
0 applications were refused by the Agency Decision Maker

9. Timeliness of Adoption Matches

9.1 Between April 1st 2014 and the 31st March 2015 the four Torbay adoptive families who were matched in Torbay waited varying periods of time between approval as adopters and the date they were matched to a child or children. Of the adopters matched to children:

1 waited less than three months
1 waited between three and six months
2 waited between 9 and 12 months
0 waited between 12 and 18 months
0 waited 18 months or more

10. Work with Birth Relatives

10.1 The adoption service has started a birth relative or anyone affected by adoption group as a “drop in”. This has not been well attended and the last one had no one attend. Support for birth families continues to be offered to families affected by adoption.

10.2 The adoption service provides a birth relative counselling service. In the period April 1st 2014 to 31st March 2015 the service received 31 referrals from the Childs social worker to offer support and counselling.

11. Adoption Contact/Letter Box Service

11.1 The Adoption Team provide a service for families with regard to post adoption contact. This contact can be indirect through the letter box service and may be between birth and adoptive families only or may be with the child or siblings. Some direct contact takes place between adopted children and family members. This is a busy service and is managed on a day to day basis by one of the community care workers.

11.2 The Adoption Service have a total of 1204 letter box contacts of which 894 are active, some of the inactive ones are either the birth relative or adopters that have not engaged or the children are over 18/21; we have approximately 191 children on the database. Currently we are supervising and facilitating 14 direct contacts with birth relatives and adopters and children.

12. Work with Adoptive Families

- 12.1 Work with families following a post adoption assessment of need has increased. The majority of these referrals relate to children and young people who require direct work and support with life story work. Currently the service provides support to 32 adoptive families living in Torbay.
- 12.2 The adoption support service currently run three adopters social groups a year which are well attended. Additionally there are three adopted young person's groups which have a varied age group attending. An adopter led support group is being developed for later this year facilitated by the Adoption Support Team.
- 12.3 Adopters are offered training opportunities on a variety of topics. This year there have been two therapeutic parenting courses followed by a support group and a 90 minute consultation opportunity for adopters who have attended.
- 12.4 With the introduction of the adoption support fund and adoption passport the adoption team led two consultation events to seek the views of adopters with regard to adoption support services across the area.
- 12.5 The adoption team provides a service to adopted adults to access their adoption records and advice on tracing birth relatives. Recent changes in legislation have meant that relatives of the adopted person can also request access to the adoption records of an adopted adult. For adoptions pre 1975 there is a statutory responsibility to provide counselling prior to accessing the adoption records.
- 12.6 Every child that is adopted has life story work undertaken and there is a statutory requirement to provide the life story book. These are completed the community care workers within the adoption support team. This is large amount of the work for the adoption support time.

13. Therapeutic Service

- 13.1 The Adoption service have a part time play therapist. There is provision for six children to receive play therapy. This service is well used within the adoption service.
- 13.2 The adoption service provides Theraplay which is an attachment based model of working directly with children and adopters to build and develop the attachment between the child and their adoptive parent. An assessment is undertaken to assess the attachment relationship within the adoptive family and provide a specific intervention for the family.

- 13.3 The adoption team are developing a service to provide a therapeutic counselling service to adopters with a BACP registered therapist and will be developing this further.
- 13.4 Torbay have developed the THRIVE model of working with children which promotes an early identification of emotional developmental need so that differentiated provision can be put in place for the individual child. The service is providing this to the adoptive families who are assessed resulting in a plan of activity with the child which is implemented by the adopters or other appropriate adult in the child's life.

14. Adoption Panel

- 14.1 The Adoption Panel has continued to meet and function within guidance and regulation to a good standard. The panel are comfortable with providing robust scrutiny and challenge to the Adoption Service. This is a meaningful process which meets all the expectations of the service. The long term permanent panel chair has resigned from post this year and has been replaced with another experienced permanent chair. There have also been some changes to panel membership. There have been no recommendations made by the panel and/ or decisions by the Agency Decision maker that have resulted in a referral to the Independent Review Mechanism. The Independent review Mechanism is an independent body which can review the decision of the Agency Decision Maker if challenged by the individual.

15. Inter-country adoptions

- 15.1 There have been no inter-country adoptions within this service in this year. Should there be a need then this would be commissioned outside the service.

16. Service Development

- 16.1 Development within the service continues across all areas. Work with the South West Adoption consortium (SWAC) also continues at this time with close liaison with regard to matching children with adopter's, adoption exchanges and adoption activity days. This consortium is likely to change in the future with the development of the Adopt South West partnership. Adopt South West in addition to the recruitment arrangements have also held a very well attended conference in early April. In response to further government plans for encouraging agencies to form alliances and develop single services Adopt South West have expressed an interest and are in discussion with other Authorities locally to join the partnership.

17. Recommendations

17.1 That the contents of the submitted report be noted.

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

This report is presented to the meeting of Council on 24 September 2015 in accordance with Standing Order C4.2(a) for inclusion in the Council’s Scheme of Delegation (Schedule 5 to Part 3) of the Constitution of Torbay Council.

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 - 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 Corporate Services – Councillor Andy Lang	c/o Town Hall Castle Circus Torquay TQ1 3DR	Tormohun
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 248</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"/> Executive Director of Operations and Finance/Chief Executive Torbay Development Agency <input type="checkbox"/> Chief Finance Officer
<p>Deputy Mayor and Executive Lead for Health and Wellbeing</p> <p>Councillor Derek Mills</p>	<p>Public Health</p> <ul style="list-style-type: none"> <input type="checkbox"/> Public Health Commissioning Team <input type="checkbox"/> Community Development Trust (Mental Health Champion) <p>Special Projects</p> <ul style="list-style-type: none"> <input type="checkbox"/> Special projects and innovation 	<ul style="list-style-type: none"> <input type="checkbox"/> Director of Public Health <input type="checkbox"/> Director of Children’s Services

Executive Lead	Portfolio:	Main Director/Assistant Director/Executive Head/Lead Officer
<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
<p>Executive Lead for Tourism, Culture and Harbours</p> <p>Councillor Nicole Amil</p>	<ul style="list-style-type: none"> <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) 	<ul style="list-style-type: none"> <input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Executive Head of Business Services

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Executive Lead	Portfolio:	Main Director/Assistant Director/Executive Head/Lead Officer
Executive Lead for Community Services Councillor Robert Excell	<p>Community and Customer Services:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental Health and Community Safety <input type="checkbox"/> Highways and Street Scene <input type="checkbox"/> Sport <p>Business Services:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Car Parking 	<ul style="list-style-type: none"> <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> <ul style="list-style-type: none"> <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 	<ul style="list-style-type: none"> <input type="checkbox"/> Executive Head of Customer Services
Executive Lead for Corporate Services Councillor Andy Lang	<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"/> Assistant Director of Corporate and Business Services

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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 251</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 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 Executive Director of Operations and Finance 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.
 - (v) If the elected Mayor or the Deputy Mayor (Councillor Derek Mills) are unable to act on a matter requiring a decision then the Executive Director of Operations and Finance 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.

**Standing Order D11 (in relation to Overview and Scrutiny) – Call-in and Urgency
Council Meeting, 24 September 2015**

In accordance with Standing Order D11, the call-in procedure does not apply where the executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests.

Before deciding whether a decision is urgent the decision making person or body must consult the Overview and Scrutiny Co-ordinator, or in his absence either:

- (a) (if the decision is a Key Decision and Standing Order E14 (General Exception) applies) each member of the Overview and Scrutiny Board shall be consulted; or
- (b) (in all other cases) the Chairman of the Council, or (if there is no Chairman/woman of the Council appointed) the Vice-Chairman/woman of the Council, shall be consulted.

Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council, together with the reasons for urgency and a summary of the consultation undertaken.

The table below sets out this information:

Matter for decision	Decision-taker	Reasons for urgency	Consultation
<p>Youth Homelessness Accommodation and Support Services Outreach and Accommodation Contract Award</p>	<p>The Mayor</p>	<p>On 16 July 2015 the Mayor approved a contract for Youth Homelessness Accommodation and Support Services Outreach and Accommodation.</p> <p>This contract sits alongside the Supported Lodgings contract which was part of the same tender and which was awarded on 4th June. There has been a delay in making a recommendation for this contract due to extended post tender negotiations around details of the accommodation model and provision which have now been completed to the satisfaction of commissioners.</p> <p>It is for this reason that the contract needs to be awarded as soon as possible to allow the lead in time which will include identifying and sourcing properties into which the outreach support will be delivered, and providing the staff to manage the properties by the beginning of December 2015. Delays will lead to a lack of, or insufficient units of accommodation to provide outreach to, and no staff to manage the accommodation. This will have an impact on the Council's temporary accommodation resources as the majority of young people to whom the service will be delivered are likely to be considered as homeless and in priority need according to the Council's statutory responsibilities under homelessness legislation.</p> <p>The provider of the current contract has agreed to extend their provision to December however a further extension beyond this time is not practical or affordable and there is a risk that the Council will then lose the preferred bidder or they will look to re-negotiate the contract price.</p> <p>Any delay likely to be caused by the call-in process would prejudice the Council's interests.</p>	<p>The Overview and Scrutiny Co-ordinator was consulted on 8 July 2015</p>

Matter for decision	Decision-taker	Reasons for urgency	Consultation
Procurement of a service for single homeless people with support needs, within Leonard Stocks building, with an option to move to alternative location	Executive Lead for Business	<p>The existing extended contract comes to an end in March 2016.</p> <p>The Council's procurement team advises that it is not possible to extend the contract. To do so would constitute a breach of the Public Contracts Regulations and leave the Council open to legal challenge.</p> <p>It is for this reason that the procurement process needs to commence immediately to ensure appropriate development and notice periods are completed within the required timescales to ensure that there is no gap in Service and the Council is able to meet its statutory responsibilities under homeless legislation. Therefore any delay likely to be caused by the call-in process would prejudice the Council's interests.</p>	The Overview and Scrutiny Co-ordinator was consulted on 20 August 2015.