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Wednesday, 15 February 2017

## Meeting of the Council – Revised Agenda

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, 23 February 2017 commencing at 2.30 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  
Chief Executive

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

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**A prosperous and healthy Torbay**

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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

## Revised 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 2 February and the adjourned meeting held on 9 February 2017.

(Pages 5 - 38)

4. **Declarations of interests**

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

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

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

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

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

5. **Communications**

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

6. **Members' questions**

To respond to the submitted questions asked under Standing Order A13.

(Page 39)

7. **Notice of motion**

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

- (a) Notice of Motion - Clinical Health Services (Mayoral Decision) (Page 40)
8. **Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust** (Pages 41 - 89)  
To consider the submitted report on the above Policy Framework document and any recommendations from the Overview and Scrutiny Board.
9. **Review of Torbay Council Investment Fund Strategy** (Pages 90 - 104)  
To consider the submitted report on a review of the Council's Investment Fund Strategy (Policy Framework) and terms of reference for the Investment Committee.
10. **Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions** (Pages 105 - 127)  
To consider the submitted report on the annual review of the Council's Pay Policy Statement and Pensions Discretions.
11. **Heart of the South West Devolution - Update and Appointment of Joint Committee** (Pages 128 - 138)  
To consider the submitted report on the above.
12. **Decision to Opt in to the National Scheme for Auditor Appointments with Public Sector Audit Appointment (PSAA) as the 'Appointing Person'** (Pages 139 - 144)  
To consider the submitted report on a proposal to appoint the external auditor to the Council for the 2018/2019 accounts and beyond.
13. **Provisional Calendar of Meetings for 2017/2018** (Pages 145 - 148)  
To consider the submitted report setting out the provisional calendar of meetings for 2017/2018.
14. **Adjournment**  
To consider adjourning the meeting until 5.30 p.m.
15. **Revenue Budget 2017/2018** (To Follow)  
To consider the final recommendations of the Mayor on the Revenue Budget Proposals for 2017/2018.
- Mayor's response to objection to Revenue Budget proposals (to follow)
  - Mayor's Final Budget Proposals
  - Chief Finance Officer's Report
  - Proposed Budget Digest (including the proposals for service change, income generation and savings)
  - Equality Impact Assessments
  - Proposed Fees and Charges

(see [www.torbay.gov.uk/budget-201718](http://www.torbay.gov.uk/budget-201718) and <http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=6618&Ver=4> – agenda for adjourned Council

meeting on 9 February 2017)

- 16. Capital Plan 2017/2018** (To Follow)  
To consider the final recommendations of the Mayor (set out in his Record of Decision - to follow) on the Capital Plan Budget proposals for 2017/2018 and the application of Capital Projects Scoring Matrix to the reserve list of Capital Schemes.  
  
(see <http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MIId=6618&Ver=4> – agenda for adjourned Council meeting on 9 February 2017)
- 17. Mayor's Response to Objection to the Review of Reserves** (To Follow)  
To consider the record of decision setting out the Mayor's formal response to the Council's objections to the Review of Reserves.
- 18. Council Tax 2017/2018** (To Follow)  
To consider the submitted report on the Council Tax for 2017/2018.
- 19. Jubilee Gardens - Mayoral Recommendations** (Pages 149 - 171)  
To consider the submitted report setting out the recommendations of the Mayor on a proposal to retain ownership of Jubilee Gardens and place a covenant on the land protecting it from future development.
- 20. Request for Loan to South Devon College to Support the Development and Construction of a New Hi Tech Skills Centre** (To Follow)  
To consider the submitted report on the above.  
  
(Note: this report contains an exempt appendix which has been circulated separately.)
- 21. Review of Electoral Arrangements - Submission by Torbay Council on Council Size** (Pages 172 - 196)  
To consider the submitted report on the above.
- 22. Transformation Project - Generating Income through Housing** (To Follow)  
To consider the submitted report on the above.  
  
(Note: this report contains an exempt appendix which has been circulated separately.)

**Note**

An audio recording of this meeting will normally be available at [www.torbay.gov.uk](http://www.torbay.gov.uk) within 48 hours.



## **Minutes of the Council** **(Council decisions shown in bold text)**

**2 February 2017**

**-: 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, Kingscote, Lewis, Manning, Mills, Morey, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman

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### **116 Opening of meeting**

Members observed a minutes silence as a mark of respect in memory of Gerald Skinner, a past Mayor of Torbay, who had recently passed away. The Chairman's Chaplain then opened the meeting with a prayer.

### **117 Apologies for absence**

Apologies for absence were received from Councillors Morris, O'Dwyer, Pentney and Winfield.

### **118 Minutes**

The Minutes of the meeting of the Council held on 8 December 2016 were confirmed as a correct record and signed by the Chairman.

### **119 Declarations of interests**

In respect of item 20 on the agenda (Torbay Economic Development Company Limited Business Plan 2017 to 2021), the Chairman advised, that whilst not a personal interest, the Council's Chief Executive was also the Chief Executive of the TDA (Torbay Development Association), a wholly owned and controlled subsidiary of Torbay Council.

The following non-pecuniary interests were declared:

<b>Councillor</b>	<b>Minute Number</b>	<b>Nature of interest</b>
Councillor Thomas (J)	128	Trustee of the Shekinah Mission
Councillor Carter	132	Council appointed non executive director of Torbay Economic Development Company Ltd
Councillor Mills	132	Council appointed Board Member of Torbay Economic Development Company Ltd
Councillor Tyerman	132	Council appointed Director of Torbay Economic Development Company Ltd

Mayor Oliver declared a pecuniary interest in respect of Minute 133.

## **120 Communications**

The Chairman welcomed the Local Government Association whose representative was attending the meeting and thanked the Association for its work and assistance on the Council's improvement journey.

## **121 Order of Business**

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable:

- a) Item 9a on the agenda (Notice of Motion – King George V Playing Field) to be considered after Item 7 (Petition for Debate – Save our King George V Playing Fields);
- b) Item 16 on the agenda (Revenue Budget Monitoring 2016/17 – Quarter 3) and Item 18 (Composition and Constitution of Executive and Delegation of Executive Functions) to be considered prior to Item 19 (Exclusion of the Press and Public); and
- c) Item 13 on the agenda (Community Infrastructure Levy), Item 14 (Mayor's response to objection to Planning Contributions and Affordable Housing Supplementary Planning Document), Item 15 (Capital Plan 2016/2017 – Quarter 3 Monitoring) and Item 17 (Chairman/woman and Vice-Chairman/woman Select) to be considered at the end of today's meeting.

## **122 Petition for Debate - Save our King George V Playing Fields and Notice of Motion - King George V Playing Field**

In accordance with Standing Order A12, the Council received a petition requesting the Council to approve the dedication of the King George V Playing Fields (approximately 1,154 signatures).

At the invitation of the Chairman, Mr Ward addressed the Council.

The Chairman advised that, under the Council's Petition Scheme, as the petition had reached the 1,000 signature threshold it was subject to debate by the Council.

The Monitoring Officer outlined the options open to the Council.

The Chairman informed members that the Council had also received a Notice of Motion on the same matter which requested the Council to take the action sought by the petitioners. The Notice of Motion would therefore be considered with this item to commence the debate on the petition.

During the debate, the Monitoring Officer provided clarity in respect of the definition of the Council's asset named King George V playing field, as shown on plan EM2370 and attached at Appendix 1 to these minutes.

Councillor Darling (S) proposed and Councillor Stringer seconded the motion, as set out below:

That this Council notes:

That, 80 years ago the King George the V playing fields off of Teignmouth Road, Watcombe, Torquay should have been registered with the National Memorial scheme for King George the V. Unfortunately, this was never done.

That this Council be recommended:

On the basis that the Corporate Asset Management Plan means that the dedication of the King George the V playing field is a decision for Full Council, the movers of the motion ask Torbay's Full Council to approve such a dedication and instruct officers to register it.

An amendment by Councillor Excell and seconded by Councillor King was circulated prior to the meeting. Councillor Darling (S) and Councillor Stringer accepted the amendment, which was then incorporated in the original motion and was agreed by the Council (unanimously) as set out below:

**That this Council be recommended:**

**On the basis that the Corporate Asset Management Plan means that the dedication of the King George the V playing field is a decision for Full Council, the movers of the motion ask Torbay's Full Council to approve such a dedication and instruct officers to register it at the earliest opportunity and within one year.**

**123 Members' questions**

Members received a paper detailing the questions and answers, as set out at Appendix 2 to these Minutes, notice of which had been given in accordance with Standing Order A13.

Written responses were circulated prior to the meeting. Supplementary questions were then asked in respect of questions 1, 2, 3, 5, 7 and 12. Verbal responses were provided at the meeting and a written response would be provided for the supplementary question in respect of question 12 by the Executive Lead for Planning, Transport and Housing.

**124 Notice of Motion - Devolution Discussions**

Members considered a motion in relation to the devolution deal for the Heart of the Southwest and devolution discussions on sub-regional opportunities, notice of which was given in accordance with Standing Order A14.

Councillor Thomas (D) proposed and Councillor Tyerman seconded a motion as set out below:

That the Council be recommended:

- (i) to confirm its commitment to the devolution deal for the Heart of the Southwest and instruct the Chief Executive and Officers to continue their support for the development of the productivity plan and the establishment of governance for its delivery;
- (ii) to instruct the Chief Executive (working with representatives from the Devolution Working Party) to explore as a matter of urgency, sub regional opportunities with Plymouth City Council, Exeter City Council and any other authorities wishing to discuss devolution options which would have a potential benefit to Torbay. These discussions will enable the Council to ensure that all possibilities have been considered in the event that the Heart of the South West deal is not progressed, or is not as significant as originally envisaged; and
- (iii) the Chief Executive is instructed to report progress on both (i) and (ii) above, to the Devolution Working Party and Council as he deems appropriate.

During the debate Mayor Oliver proposed and Councillor Mills seconded an amendment to the motion as follows:

- (ii) that, subject to the Chief Executive firstly consulting with the private sector members of the South West Local Enterprise Partnership (LEP) to ascertain their views on developing alternative proposals (as has been the case with other devolution bids), to instruct the Chief Executive (working with representatives from the Devolution Working



Party) to explore as a matter of urgency sub regional opportunities with Plymouth City Council, Exeter City Council and any other authorities wishing to discuss devolution options which would have a potential benefit to Torbay. These discussions will enable the Council to ensure that all possibilities have been considered in the event that the Heart of the South West deal is not progressed, or is not as significant as originally envisaged.

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: Mayor Oliver, Councillors Amil, Excell, Haddock, King, Manning, Mills, Parrott and Stubley (9); Against: Councillors Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (24); and Absent: Councillors Morris, O'Dwyer, Pentney and Winfield (4). Therefore, the amendment was declared lost.

Councillor Thomas (D) and Councillor Tyerman's original motion was then considered by the Council which was agreed, as set out below:

**That the Council be recommended:**

- (i) to confirm its commitment to the devolution deal for the Heart of the Southwest and instruct the Chief Executive and Officers to continue their support for the development of the productivity plan and the establishment of governance for its delivery;**
- (ii) to instruct the Chief Executive (working with representatives from the Devolution Working Party) to explore as a matter of urgency sub regional opportunities with Plymouth City Council, Exeter City Council and any other authorities wishing to discuss devolution options which would have a potential benefit to Torbay. These discussions will enable the Council to ensure that all possibilities have been considered in the event that the Heart of the South West deal is not progressed, or is not as significant as originally envisaged; and**
- (iii) the Chief Executive is instructed to report progress on both (i) and (ii) above, to the Devolution Working Party and Council as he deems appropriate.**

(Note: Mayor Oliver and Councillors Amil, Excell, Mills and Haddock required their abstention from voting on the decision in Minute 124 to be recorded.)

## **125 Notice of Motion - Care Leavers Council Tax Exemption**

Members considered a motion in relation to a proposal for care leavers to be exempt from paying Council Tax, notice of which was given in accordance with Standing Order A14.

Councillor Doggett proposed and Councillor Stocks seconded the motion, as set out below:

The Council notes that:

1. Last year a number of young people (aged 16 or over) left the care of Torbay Local Authority and began the difficult transition out of care and into adulthood;
2. A 2016 report by the Children's Society found that when care leavers move into independent accommodation they begin to manage their own budget fully for the first time. The report showed that care leavers can find this extremely challenging and, with no family to support them and insufficient financial education, are falling into debt and financial difficulty;
3. Research from the Centre of Social Justice found that over half (57%) of young people leaving care have difficulty managing their money and avoiding debt when leaving care; and
4. The Local Authority has a duty of care to care leavers.

The Council believes that:

1. To ensure that the transition from care to adult life is as smooth as possible, and to mitigate the chances of care leavers falling into debt as they begin to manage their own finances, they should be exempt from paying Council Tax until they are aged 25.
2. Care leavers are a particularly vulnerable group for Council Tax debt.

This Council resolves:

- (i) to request officers to explore exempting all care leavers from Council tax up to the age of 25 as part of the development of the 2018/19 Council Tax Support Scheme; and
- (ii) the Mayor write to the Minister of State for Children and Families, Edward Timpson M.P, urging him to introduce a national exemption for care leavers from Council Tax up to the age of 25.

An amendment by Councillor Thomas (D) and seconded by Councillor Barnby was circulated prior to the meeting. Councillor Doggett and Councillor Stocks accepted the amendment, which was then incorporated in the original motion and was agreed by the Council (unanimously) as set out below:

**This Council resolves:**

**To request officers to explore all aspects involved in exempting all care leavers from Council tax up to the age of 25 as part of the**

development of the 2018/19 Council Tax Support Scheme and provide a report to Council in order for them to be fully aware of the financial implications of such a scheme, The report should include, but not be limited to:

1. the number of care leavers currently in the system that would be affected together with a projection of numbers over the next 5 years;
2. the impact of providing such support to care leavers from other authorities who move into the area, together with those Torbay care leavers who move out of the area;
3. the cost of implementation of such a scheme;
4. whether the Council can lawfully do this;
5. support currently offered to this group of individuals; and
6. what enhanced education could be provided regarding money management and financial difficulty before care leavers have to face this issue.

**126 Local Government Association Corporate Peer Challenge Follow Up Visit and Finance Review, plus CIPFA Financial Resilience Review - Progress Report and Revised Action Plan**

The Council received an update on the progress made since the Local Government Association (LGA) Corporate Peer Challenge action plan had been approved on 7 April 2016 (as set out in the submitted report). The submitted report also set out a revised and prioritised action plan which encompassed further reports received from the LGA (follow up visit and finance review) plus the CIPFA Financial Resilience Review feedback.

Councillor Mills proposed and Councillor Cunningham seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that the LGA Corporate Peer Challenge Follow up day Summary Report and Efficiency Plan Review (as set out at Appendices 1 and 2 to the submitted report), the LGA Finance Review of Torbay Council (as set out at Appendix 3 to the submitted report) and CIPFA Financial Resilience Review (as set out at Appendix 4 to the submitted report), be noted;
- (ii) that the progress made on the original Local Government Association (LGA) Corporate Peer Challenge Feedback Action Plan (as set out at Appendix 5 to the submitted report) be noted; and

- (iii) **that the revised and re-prioritised LGA Corporate Peer Challenge/Finance Review and CIPFA Financial Resilience Review action plan as set out at Appendix 6 to the submitted report be approved.**

## 127 **Call In of Mayor's Decision on Potential Helipad and Light Rail System for Torbay**

At its meeting held on 14 December 2016, the Overview and Scrutiny Board considered the Notice of Call-in of the Mayor's decision in respect of a potential helipad and light rail system for Torbay. The Board resolved that, having listened to the advice of the Monitoring Officer and Chief Finance Officer, the Mayor's decision was contrary to the Policy Framework as it did not believe that the Mayor's decision made best use of the Council's reducing resources. In accordance with Standing Order D10.3 the matter was referred to the Council for consideration.

The Council considered the submitted report on the findings of the Overview and Scrutiny Board and further information regarding the Mayor's decision, along with the advice of the Monitoring Officer and Chief Finance Officer.

Members firstly considered whether or not the Mayor's decision was contrary to the Policy Framework.

Councillor Lewis proposed and Councillor Doggett seconded a motion, which was agreed by the Council as set out below:

**that the Mayor's decision is contrary to the Policy Framework (Corporate Plan) as it does not believe that it makes best effect of the Council's reducing resources.**

In accordance with Standing Order D10.8, the Monitoring Officer advised that, as the Council had determined that the Mayor's decision was contrary to the Policy Framework, the decision was deemed as a recommendation to the Council. The recommendation of the Mayor became the motion before Council as follows:

- (i) that the Assistant Director of Corporate and Business Services be requested to consult the private sector and businesses in the aviation sector for their views on the principle of establishing a helipad facility for Torbay and that this should give the opportunity for the private sector undertaking feasibility work and to put forward proposals;
- (ii) that an informal working group comprising the Mayor and business leaders be established to investigate the economic benefits to Torbay of having a helipad facility;
- (iii) that further discussions be held between the Spatial Planning Department and Devon Air Ambulance in respect of their needs for adequate facilities; and

- (iv) that due to the economic growth in Brixham in the fishing and tourism industry there is a need to improve transport links in and out of Brixham and the surrounding area to cope with this growth and the Assistant Director of Corporate and Business Services be requested to consult with the fishing industry, Brixham Town Council, rail user groups and existing rail owners to establish, in principle, if the formation of a light railway system will benefit the long term economic prospects of Brixham and the surrounding area.

During the debate Councillor Tyerman proposed and Councillor Lewis seconded an amendment to the motion as follows:

- ~~(i) that the Assistant Director of Corporate and Business Services be requested to consult the private sector and businesses in the aviation sector for their views on the principle of establishing a helipad facility for Torbay and that this should give the opportunity for the private sector undertaking feasibility work and to put forward proposals;~~
- ~~(ii) that an informal working group comprising the Mayor and business leaders be established to investigate the economic benefits to Torbay of having a helipad facility;~~
- ~~(iii) that further discussions be held between the Spatial Planning Department and Devon Air Ambulance in respect of their needs for adequate facilities; and~~
- ~~(iv) that due to the economic growth in Brixham in the fishing and tourism industry there is a need to improve transport links in and out of Brixham and the surrounding area to cope with this growth and the Assistant Director of Corporate and Business Services be requested to consult with the fishing industry, Brixham Town Council, rail user groups and existing rail owners to establish, in principle, if the formation of a light railway system will benefit the long term economic prospects of Brixham and the surrounding area.~~
- (i) that, given the level of financial cost necessary and the unlikely prospects of finding suitable capital funding for delivery, the Head of Paid Service be instructed not to allocate further work or resource (both financial or officer intellectual time) to be undertaken on consultation or feasibility of these areas; and
- (ii) that the Mayor be requested to work with the private sector, without using officer resources, to encourage them to undertake feasibility work and take forward proposals once they are fully developed via a planning application and through the normal planning process.

The amendment was put to the vote and declared carried.

At this juncture, a procedural motion (in accordance with Standing Order A16.11(a)(iv)) to move to the vote was proposed by Councillor Thomas (D) and

seconded by Councillor Darling (S) and was declared carried. Accordingly, the amended (substantive) motion was put to the vote and was agreed by the Council as follows:

- (i) **that, given the level of financial cost necessary and the unlikely prospects of finding suitable capital funding for delivery, the Head of Paid Service be instructed not to allocate further work or resource (both financial or officer intellectual time) to be undertaken on consultation or feasibility of these areas; and**
- (ii) **that the Mayor be requested to work with the private sector, without using officer resources, to encourage them to undertake feasibility work and take forward proposals once they are fully developed via a planning application and through the normal planning process.**

(Note: Mayor Oliver and Councillor Haddock required their vote against the amendment on the decision in Minute 127 to be recorded.)

**128 Call In of Mayor's Decision on Bylaws Homeless People and Begging and Traffic Regulation Orders Preventing Motor Homes Parking in Residential Areas**

At its meeting held on 14 December 2016, the Overview and Scrutiny Board considered the Notice of Call-in of the Mayor's decision in respect of a consultation exercise in respect of introducing bylaws to address rough sleeping and preventing motor homes being used as permanent homes in resident areas/public highways. The Board resolved that, having listened to the advice of the Monitoring Officer and Chief Finance Officer, the Mayor's decision was contrary to the Policy Framework as it did not believe that the Mayor's decision made best use of the Council's reducing resources. In accordance with Standing Order D10.3 the matter was referred to the Council for consideration.

The Council considered the submitted report on the findings of the Overview and Scrutiny Board and further information regarding the Mayor's decision, along with the advice of the Monitoring Officer and Chief Finance Officer.

Members firstly considered whether or not the Mayor's decision was contrary to the Policy Framework.

Councillor Lewis proposed and Councillor Stocks seconded a motion, which was agreed by the Council as set out below:

**that the Mayor's decision is contrary to the Policy Framework (Corporate Plan) as it does not believe that it makes best effect of the Council's reducing resources.**

(Note: Councillors Excell, King and Haddock required their vote against the decision above to be recorded.)

In accordance with Standing Order D10.8, the Monitoring Officer advised that as the Council had determined that the Mayor's decision was contrary to the Policy Framework, the decision was deemed as a recommendation to the Council. The recommendation of the Mayor became the motion before Council as follows:

that the Assistant Director of Community and Customer Services be requested to commission a consultation exercise with the public, partners and the voluntary sector to assess opinion with regards to what further action the Council (and partners where appropriate) should take in response to the issues of:

- introducing bylaws or Public Spaces Protection Orders (PSPOs) to address the problem of rough sleeping on the seafront and town centres;
- providing support to, and safeguarding, individuals with a genuine rough sleeping / street homelessness need; and
- the use of motor homes as permanent accommodation in residential areas/public highways.

During the debate Councillor Thomas (D) proposed and Councillor Thomas (J) seconded an amendment to the motion as follows:

~~that the Assistant Director of Community and Customer Services be requested to commission a consultation exercise with the public, partners and the voluntary sector to assess opinion with regards to what further action the Council (and partners where appropriate) should take in response to the issues of:~~

- ~~• introducing bylaws or Public Spaces Protection Orders (PSPOs) to address the problem of rough sleeping on the seafront and town centres;~~
- ~~• providing support to, and safeguarding, individuals with a genuine rough sleeping / street homelessness need; and~~
- ~~• the use of motor homes as permanent accommodation in residential areas/public highways.~~

- (i) that, as the Council has no wish to criminalise homeless people through the introduction of a bylaw, the Head of Paid Service be instructed not to allocate officer resources to undertake any consultation exercise on this matter;
- (ii) that, the Council recognises that the Bay currently suffers from two problems, namely anti-social behaviour (including aggressive and professional begging and anti-social behaviour in Town Centres) and Homeless people, and that these are two separate issues require different solutions to resolve them. Therefore, the Council requests the Torbay Community Safety Partnership to work with public, partners and the voluntary sector to find sustainable solutions to:-

- A) rough sleeping and,
- B) aggressive and professional begging and anti-social behaviour in Town Centres.

This work to produce a clear plan of:

- how the Council in partnership with others will deliver assertive outreach with rough sleepers in line with the new funding allocation given to Torbay for the next 2 years;
- where enforcement powers can be appropriately deployed to address persistent anti-social behaviour and aggressive or professional begging on the streets;
- how the council and partners can adopt best practice from the UK and other European cities initiatives to end rough sleeping.

During the debate on the amendment, Councillor Thomas (D) and Councillor Thomas (J) accepted additional wording in respect of consultation. The amendment was put to the vote and declared carried (unanimously).

The amended (substantive) motion was then considered by members, which was agreed (unanimously) by the Council as follows:

- (i) that, as the Council has no wish to criminalise homeless people through the introduction of a bylaw, the Head of Paid Service be instructed not to allocate officer resources to undertake any consultation exercise on this matter;**
- (ii) that, the Council recognises that the Bay currently suffers from two problems, namely anti-social behaviour (including aggressive and professional begging and anti-social behaviour in Town Centres) and Homeless people, and that these are two separate issues require different solutions to resolve them. Therefore, the Council requests the Torbay Community Safety Partnership to work and consult with public, partners and the voluntary sector to find sustainable solutions to:-**

- C) rough sleeping and,**
- D) aggressive and professional begging and anti-social behaviour in Town Centres.**

**This work to produce a clear plan of:**

- how the Council in partnership with others will deliver assertive outreach with rough sleepers in line with the new funding allocation given to Torbay for the next 2 years;**



- where enforcement powers can be appropriately deployed to address persistent anti-social behaviour and aggressive or professional begging on the streets;
- how the council and partners can adopt best practice from the UK and other European cities initiatives to end rough sleeping.

### 129 Revenue Budget 2016/2017 - Quarter 3 Monitoring

The Council noted the forecast position for Revenue Budget for 2016/17 based on quarter three information, as set out in the submitted report.

### 130 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.

### 131 Exclusion of the Press and Public

Councillor Manning proposed and Councillor Sykes seconded the motion, which was agreed by the Council (unanimously), as set out below:

**that the press and public be excluded from the meeting prior to consideration of items 20 and 21 on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.**

Prior to consideration of the items in Minutes 132 and 133 the press and public were formally excluded from the meeting.

### 132 Torbay Economic Development Company Limited Business Plan 2017 to 2021

Members received the Torbay Economic Development Company Limited Business Plan 2017 to 2021 as part of the Council's Policy Framework. The submitted report set out the business plan (exempt document) and explained the operation of Torbay Economic Development Company Limited (operating under the trading name of TDA) as the Council's wholly owned and controlled economic development company.

Mayor Oliver proposed and Councillor Haddock seconded a motion which was agreed by the Council as set out below:

- (i) **that the draft Torbay Economic Development Company Limited Business Plan 2017 to 2021 set out at exempt Appendix 1 to the submitted report be approved; and**

- (ii) **that the Assistant Director of Corporate and Business Services be given delegated authority to agree any changes to the Business Plan arising from the Council's approved budget.**

(Note: Prior to consideration of Minute 132, Councillors Carter, Mills and Tyerman declared their non-pecuniary interests.)

**133 Call-in of Deputy Mayor's Decision on Lease of part of the 4th Floor of Tor Hill House, Union Street, Torquay**

At its meeting held on 25 January 2017, the Overview and Scrutiny Board considered the Notice of Call-in of the Deputy Mayor's decision to grant a 10 year lease to a local media company for the south side of the 4th floor of Tor Hill House, Torquay, following the vacation of Children's Services from Tor Hill House. The Board resolved that, having listened to the advice of the Monitoring Officer, the Deputy Mayor's decision was contrary to the Policy Framework as it did not believe that the Deputy Mayor's decision conformed with the Corporate Plan or Corporate Asset Management Plan. In accordance with Standing Order D10.3 the matter was referred to the Council for consideration.

The Council considered the submitted report on the findings of the Overview and Scrutiny Board and further information regarding the Deputy Mayor's decision, along with the advice of the Monitoring Officer, Chief Finance Officer and the Director of Children's Services.

Members firstly considered whether or not the Deputy Mayor's decision was contrary to the Policy Framework.

Councillor Lewis proposed and Councillor Darling (S) seconded a motion, which was agreed by the Council as set out below:

- that the Deputy Mayor's decision is contrary to the Policy Framework as it does not conform with the Corporate Plan or the Corporate Asset Management Plan.**

In accordance with Standing Order D10.8, the Monitoring Officer advised that, as the Council had determined that the Deputy Mayor's decision was contrary to the Policy Framework, the decision was deemed as a recommendation to the Council. The recommendation of the Deputy Mayor became the motion before Council as follows:

- (i) that a local media company be granted a 10 year lease for the south side of the 4th floor of Tor Hill House, Union Street, Torquay on Heads of Terms as agreed by the Assistant Director of Corporate and Business Services and following the vacation of Children's Services from Tor Hill House; and
- (ii) that Adult Services and Public Health be relocated from Tor Hill House within six months of the new tenant occupying Tor Hill House.

During the debate Councillor Tyerman proposed and Councillor Morey seconded an amendment to the motion as follows:

- ~~(i) that a local media company be granted a 10 year lease for the south side of the 4th floor of Tor Hill House, Union Street, Torquay on Heads of Terms as agreed by the Assistant Director of Corporate and Business Services and following the vacation of Children's Services from Tor Hill House; and~~
- ~~(ii) that Adult Services and Public Health be relocated from Tor Hill House within six months of the new tenant occupying Tor Hill House.~~
- (i) that, a local media company be granted a lease for the south side of the 4th floor of Tor Hill House, Union Street, Torquay and the Executive Head of Business Services be given delegated authority to determine the Heads of Terms of the lease ensuring that the terms reflect the mitigating actions as set out in paragraph 5.3.1.2 of the exempt submitted report.

The amendment was put to the vote and declared carried.

The amended (substantive) motion was then considered by members, which was agreed by the Council as follows:

**that, a local media company be granted a lease for the south side of the 4th floor of Tor Hill House, Union Street, Torquay and the Executive Head of Business Services be given delegated authority to determine the Heads of Terms of the lease ensuring that the terms reflect the mitigating actions as set out in paragraph 5.3.1.2 of the exempt submitted report.**

(Note: Councillor Amil, Excell, Haddock, King, Manning, Mills, Parrott and Stublely required their vote against the amendment and substantive motion on the decision in Minute 133 to be recorded.)

(Note: Prior to consideration of Minute 133, the Mayor declared his pecuniary interest and withdrew for the remainder of the meeting.)

#### **134 Duration of Meeting**

In accordance with Standing Order A11.1, the Chairman invited members to vote for the meeting to continue as the meeting had exceeded four hours duration. On being put to the vote, it was resolved to continue the meeting.

#### **135 Community Infrastructure Levy (CIL)**

The Council considered the submitted report on a revised Community Infrastructure Levy (CIL) Draft Charging Schedule following modifications made by the Independent Examiner. Members noted the CIL was a levy on new floor space

created by development and was regulated by the Community Infrastructure Levy Regulations 2010 (as amended).

Councillor King proposed and Councillor Thomas (D) seconded a motion, which was agreed by the Council as set out below:

- (i) **that the Community Infrastructure Levy (CIL) Revised Draft Charging Schedule dated September 2016, with Examiner's Modifications be adopted by the Council as the basis for levying CIL;**
- (ii) **that the Council adopts the Examiner's non-binding recommendation of treating residential developments of 15 or more dwellings in Zones 3 and 4 as being strategic (and thereby zero rated for CIL but subject to a wider range of s106 Obligations);**
- (iii) **that the Council seeks CIL from chargeable developments that are granted permission with the implementation date delegated to the Executive Head of Business Services to ensure all operational needs are in place;**
- (iv) **that a new CIL administration and monitoring post is created within Spatial Planning to ensure that CIL is charged and administered in accordance with the Regulations;**
- (v) **that a surcharge be imposed on persons liable for CIL if they commence development without submitting the required notices; and**
- (vi) **that the Validation list for planning applications be updated to set out CIL requirements.**

**136 Mayor's Response to Objection to Planning Contributions and Affordable Housing Supplementary Planning Document (SPD)**

Further to the Council meeting held on 8 December 2016, members considered the submitted report on the Mayor's response to the objections raised by the Council on the adoption of the Planning Contributions and Affordable Housing Supplementary Planning Document.

Councillor King proposed and Councillor Mills seconded a motion as set out below:

- (i) **that following consideration of representations made on the Draft Planning Contributions and Affordable Housing Supplementary Planning Document (SPD), the SPD be adopted, with minor modifications, as a Supplementary Planning Document as set out in Appendix 3 to the submitted report; and**

- (ii) that the Executive Head of Business Services, in consultation with the Executive Lead for Planning, Transport and Housing, be given delegated powers to make minor amendments to the document to ensure legibility and clarity.

During the debate Councillor Thomas (D) proposed and Councillor Robson seconded an amendment to the motion as follows:

- (i) that following consideration of representations made on the Draft Planning Contributions and Affordable Housing Supplementary Planning Document (SPD), the SPD be adopted, with minor modifications, as a Supplementary Planning Document as set out in Appendix 3 to the submitted report; ~~and~~ except that the threshold for provision of affordable housing in paragraph 3.4 of the SPD, and accompanying text elsewhere, be amended to 3 instead of 11 to ensure that the document adheres to the affordable housing thresholds set out in Policy H2 of the Adopted Torbay Local Plan, i.e. 3 dwellings for greenfield sites and that the Written Ministerial Statement of 28 November 2014 should be noted in the SPD as a material consideration.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (24); Against: Councillors Amil, Excell, Manning and Mills (4); Abstain: Councillors Haddock, King, Parrott and Stubley (4); and Absent: Mayor Oliver and Councillors Morris, O'Dwyer, Pentney and Winfield (5). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amendment, it was carried.

The amended (substantive) motion was then considered by members and as more than two-thirds of members present and voting had cast their vote in support, it was agreed by the Council as follows:

- (i) that following consideration of representations made on the Draft Planning Contributions and Affordable Housing Supplementary Planning Document (SPD), the SPD be adopted, with minor modifications, as a Supplementary Planning Document as set out in Appendix 3 to the submitted report, except that the threshold for provision of affordable housing in paragraph 3.4 of the SPD, and accompanying text elsewhere, be amended to 3 instead of 11 to ensure that the document adheres to the affordable housing thresholds set out in Policy H2 of the Adopted Torbay Local Plan, i.e. 3 dwellings for greenfield sites and that the Written Ministerial Statement of 28 November 2014 should be noted in the SPD as a material consideration; and**
- (ii) that the Executive Head of Business Services, in consultation with the Executive Lead for Planning, Transport and Housing, be**

**given delegated powers to make minor amendments to the document to ensure legibility and clarity.**

### **137 Capital Plan 2016/2017 - Quarter 3 Monitoring**

The Council considered the submitted report setting out an overview of the Council's approved Capital Plan for quarter three. The report provided details of capital expenditure and funding for the year. It was noted the Capital Plan budget totalled £130 million for the 4 year programme, with £46.2 million scheduled to be spent in 2016/17, including £4.6m on the South Devon Highway and potential expenditure from the Investment Fund, with £0.7 million required from capital receipts and capital contributions over the life of the Capital Plan.

Councillor Mills proposed and Councillor King seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that the latest position for the Council's Capital expenditure and funding for 2016/17 be noted.**
- (ii) that the allocation of the following Government grants be approved:**

**Dept for Transport – Pothole Action Fund 2017/18 allocation of £0.117m and National Productivity Investment Fund of £0.413m (to Highways Structural Maintenance)**

**Dept for Education – Early Years Capital (to Children's Services)**

- White Rock Primary Nursery £0.235m**
- Ellacombe Academy Nursery £0.541m**

### **138 Chairman/woman and Vice-Chairman/woman Select**

In accordance with the Council's Standing Orders (A9.1), the Council was requested to consider selecting the Chairman/woman-Elect and Vice-Chairman/woman-Elect for the next Municipal Year 2017/2018.

Councillor Kingscote proposed and Councillor Darling (S) seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that Councillor Brooks be selected as Chairwoman (Elect) for the 2017/2018 Municipal Year; and**
- (ii) that Councillor Doggett be selected as Vice-Chairman (Elect) for the 2017/2018 Municipal Year.**

### **139 Adjournment**

The Chairman advised that in accordance with Standing Orders F2.13 and F3.12 in relation to the Budget and Policy Framework the remaining items on the agenda

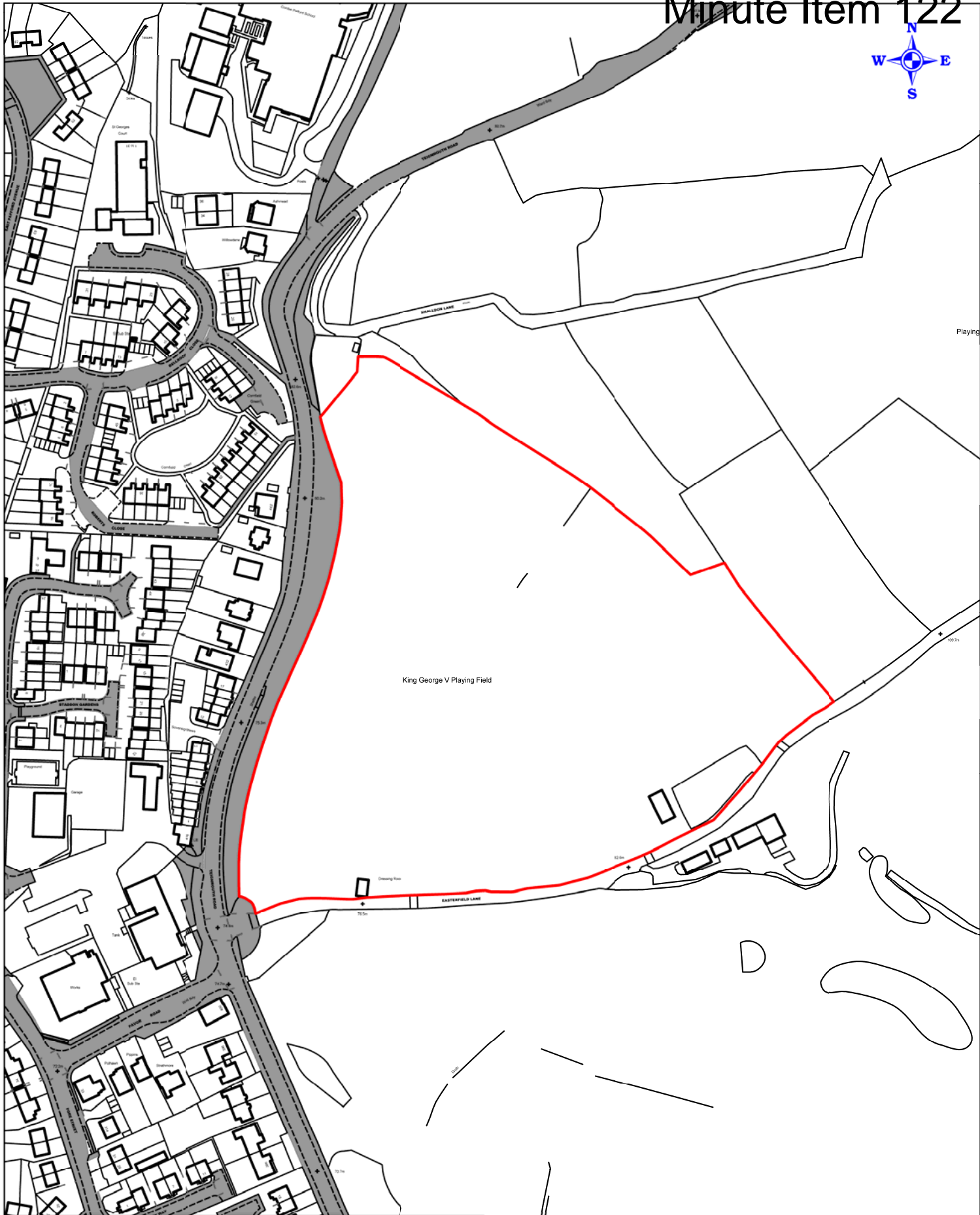
were referred to an adjourned meeting of Council to be held on 9 February 2017 to enable full consideration to be given to the implications of the proposals set out in the reports and documentation circulated on 2 February 2017.

Chairman

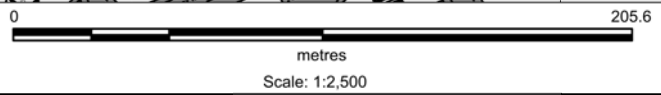
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King George V Playing Field



EM Plan No: EM2370  
Date: 15th November 2013  
Title: King George V Playing Field

Asset No: T0970ZZ  
LR Title No: DN519024  
Scale: 1:2500  
Area: 50,389.9m<sup>2</sup>



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## Meeting of the Council

Thursday, 2 February 2017

### Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

<p><b>Question (1) by Councillor Thomas (J) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b></p>	<p>I understand the Council has been awarded a one off grant of £400,000 to help with our current homelessness issues, could the Executive Lead please advise:-</p> <ul style="list-style-type: none"> <li>i) what are the priorities for these monies and</li> <li>ii) specific examples where this money is to be spent and</li> <li>iii) the projected outcomes this should achieve.</li> </ul> <p>Would the Executive Lead also outline how this money is being prioritised against the Torbay Homelessness Strategy 2015 to 2020.</p>
<p><b>Councillor King</b></p>	<p>The funding has been made available as a result of a grant application that was made last year to DCLG.</p> <p>The money spent by providing assertive outreach, extra safe beds and offering accommodation solutions bases on assessment needs.</p> <p>The projected outcomes will meet criteria set in the Torbay Homeless Strategy 2015 to 2020.</p>
<p><b>Question (2) by Councillor Carter to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b></p>	<p>In light of the recent fire at Crossways, could you advise me if there is a deadline for serving a compulsory purchase order for Crossways and if so what that date is?</p>
<p><b>Mayor Oliver</b></p>	<p>The Council can progress the use of its powers of compulsory purchase on any site in order to deliver development, redevelopment or improvement where it is expedient and where there is a compelling case in the public interest to do so. The Council agreed to do just that in October last year. The Town Centre Regeneration Board, led by Cllr Haddock, will actively consider use of the Council's powers in this respect, and will bring individual cases forward for decision as appropriate. But Council should note that CPO is a power of last resort and the Council must seek a negotiated acquisition before it can move to compulsory purchase. A negotiated outcome is only possible where there is a viable and deliverable business or development proposal.</p>

<p><b>Question (3) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b></p>	<p>What representations has he made to the Prisons Minister to act on the number of prisons in the South West and in Devon whom he claims recommend prisoners on release to come to Torbay?</p>
<p>Mayor Oliver</p>	<p>Yes I have made written representations and these are appended.</p>
<p><b>Question (4) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b></p>	<p>Residents along Moor Lane Torquay and adjoining roads are concerned that over many years there has been an increasing problem with anti social driving and parking along this road. How has the Council engaged with the three schools to ensure that they play their part in reducing this problem.</p>
<p>Councillor King</p>	<p>Whilst the authority has previously written to all of the schools on Moor Lane with regard to access issues in the surrounding area, we have never been made aware of any issues that have resulted in a need to write to them with regard to poor parking and driver behaviour. However, if the local ward members feel there is a need for us to do so and can provide information on the specific issues, we would be happy to write to them.</p>
<p><b>Question (5) by Councillor Doggett to the Councils Representative on the Devon and Somerset Fire Authority (Councillor Ellery)</b></p>	<p>In light of the fire at the Royal Clarence Hotel Exeter, what lessons have been learnt by the Fire Authority that would assist in a similar fire in Torbay?</p>
<p>Councillor Ellery</p>	<p>After the tragedy of the Clarence Hotel Fire in Exeter, Cllr David Thomas and myself decided we would instigate a Business Fire Safety Seminar for small and medium sized businesses in Torbay. I am delighted to announce that this event will take place on February 13th in the Redcliffe Hotel Paignton with three 2 hour sessions at 10am, noon, and 2pm. The Seminar is titled "I lost my Heart to a Fire", there will be powerful personal accounts from business owners including Cllr Thomas who have lost their entire life's work to a fire in Torbay and the effect on them both personally, economically, and financially. Devon &amp; Somerset Business Fire Safety officers will be answering questions and there will be Commercial Fire Protection advisors giving advice on the best equipment to use to keep your businesses safe from fire. The Community Safety Team from Torbay Council will also be in attendance with a stand and advice.</p> <p>I formally invite any councillors and officers to attend one of the sessions, especially if they operate a business, or are landlords in the bay.</p>

<p><b>Question (6) by Councillor Darling (M) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b></p>	<p>I have been lead to believe that a property in Torre, Torquay has been converted into a house of multiple occupation (HMO) without planning permission. What enforcement action is being considered?</p>
<p>Councillor King</p>	<p>The use of this property as a house of multiple occupation (HMO) appears to be lawful. The property was granted planning permission in 1998 for use as a student house of residence. No conditions were imposed restricting occupants to being in full time education and therefore occupation of the property is not restricted to students only. The approved floor plans show 12 letting rooms with a kitchen on each of the ground and first floors. No enforcement action is proposed as there is no evidence of a breach of planning control.</p>

**Second Round**

<p><b>Question (7) by Councillor Carter to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b></p>	<p>No action appears to be happening with regard to Oldway and surrounding area, could you advise me of the plans for action with regard to Oldway, the tennis courts, the parking and the bowls club, and when action is likely to take place.</p>
<p>Mayor Oliver</p>	<p>At a meeting of the full Council on the 22nd September 2016 it was agreed that an Oldway Mansion and Estate Working Party should be established. The Terms of Reference are :-</p> <ol style="list-style-type: none"> <li>1. to review any condition surveys for buildings on the site;</li> <li>2. to review proposals for the use of buildings and grounds;</li> <li>3. to ascertain community views in respect of these matters; and</li> <li>4. to make recommendations about how future use of building should be taken forward.</li> </ol> <p>I understand that the Working Party has now met on three occasions. Minutes of these meetings are available and the Working Party is Chaired by Councillor Robson. I will also be asking the Strategic Land Task Group to consider the future of the Mansion and surrounding estate.</p>
<p><b>Question (8) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b></p>	<p>What was:</p> <ol style="list-style-type: none"> <li>a) the total expenditure on new beach huts at Meadfoot;</li> <li>b) the estimated income from the beach huts at Meadfoot over this financial year; and</li> <li>c) the actual income from the beach huts so far this financial year?</li> </ol>

Mayor Oliver	A total of £2,199,220 has been spent on the provision of the new Meadfoot Beach huts. The estimated income for this financial year is £190,400 with the actual income so far this financial year being £177,377.
<b>Question (9) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b>	Torbay Council is set to introduce a 20mph zone on Moor Lane Torquay. However, a representative of Devon & Cornwall police has advised residents that they are unlikely to have the resource to enforce the speed limit. Without enforcement this appears to make this and other 20MPH zones outside schools a paper tiger. How do you plan to ensure that the Police do enforce these speed limits?
Councillor King	<p>The authority cannot require the Police to enforce this or any other speed limits within the bay area. The police prioritise their resources target enforcement as and when appropriate. The Council continues to work with the local Police Road Casualty Reduction Officer (RCRO) to shared intelligence. However, this particular scheme has been engineered with a number of traffic calming features (both physical e.g. build-outs and non-physical e.g. signs, lines and roundels) to make it more difficult to drive at speed and is therefore considered as largely self regulating.</p> <p>Unfortunately we are aware that some drivers will make the conscious decision to ignore the posted speed limit and put at risk other road users.</p>
<b>Question (10) by Councillor Doggett to the Executive Lead for Planning, Transport and Housing (Councillor King)</b>	I understand that over £400,000 has been spent on developing the Edginswell rail halt with little chance of a successful scheme. Has this scheme hit the buffers and wasted hundreds of thousands of tax payers money?
Councillor King	The Council have been successful in achieving £4m towards the delivery of a Railway Station at Edginswell from the LEP Growth Deal Settlement. In order to achieve all of the funding necessary to deliver the Railway Station the Council have also submitted a bid to the DfT and Network Rail for New Stations Fund. The outcome of the bid is expected to be announced in the Spring. It was always expected that funding would be required from the New Stations Fund, but this opportunity was delayed by Government. This is why there has been a delay in the programme and it can be assured that the scheme has <b>not</b> "hit the buffers". The Council is looking at alternative funding mechanisms for delivery in case the current bid is unsuccessful. The new Railway Station will help to deliver hundreds of new homes, as well as new jobs particularly in the Edginswell Growth Area but also other surrounding sites. It will also help to ease the existing local parking problems and improve accessibility for patients, visitors and staff to Torbay Hospital. It is therefore strongly believed that the business case for the new Railway Station is robust. A level of investment is always required to develop, option assess, and design any capital scheme.

<p><b>Question (11) by Councillor Darling (M) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b></p>	<p>As Part of the 60 &amp; 61 motion passed at Full Council on 11 May 2016 it was agreed that "That the Council will develop a user group for bus users in Torbay and will hold regular meetings with bus operators to assist in the future of transport provision." When does the Council plan to act upon this minute?</p>
<p><b>Councillor King</b></p>	<p>The Senior Traffic Engineer and Public Transport Officer, along with the Executive Lead for Transport meet with Stagecoach every six months and with the other operators, as and when required. Through the Community Development Trust a bus-sub group has been established, which both myself and Cllr Doggett attend.</p> <p>Discussions are ongoing as to whether to develop this into a Public Transport user group, dealing with both bus and rail transport issues.</p>

### Third Round

<p><b>Question (12) by Councillor Sanders to the Executive Lead for Planning, Transport and Housing (Councillor King)</b></p>	<p>What progress has he made over the past year ensuring the protection of disabled parking bays in residential parking zones?</p>
<p><b>Councillor King</b></p>	<p>Current policy is that advisory disabled bays are not positioned within the boundaries of Controlled or Residents Parking Zones (CPZ). In such areas, all areas of carriageway must be covered by enforceable parking restrictions, which an advisory disabled bay is not. The presence of such a bay, breaks up any existing parking restriction, therefore making them unenforceable.</p> <p>However, we would be happy to implement an enforceable disabled bay, but this would have to be at no cost to the authority, where the cost of implementing the bay (i.e. preparation and advertising of the required Traffic Regulation Order, erection of signs and placement of lines) would have to be covered by the householder.</p> <p>It should be noted that, as with the advisory disabled bays, these bays are not normally reserved for a particular Blue Badge holder and unfortunately the costs involved are considerably more than for advisory disabled bays.</p>
<p><b>Question (13) by Councillor Darling (S) to the Executive Lead for Community Services (Councillor Excell)</b></p>	<p>Local residents feel that to reduce parking problems on and around Moor lane schools should be encouraged to use the car park for Watcombe beach. Can the Council enter into negotiations with the schools with a view to introduce the use of the car park for them?</p>

Councillor Excell	<p>The fifty space car park at Watcombe Beach is free and therefore if used by the school would not cause a loss of income for Parking Services. However, Watcombe Beach Road is heavily shaded by trees, has no footway and there is no safe crossing point of A379 Teignmouth Road for pedestrians. The car park is also located just over 300m from the nearest school, some distance for school staff to walk if they are carrying equipment.</p> <p>I will endeavour to meet with all three schools to look at alternative parking or travel arrangements for their teachers.</p>
<b>Question (14) by Councillor Darling (M) to the Mayor and Executive Lead Finance and Regeneration (Mayor Oliver)</b>	<p>The Former B &amp; Q building in Torre continues to be a blot on Torquay's landscape. What options have the Council considered in the last 18 months to force action on this eyesore?</p>
Mayor Oliver	<p>Planning officers have been working pro actively with the owner to find a viable new use for the building which at the same time would respect the appearance and character of the Tormohun Conservation Area. This in itself is a challenge and has taken some time to achieve. The owner has also submitted proposals for the adjoining Martial Arts Academy and the Zion Road Chapel. Cumulatively the three proposed developments would result in a significant investment and regeneration opportunity for this part of Torre. All three applications will be considered by the Development Management Committee on 13th February. If planning consent is granted in February there is no reason why the development will not be implemented.</p> <p>The proposal for the former B and Q site involves refurbishment and extension of the existing buildings to provide 19 residential units, ground floor commercial floor space, 10 car parking spaces and 3 garage spaces.</p> <p>The proposal for the former Martial Arts Academy involves the refurbishment and alteration of the existing building to provide 3 residential units.</p> <p>The proposal for the former Zion Road Chapel involves the refurbishment and extension of the former chapel building to provide 7 residential units and 7 car parking spaces.</p>



11<sup>th</sup> January 2017

The Rt Hon Amber Rudd MP  
The Home Secretary  
House of Commons  
London  
SW1A 0AA

Dear Miss Rudd

**Re: Homelessness and Anti-Social Behaviour in Torbay**

We have been experiencing a growth in both these issues in our three towns and on our seafronts. The growth has become very noticeable in the last few months and I have been making enquiries into why we have this problem.

We have housing policies in place according to statute and we have a caring and supportive role in managing such problems. I welcome the Prime Minister's statement of measures to transform mental health support and her desire to see policies in place to deal with this.

I have been speaking to our volunteers who give endless help and support and it is emerging that Torbay is receiving increasing numbers of ex-offenders who are allegedly sent here by prisons, by personal contacts and through voluntary organisations who canvass in other parts of the UK.

It seems as though in policy terms there is a complete vacuum of support in both the Prison and Probation Services.

Many of these ex-offenders come with no training, no clothing and under £50 cash in their pockets. We have established from our volunteers that people are coming from Scotland, Swansea, Newcastle, Bristol, Nottingham, Hampshire and Dorset and they may not have any family connection whatsoever with Torbay

I appreciate that people are free to live where they wish but feel that there needs to be a more coherent and sustainable strategy to help offenders back into society, however it is impossible to do it all with a substantially reduced budget and additional demands on Children's Services and Services for the Elderly in our Community. We have both moral and legal duties to support our own people, to accommodate them, bring them back to health and help them into employment.

Our Housing Benefit Revenue total is, I believe, in the region of £60million per annum. We are a small Unitary Council and by the end of my term as Elected Mayor I will have seen my Revenue Budget decreased by nearly £80million per annum.

Many of the ex-offenders are former members of our Armed Services and although they are not always able to be identified we do our best to seek them out and offer our support. According to some of the ex-offenders Torbay is known as a 'bit of a soft touch' so allegedly it is for that reason they are sent from many parts of England and Scotland.

We have received a grant of £400k as a result of making a BID and for which we are extremely grateful. However, should the trend continue with constant begging – some of which is of a 'professional' nature and anti-social behaviour in our town centres and on our seafronts it will, eventually, overwhelm us.

A further major problem will also arise, it will deter investment in our town centres which we are currently seeking to revive.

I invite you to Torbay to meet the volunteers and the ex-offenders, including former members of the Armed Services, also to meet the Business Community and Elected Members.

I would be grateful to receive your thoughts and any advice you may feel would be helpful concerning this difficult matter.

Kind Regards

Yours sincerely

Gordon Oliver  
Elected Mayor of Torbay

Cc: The Prime Minister  
Parliamentary Under Secretary of State for Prisons & Probation

11<sup>th</sup> January 2017

Mr S Gyimah MP  
Parliamentary Under Secretary of State of Prisons & Probation  
The House of Commons  
London W1A 0AA

Dear Mr Gyimah

**Re Homelessness and Anti-Social Behaviour in Torbay**

We have an increasing problem in Torbay the details of which I have outlined in my letter to The Home Secretary.

I have attached a copy of that letter for your information.

Kind Regards

Yours sincerely

GORDON OLIVER  
Elected Mayor of Torbay

11<sup>th</sup> January 2017

The Rt Hon Amber Rudd MP  
The Home Secretary  
House of Commons  
London  
SW1A 0AA

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Kind Regards

Yours sincerely

Gordon Oliver  
Elected Mayor of Torbay

Cc: The Prime Minister  
Parliamentary Under Secretary of State for Prisons & Probation

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# Agenda Item 6

## Meeting of the Council

Thursday, 23 February 2017

### Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

<b>Question (1) by Councillor Darling (S) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b>	In recent press reports it has been stated that you plan to re employ an agent in the USA who has cost the Council £120,000 to champion investment in Torbay from the USA, at a further cost of £40,000, whilst there is no evidence of any direct investments in Torbay due to their work. Can you confirm or deny this?
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#### Second Round

<b>Question (2) by Councillor Darling (S) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b>	What cost was there in officer time or other financial cost to the Council or TDA to investigate a third harbour for Torquay?
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#### Third Round

<b>Question (3) by Councillor Darling (S) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b>	What cost was there in officer time or other financial cost to the Council or TDA to investigate a container hub at Goodrington?
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## **Notice of Motion – Council 23 February 2017 (Mayoral Decision) Clinical Health Services**

This Council objects to the removal of clinical health services delivered in Paignton and to any proposal that downgrades Torbay's District General Hospital, and calls on the Mayor to contact the leaders of neighbouring local authorities whose residents will be affected by such changes to unite against them, and to use his community leadership role to raise with the Government the views of opponents to these changes from residents, patients and staff from across South Devon.

Proposed by: Councillor Sanders

Seconded by: Councillor Darling (S)





**Meeting:** Council

**Date:** 23 February 2017

**Wards Affected:** All

**Report Title:** Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust

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

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

**Executive Lead Contact Details:** Councillor Parrott, Executive Lead for Children's and Adults Services, 01803 293217, [julien.parrott@torbay.gov.uk](mailto:julien.parrott@torbay.gov.uk)

**Supporting Officer Contact Details:** Caroline Taylor, Director of Adult Services, 01803 208949, [caroline.taylor@torbay.gov.uk](mailto:caroline.taylor@torbay.gov.uk)

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## 1. Proposal and Introduction

- 1.1 This is the Annual Strategic Agreement (ASA) which sets out the way in which Torbay Council and South Devon and Torbay Clinical Commissioning Group (the CCG) will commission services from Torbay and South Devon NHS Foundation Trust (the Trust). The ASA covers the period 01 April 2017 to 31 March 2018
- 1.2 The report also sets out a proposal to establish an Adult Services and Public Health Monitoring Group whose role will be to provide oversight of the changes in both adult services and public health as a result of local, regional and national pressures.
- 1.3 A significant development is the notice of withdrawal from the Risk Share Agreement that has been served in December 2016 by Torbay and South Devon NHS Foundation Trust. This is covered in the Supporting Information (4).

## 2. Reason for Proposal

- 2.1 The Annual Strategic Agreement sets out the strategic direction which is designed to maximise choice and independence for those requiring adult social care and support. It sets out the objectives which the Council and the CCG require the Trust to meet and forms the basis on which performance can be monitoring and managed.

- 2.2 The establishment of the Monitoring Group will ensure that there is an opportunity for members to gain an understanding of the issues around adult social care and public health, to review and discuss performance and financial monitoring data and to have oversight of the development of future Agreements given that the ICO has given notice to withdraw from the Risk Share Agreement.
- 2.3 Due to the expiry of the Risk Share Agreement on the 31 December 2017, the approval of the recommendation in respect of the ASA is applicable for the nine (9) months of the financial year beginning 01 April 2017. Negotiations will take place during this period and alternative arrangements will be presented to the council for further approval as appropriate.
- 2.4 The further developments in respect of performance and savings schemes which are presently within the NHS planning cycle, will be presented to council for approval in July 2017
- 2.5 A draft of the Operational Plan is submitted as an Exempt Appendix for context. It is currently in the process of ratification through the NHS governance framework.

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

- 3.1 That the Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust set out at Appendix 1 to the submitted report be approved for the period to 31 December 2017.
- 3.2 That a Adult Services and Public Health Monitoring Working Party be established comprising 5 members (to be politically balanced), with the Executive Lead for Adults and Children and the Executive Lead for Health and Wellbeing and the Directors of Adult Services and Public Health being invited to attend meetings, with terms of reference as follows:
- (a) To provide strategic political interface between elected members and the Executive Lead for Adults and Children and the Directors of Adult Services and Public Health.
  - (b) To understand the key priorities for Adult Services and Public Health.
  - (c) To be fully briefed on the changes within Adult Services and Public Health especially in respect of the arrangements with the Integrated Care Organisation, changes arising from the Devon-wide Sustainability and Transformation Plan and changes in Government legislation and/or guidance.
  - (d) To understand the financial situation in relation to Adult Services and Public Health.

#### **4. Supporting Information**

- 4.1 Torbay and South Devon NHS Foundation Trust has given notice to the Council, and CCG, that it intends to withdraw from the Risk Share Agreement with effect from 1 January 2018.
- 4.2 This is not step which the ICO has taken lightly and the ICO, and other partners, remain committed to finding and securing partnership solutions, which ensure the delivery of joined up, integrated and effective health and care to people living in Torbay. However, the Trust was unable to reconcile the current Risk Share Agreement with the provision and requirements of NHS planning guidance for 2017/18, hence the Trust's decision to give notice.
- 4.3 The Trust, the Council and CCG are committed to working in partnership to renegotiate the RSA, or find an alternative mechanism which delivers similar outcomes but is mutually acceptable to all parties and aligned with national planning guidance for the NHS and the local authority.
- 4.4 As part of this, work is underway to revise savings plans for the coming year in a way which meet the challenges which local services will face in 2017/18 and sets a foundation for 2018/19 and beyond. Because this is work in progress the Trust's Operational Plan has not yet been confirmed by the NHS nationally and is therefore not available for public consideration. A draft of the Plan is available to members as an Exempt Appendix. Whilst there are a series of elements that continue to be developed there is a sound knowledge of activities in relation to Adult Social Care and these are articulated in the attached Annual Strategic Agreement.
- 4.5 A number of place-based, system wide, savings programmes have been developed which are designed to have whole system impact in Torbay (and South Devon). These include:
- Community Services (focusing on the implementation of the new model of care which includes closer and more integrated working between adult social care, community health services and primary care).
  - Placed people (focusing on people placed in care homes whether funded through adult social care or Continuing Health Care).
  - Prevention (focusing on the prevention and self care and reducing reliance on formal health and care services).
  - Market Management (focusing on developing innovative solutions increase capacity and availability in domiciliary, residential and nursing home care services).
- 4.6 The ASA will ultimately form part of the Trust's Operational Plan. It is envisaged that the Operational Plan will be presented to Council in July 2017.
- 4.7 In moving forward to renegotiate the Risk Share Agreement, it is important that members have an oversight of both Adult Services and Public Health. It is proposed that a Monitoring Working Party is established to mirror the Children's Services Monitoring Working Party. This will enable a group of members to meet informally to review performance and financial monitoring information. The

Working Party will also be briefed on the changes to Adults Services and Public Health coming through the system as a result of local, regional and national pressures.

4.8 The Working Party will be able to report to the Overview and Scrutiny Board and the Audit Committee as appropriate. The Overview and Scrutiny Board would continue to undertake its statutory health scrutiny duties.

**5. Mayor's Response to the comments made by the Overview and Scrutiny Board**

5.1 The Overview and Scrutiny Board will consider the draft ASA at its meeting on 15 February at which point it will make recommendations to the Mayor. The Mayor's response to those recommendations will be published ahead of the meeting of the Council.

**Appendices**

Appendix 1: Annual Strategic Agreement

Appendix 2: Draft Torbay and South Devon NHS Foundation Trust Operational Plan Exempt

Operational Plan Appendix  
representing the Annual Strategic  
Agreement

**Between**

**Torbay Council and Torbay and South Devon  
NHS Foundation Trust**

**For the Delivery of:**

**Adult Social Care April 2017 to March 2019**

V2.4 – 06 February 2017

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## 1. Introductions

The ASA outlines service development areas within the budget envelope provided the council and outlines elements of the work plan being undertaken by the Trust on behalf of the council, over the two years 2017/18 and 2018/19. Whilst this is under review with the serving of notice by Torbay and South Devon NHS Foundation Trust, it remains the intended direction of travel for all parties.

It specifies roles and responsibilities, and areas of risk. It aligns with the Corporate Plan which sets our aims to support vulnerable adults. Risks remain in respect of the scale of savings required, the stability and sufficiency of the independent sector market, the appetite and acceptance for change in this model of care by the community, the continuing pressures of DOLs (Deprivation of Liberty Safeguards) as well as the impact of operational pressures in the Integrated Care Organisation (ICO).

### 1.1 Scope of the Agreement

The scope of this agreement is Adult Social Care services provided for the population for which Torbay Council is accountable. This will normally mean people who are resident in Torbay but will also include people placed in accommodation in other areas of the country where national policy dictates that the Council remains the accountable authority.

In addition to the services described in this Agreement, the Trust provides other services, including those commissioned by South Devon and Torbay Clinical Commissioning Group, NHS England specialist, dental and screening teams. These services are described in the contract to which this ASA is appended.

Torbay Council also commissions additional services from the Trust including, the Drug and Alcohol service and the Lifestyles, Health Visiting and School Nursing service which are commissioned by the Council's Public Health team.

This agreement sits within the overall contractual agreement with the ICO between the Torbay and South Devon Clinical Commissioning Group (CCG) and the Torbay Council, It is recognised that should there be a change in contractual arrangements with the Risk Share agreement not being reinstated during the period of notice that an independent agreement between the Council and ICO may need to be created.

### 1.2 Status of agreement

As at January 2017 this agreement remains in development due to the planning cycles of the NHS changing, the delay in details as to the Better Care Fund and the on-going negotiations in respect of the finances and notice on the risk share agreement in 2017/18.

The statutory duties and obligations in respect of the delivery of Adult Social Care such as meeting the needs of those clients meeting eligibility criteria and those within the Care Act continue to be effective within the scope of this agreement.

### 1.3 Summary of Services to be provided

The services provided under this agreement will include:

- Provision of information and advice to people enquiring about ASC services;
- Assessment of need for social care services, including the provision of rehabilitation and reablement services, and an Emergency Duty Service;

- Commissioning and monitoring individual packages of care, including case management assessments under the Mental Capacity Act, Deprivation of Liberty safeguarding and engagement in Court proceedings;
- Monitoring of the quality, performance, and cost of services provided by Trust staff and other providers;
- Safeguarding the needs of adults and older people living in Torbay. This includes delivery of Torbay Council's operational safeguarding responsibilities, servicing the Torbay Adult Safeguarding Board, investigations of individual safeguarding concerns and whole homes investigations;
- Ensuring that services are provided in a cost effective way whilst still offering the choice to which people are entitled;
- Collection of income for chargeable services, including and assessment of an individuals' financial circumstances and ensuring that people are receiving any welfare benefits to which they are entitled;
- The collection, collation and submission of activity information and performance returns as required operationally, by the Council and to meet local, regional and national statistical returns;
- The collection, collation and submission of financial returns and budget reports as required operationally, by the Council and to meet local, regional and national statistical returns.
- Benchmarking Torbay council's performance and cost against similar Local Authority areas, England and the South West
- Input to JSNA and housing needs assessment as required to ensure strategic commissioning plans and market management is based on relevant, accurate, quality and timely data
- Procurement and monitoring and management of the local market to ensure sustainable, good quality services
- Delivery of agreed plans including Trust Wide Improvement projects and those agreed through the Better Care Fund including the commitments to optimise the application of the Disabled Facilities Grant (DFG)

## 2. ASC Commissioning Priorities

The Council's Corporate Plan (2015-2019) includes the following commissioning priorities for 2017-2019. It is the Trust's responsibility to ensure these are underpinned by timely and accurate data collection and information provision including, finance and performance management information on independent and community voluntary sector contracts and service level agreements held by the Trust:

### 2.1 New Model of Care

- Living Well@Home development programme being a market wide programme in support of the new model of care and move to outcomes based contract
- Implementation of the NHS Standard contract for Care Homes and development of outcomes based contracting options
- Accommodation-based, care and support strategy
- Outcomes based specification for extra care housing and procurement
- Development of a vibrant voluntary and community sector

- Reducing demand through prevention and innovation

## **2.2 Autism**

- Ensure Autism awareness training for all staff that come into contact with people with autism
- Provide specialist training for key staff
- Undertake assessments under the care act for adults
- Delivery of associated actions arising from the Autism Self-Assessment Framework 2016

## **2.3 Learning Disabilities**

- Focus on people living full and independent lives, where secure homes and fulfilling lives are a priority
- We will help people and let them know what options they have to help them achieve their goals
- Improved accessibility to community services for those people who have a learning disability
- Improve access to employment and housing
- Development of Learning Disability Strategy and action plan.

## **2.4 Mental Health**

- Delivery of the improvement plan with Devon Partnership Trust and input to mental health service redesign with Devon Partnership Trust, Devon County Council and South Devon and Torbay Clinical Commissioning Group
- 
- Support for integrated personal care planning and brokerage including implementing and embedding systems and processes for identifying resource allocation and extracting data to inform commissioning plans.
- Continue to commission through this agreement delivery of social care funded over 65's Mental Health provision in Torbay.

## **2.5 Social Care Workforce**

- Ensure sufficient professional leadership and support to changes to the workforce and implementation of new ways of working
- Develop capacity within the workforce to deliver the services and provide contingency working and engagement in co-producing new approaches to care work e.g. Trusted Assessor models

## **2.6 Enhanced working between the commissioning functions**

- Developed working arrangements for clarity of roles and responsibilities with the growing independent and voluntary sector
- Supporting engagement with independent and voluntary sector providers through the multi-provider forum and associated groups

## **2.7 Housing and Care**

- Implement the homelessness prevention plan
- Re-commissioning of accommodation based and outreach support for single

homeless and young peoples' homelessness support services and young parents service

- Implement the Devon protocol to support joint action on improving health through housing
- Accommodation-based care and support plan
- Better use of equipment, home improvements, grants and technology including, disabled facilities grant in line with BCF planning
- Homelessness strategy delivery including, prevention and early intervention and alternatives to temporary accommodation and improved hospital discharge

## **2.8 Safeguarding Adults**

- The Trust will Deliver operational safeguarding duty on behalf of Torbay to:
- Prevent abuse and neglect wherever possible, understand the causes of abuse and neglect, and learn from experience
- Ensure all organizations embed learning from incidents and case reviews
- Improve multi-agency practice and processes to improve individual safety planning as part of care and support plans and safeguard adults in a way that supports choice and control and improves their lives
- Provide information and promote public awareness to enable people in the community to be informed so that they know when, and how, to report suspected abuse
- Work with strategic commissioners and in partnerships with independent and community voluntary sector organizations to identify and address issues early preventing escalation through focused service improvement planning to reduce and streamline the number of current safeguarding processes.

## **3. Current Services**

### **3.1 Activity Assumptions**

Due to the timing of the NHS submissions and the democratic processes of the local authority the 31<sup>st</sup> Dec figures are not available for the initial version submission. These will be updated and included for final papers. For the purposes of context setting the figures relate to activity as of 31<sup>st</sup> December 2015 and are the basis of activity assumptions applied in the Council planning processes for setting the 2016/17 budget.

Table 1 - Activity Month 6 2016/17

	Mental Health Under 65	Mental Health Over 65	Learning Disability	Adults & Older People		Total
				Torquay	Paignton & Brixham	
<b>Type of Care and Support Plans</b>						
Packages of Care Under £70 per week (at home)	31	14	13	148	125	<b>331</b>
Care Under between £70 & £606 per week (at home)	52	38	215	291	306	<b>902</b>
Care Under £606 per week (Residential based)	35	133	63	144	148	<b>523</b>
Care over £606 per week (at home & residential based)	7	7	136	28	26	<b>204</b>
Full Cost Care (Residential based)	-	28	1	28	38	<b>95</b>
Full Cost Care (at home)	-	9	-	46	59	<b>114</b>
<b>Total</b>	<b>125</b>	<b>229</b>	<b>428</b>	<b>685</b>	<b>702</b>	<b>2,169</b>

### 3.2 Projected Activity

This is included as part of the Trust's overarching plans and assessment of the impact of their preventative and demand management measures which are presently being calculated. ASCPB will consider the presentation from the Trust in this respect and will also be part of the target setting.

### 3.3 Activity Baselines and Planning Assumptions

At any one time the Trust will be supporting around 2,200 adults and older people with social needs through the provision of Adult Social Care Services and support funded through the Adult Social Care budgets delegated to the Trust under this Agreement

Delivery is monitored through local operational meetings, the Trust's Community Divisional Board and the Adult Social Care Programme Board against financial run rates and performance targets.

The Trust will operate autonomously to take any management action is necessary to correct performance which can be taken within the parameters of this Agreement. However, should exceptional circumstances arise, through excess demand or other external factors not taken into account when the budget allocations underpinning this agreement were made, the impact and any corrective actions will be discussed through the Adult Social Care Programme Board with advice to the overarching agreements Contract Review Meeting as well as discussion and escalation as necessary to the Risk Share Oversight Group.

The indicators are to be agreed in the light of the December 2016 out-turn figures and the associated funding. Performance indicators for the service will be those set nationally, under the Adult Social Care Outcomes Framework (ASCOF), or agreed locally. A description of the ASCOF indicators is set out in Appendix 1 and includes details of the performance and benchmarking information against each KPI

### **3.4 Impact on Quality, activity and cost including improvement**

The levels of run rate are based upon demand and the legal duties within the Care Act with which the Trust have a legal duty to comply as part of their delegated responsibilities on behalf of the council. As a result and as can be seen from the above tables (though update awaited) there is little impact on the number of people the Trust will be expected to support, aside from the reductions in care home placements.

Consequently although action is necessary to bring run rates back in line with delegated budgets it is expected that the majority of cost improvements will need to be found through one or both of the following ways of reducing the cost of each individual package of care:

- i. Tight adherence to national eligibility criteria and/or
- ii. Finding more innovative ways of meeting peoples' needs which deliver better solutions at lower cost.

To support this approach there have been additional quality assurance processes developed which will continue in 2017/18. The Social Care Quality Report is reviewed and monitored through the Adult Social Care Programme board as one example of the oversight and contract monitoring applied to these elements.

### **3.5 Adult Social Care Workforce**

The provision of integrated health and social care services through local multidisciplinary teams has proved to be an effective model for delivery, able to respond to customer needs swiftly, facilitate rehabilitation and avoid admissions to residential care and hospital where ever possible. However, the existing model relies on a level of staff resources which will not be sustainable in future given the additional demands. An alternative model is being designed which will have an impact on how staff are deployed.

The new care model will be built on a strengths based approach, aligning entirely to the model in use within the voluntary sector and Integrated Personal Commissioning. Adopting this approach across social care, health services and the voluntary sector will bring a synergy of approach not previously seen. For social care this is building upon the previous 'Personalisation Strategy' which was been successful in delivering a change of philosophy from time based and care based provision to outcomes based commissioning.

A social care workforce strategy was published in September 2016, which made a series of key recommendations. The recommendations in this strategy focus on strengthening recruitment, focusing on newly qualified workers and using enhanced media/advertising.

The strategy also looks to strengthen the Social Work Workforce, by creating a Principal Social Worker and specialist clinical roles in order to align Torbay and South Devon to neighbouring authorities. In addition, specialist roles are recommended. These measures will equip the workforce for a more complex workload and offer a career pathway which is not based on management.

In addition, the strategy proposes to address the loss of experienced Social Workers to neighbouring authorities by introducing flexibility within Band 6 to match salaries offered in other peninsula authorities.

### 3.6 Safeguarding

The Trust will continue to deliver the delegated responsibilities of Torbay Council regarding Safeguarding Adults. The Care Act 2014 put Safeguarding Adults into a statutory framework for the first time from April 2015. This placed a range of responsibilities and duties on the Local Authority with which the Trust will need to comply. This includes requirements in the following areas:

- Duty to carry out enquiries
- co-operation with key partner agencies;
- Safeguarding Adults Boards
- Safeguarding Adult Reviews
- Information Sharing
- Supervision and training for staff

Accountability for this will sit with the Torbay Safeguarding Adults Board (TSAB). This is a well-established group that will provide a sound basis for delivering the new legislative requirements. The Board will incorporate the requirements into its terms of reference and Business Plan for 2017/18, ensuring that all relevant operational and policy changes are in place for April implementation.

Regular performance analysis from all partner agencies will be reported to the TSAB to give a clear picture of performance across the agencies. The Council will ensure high level representation on the Board by the Director of Adult Social Care Services and Executive Lead for Adult Social Care.

In order to maximise capacity Torbay SAB will work closely with the Devon SAB with an increased number of joint sub-committees and shared business support. In addition to this, to provide internal assurance that the Trust is fulfilling its Safeguarding Adult requirements, the Board will have a sub-committee which will oversee performance. This will have a particular focus on training and performance activity.

The Council has signed up to the national initiative of **Making Safeguarding Personal**. This is an exciting initiative designed to measure Safeguarding Adult performance by outcomes for the individual, rather than the current reliance on quantitative measurement of timescales for strategy meetings and case conferences. Work will continue to be done through TSAB during 2017/18 to implement these new measures in Torbay and to report qualitative measures in addition to ASCOF to SCPB.

The Trust also has delegated responsibility as a provider of adult social care services to ensure that it participate as a full partner in the TSAB and meet all regulatory requirements in safeguarding adults and children.

## 4. Delivery and Performance Management: Adult Social Care Services

The present arrangements for adult social care delivery through an integrated health arrangement delivered by the ICO have been benchmarked against similar authorities in its family group<sup>1</sup>. The results show -

In a comparison with similar local authorities, Torbay spends around £281.27 per head of total population, compared to £275.73 per head across the family comparator group of most similar local authorities.<sup>2</sup>

This demonstrates a good use of money through this contract when considering that Torbay performs very well in the following area -:

### Excellent

- delayed discharges of care due to social care

And well in these areas –

### Good

- proportion of people who use services who have control over their daily life.
- overall satisfaction of people who use services with their care and support.
- Information available to carers and service users

### Opportunities for improvement are as follows

- ability of people to pay for their care themselves either with a direct payment or personal budget
- proportion of people with a learning disability living in their own homes and in paid employment
- The proportion of older people (aged 65 and over) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services
- Reducing the adult social care unit cost so that performance improves in comparison to other CIPFA family group local authorities.

Audit South West's January 2017 audit report looking at the Trust's care assessment process has confirmed that "the Trust's arrangements for the assessment of the care needs of referred individuals, and determination of eligibility to receive publicly funded care and support is in line with the Care Act 2014 and are appropriate. Staff are able to access a range of training and operational support mechanisms to help them discharge these key responsibilities."

Appendix 2 provides further detail in respect of the areas above

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<sup>1</sup> Torbay's family group of comparator authorities are groups of authorities that central government consider have similar patterns of deprivation and age profiles etc.

<sup>2</sup> N.B. It should be noted that the ASA applies to the delegation of authority and activity in respect of Adult Social Care and does not include Children's services. The ICO's use of funds to deliver these services should therefore focus on adult social care when comparisons are made with other authorities.



### Unit cost improvement

The Trust will work with Torbay Council and SDTCCG to develop and implement a number of ASC cost improvement projects as part of wider system savings plans to:

- Ensure expenditure and performance controls are in place to manage the Council's expenditure on ASC and exposure to risk
- Rationalise commissioning function and create cost effective commissioning support for Torbay Council and the ICO
- Reshape the Market to increase quality and value for money incentivising independence and reducing reliance on residential and nursing care
- Reduce adult social care unit costs through better use of supported living as an alternative to residential care and increase use of direct payments and payments cards
- Manage increasing demand pressures and reduce low level packages of care by ensuring conversations and criteria signpost new referrals to other offers of support before statutory services are considered and a review of low level packages of care
- Reduction in cost of social work activity including, redesign of skill mix and workforce to implement care model, a new support planning process and protocol for self-funders.

This builds on sound and fair performance as demonstrated in Appendix 2.1 an extraction in respect of the Adult Social Care element of the CIPFA (Chartered Institute of Public Finance and Accountancy) 2016/17 charts for Torbay. The measures are against Torbay's government identified 'family group' of similar authorities. The tables demonstrate a reasonable performance with opportunity for improvement.

## **5. Service Developments**

Key developments in the way ASC services are provided, and any changes in what services will be provided, are outlined in the following paragraphs. Where appropriate the planning and implementation of these changes will involve internal and external consultation with key stakeholders as set out in the Decision Tracker which is managed by the Trust and taken through the Adult Social Care Programme Board. Where appropriate the Decision Tracker will also clarify accountability for decision making in these developments.

The new care model will target resources to those in greatest need and provide a universal service to allow people to be as independent as possible and be connected with their local community. The new care model will require significant change and we will need to ensure that we support staff and managers through complex change.

To support the resilience and sustainability of services, we will work closely with the independent and voluntary sector in relation to co-production of solutions that provide solutions for 'what matters to me'.

The Ageing Well Programme, led by the Community Development Trust, and information and advice services are enablers to improve access to preventative services and providing alternatives to traditional social care commissioned services and promoting self-care with increased enablement, independence and wellbeing.

## 5.1 Social Care Workforce Plan

Delivery of Care Act compliance is a key deliverable for our social care staff and in 2017/18 we will develop and implement a workforce plan for social care services which focuses on:

- Working in partnership with our community, addressing the issues faced by our most vulnerable members;
- Revisiting our approach to ensure we are inclusive with users, carers and community organisations – using strengths based approaches as our principal theoretical approach and operating model;
- Promoting the reputation of social work in Torbay through engagement with users and the co-design of our approach;
- Supporting staff to reach their potential using a capability framework; responding to the Social Work health check and by providing support to improve resilience;
- Delivering a high quality, safe and well respected service through use of quality, safety and governance processes.

In 2016/17 TSDFT undertook the Social Work Health Check

The health check indicated that there are arrangements in place for structures such as flexible working, staff welfare services and exit interviews. Despite increasing allocation lists, Social Workers did not report unmanageable caseloads or sickness due to stress. However, stress is a constant issue for Social Work. Although Social Workers do find time to attend training, and they find it useful, they feel it needs improvement in terms of specialist areas and opportunities for professional development.

These key areas were identified as performance and improvement priorities:

- Reducing the amount of process and computer inputting
- Improving training & CPD
- Clarifying arrangements for supervision
- Focusing on wellbeing and resilience

These areas will be addressed via an action plan in 2017/18.

## 5.2 Strength Based Approach

The Care Act 2014 requires local authorities to consider the person's own strengths and capabilities, and what support might be available from their wider support network or within the community to help in considering what else other or alongside the provision of care and support might assist the person in meeting the outcomes they want to achieve. In practice, this means operationalising strengths based approaches into the care model.

A strengths based approach is being embedded and scaled up within the new Health and Wellbeing Teams. It will become the golden thread which runs through all our interactions with people, both in terms of how we approach care and support in our teams and how our teams in turn approach care and support with the people they serve. To support the deployment of a strengths based approach we have developed the following principles for the implementation:

- We will empower staff to use their skills and experience;

- We will let go of care management approaches;
- We will focus on community involvement;
- We will concentrate on the assets and strengths of the people who use our services, our staff and our partners.

### **5.3 New Approach to Person Centred support Planning**

During the course of 2017/18 the Trust will continue to explore new approaches to undertaking support planning. This will include furthering existing schemes for people with learning disabilities and undertaking wider proof of concept work in partnership with independent, voluntary and third sector organisations.

### **5.4 Wellbeing coordinators**

There will be continued development of Wellbeing Coordinators within Health and Wellbeing teams. They will be a bridge between the statutory, independent and voluntary sector providing alternatives to traditional social care commissioned services. There will be a focus on reducing social isolation and providing support for activities that social care cannot do as they are required to focus on more complex work.

We will develop new approaches to support planning, building on the learning so far, which maximise the use our contracts with partners in the independent and the voluntary sector and best value.

### **5.5 Standardisation of process**

We will continue to build on the standardisation work that streamlines our systems and processes making sure the most appropriate staff focus on the right work. We will build on the strength of delivering standardisation across the Bay whilst keeping a local focus for Paignton and Brixham and Torquay. We will use benchmarking to consider further opportunities for standardisation and the delivery of productivity and cost improvement.

### **5.6 Self directed support – including direct payments**

Self-directed support using initiatives such as Individual Service Funds alongside Direct Payments will be encouraged. An infrastructure will be developed to support this, enabling people to identify their options, make informed decisions and have mechanisms that make the right thing to do the easy thing to do.

An example of this is the implementation of Direct Payment cards that took place in 2016/17

Development of the personal assistant market will be a key delivery element in 2017/18

### **5.7 Care Model Implementation**

Health and wellbeing teams referred to in the Operational Plan will be providing a range of functions details of which are below:

- Encourage self-care, healthy lifestyles and maintain independence
- Help to grow community assets/develop resilience;
- Assessment, support planning and professional social work support;
- Provide rehabilitation;
- Provide nursing care;
- Integrated medical management of people with complex co-morbidities;

- Reactive care coordination of people with deteriorating complex health issues and frail elderly;
- Continue to embed and mainstream Learning Disabilities and working with the voluntary sector to support the delivery of this
- Proactive care co-ordination of people with complex needs and frail elderly;
- Proactive integrated long term conditions support;
- High quality discharge support from hospital to home, integrated planning and seamless handover of care;
- Provide falls prevention services;
- Provide palliative care as part of end of life care pathway.

In addition to its organizationally based governance structures the impact of these changes on community based care is such that the schedule of development and roll-out will be provided to and monitored through the Adult Social Care Programme board in respect of the community activity

## **5.8 Service for people with learning disabilities including Autism**

Following a public consultation 2015/16 where a decision was made by the Trust board to close Baytree House, all associated work outlined in the 2016/17 Annual Strategic agreement has been achieved.

Work relating to people with learning disabilities and autism continues to progress. During 2017/18 work will continue to ensure people with a learning disability and or autism receive the right support, when they need it. To achieve this:

- A Learning Disability Strategy will be developed with clear action plan and accountability between partner organisations
- Development of a targeted action plan detailing improvements to be made following the Autism Self-Assessment Framework 2016.

Key to successfully addressing the needs of people with learning disabilities will be:

- The development of data collection relating to learning disability and autism to aid understanding of demand and pressures within the health and social care system.
- A skilled and effective workforce trained with specialist skills in social care assessment and engagement with workforce development associated with Devon Transforming Care Programme.
- Supporting the people to remain independent for as long as possible through effective accommodation and accommodation based support. This will be achieved through the creation of a Supported Living service specification and framework for providers in Torbay and link to work undertaken by Devon County Council.
- Providing effective support to enable people with learning disabilities and / or autism to gain and sustain employment.

## **5.9 Residential and day Services for Older People**

Market management strategy to support and shape the local market for adult social care will be produced in the first quarter of 2017 led by council commissioners.

## **5.10 Reviews**

Reviews will continue within zones and specialist services as part of business as usual. In

addition to this there is a review team who concentrate on high cost packages review. This team in 2017/18 will continue to focus on reviews of independent living providers with support from Commissioners to consider the care and accommodation costs and driving best value.

There will also be a review and further refinement of standardised processes and systems for high cost packages. This work will be ongoing throughout the year with outcomes reported through existing reporting arrangements.

### **5.11 Programme Management Office (PMO) arrangements to ensure delivery**

This work will be coordinated through the Transformation Team, and the governance arrangements that are in place within the organisation, with progress being reported through the ASCPB. The Trust Wide Improvement Programme is detailed in the main Operational Plan to which this forms an appendix. A key programme of work impacting on Adult Social Care is the Placed People and Continuing Health Care work. This will be part of the development of the new model of care and a sustainable system which is detailed in the overarching Operational Plan and detailed Programmes/Projects

### **5.12 Key Milestones**

These are to be agreed in line with the performance indicators and Trust Wide Improvement initiatives in advance of the contract year.

## **6. Mental Health**

The Council has statutory responsibilities for providing services to eligible people with poor mental health under the Mental Health Act 1983 and NHS and Community Act 1990, which are delegated to the Trust. These include:

- Approval and provision of 'sufficient' numbers of Approved Mental Health Practitioners (AMHP);
- guardianship under section 7;
- financial and Budgetary responsibilities for the whole Mental Health budget, including activity below assigned to DPT.

Devon Partnership Trust (DPT) will be commissioned by the Council to operationally deliver these under 65 social care mental health services in Torbay. This is in compliance with Torbay Council's statutory duties under the Care Act, Mental Health Act and other relevant legislation, including:

- Aftercare under section 117;
- Care management services, including operational brokerage of social care packages.

Strategic Commissioning Support for this arrangement will be provided by Torbay Council's Joint Commissioning Team including, co-location of the Trust mental health commissioner and day to day work allocation and support.

Professional Practice oversight of AMHP needs to be defined and agreed. This arrangement will be governed by this annual strategic agreement and a contract between DPT and the Trust.

The priorities for the commissioned service in 2017 to 2018 are to be outlined in the Joint

Improvement Plan (JIMP) between the Council, and DPT. Close working with other commissioners such as the CCG will see this developed and monitored through Social Care Programme Board Quarterly performance and finance reports will be submitted to the ASCPB. A governance structure is in place with the Council, the Trust and Devon Partnership Trust. It is envisaged greater alignment of governance and strategic approach will be achieved with Devon County Council during 2017/18. It is expected that during 2017/18 employment of the Approved Mental Health Practitioners will transfer from the Council to Devon Partnership Trust.

## **7. Quality Assurance**

### **7.1 National: CQC (Care Quality Commission)**

The Commission will make sure health and social care services provide people with safe, effective, and compassionate high-quality care and encourage care services to improve. They monitor, inspect, and regulate services to make sure they meet fundamental standards of quality and safety and publish what they find, including performance ratings to help people choose care.

### **7.2 Local: Torbay and South Devon NHSFT**

The Trust will provide quality assurance of both its own integrated business activity and the services it commissions on behalf of the community. A quality and safety report is being developed, which will report all social care quality, safety and performance metrics quarterly. Interim performance monitoring is via the ASCPB; which receives performance reports and updates on ad hoc issues.

A Quality Assurance Framework has been developed and is now in use with independent and voluntary sector providers to provide assurance in regard to the quality of care provided to people in their own homes and in care homes.

### **7.3 Multi-agency Safeguarding Hub (MASH)**

Since October 2015 the Single Point of Contact for safeguarding adults has been co-located with Torbay Council Children's Services

There will be a continued focus on ensuring that all staff have the appropriate level of training for their role, as set out in the Torbay Safeguarding Adults Multi-Agency Training Policy.

## **8. Finance and Risks**

### **8.1 Budget Allocations**

The allocations to be included in the Risk Share Agreement (RSA) 2017/18 as per the agreed five year RSA September 2015 is £35.6m. The council positively adjusted this by £0.860m to accommodate the results of the care homes judicial review part one resulting in a figure of £36.460m. The council has also made further commitment to the integrated system for the 2017/18 year adjusting the budget by an additional £0.1m resulting in a final budget of £36.560m. In addition the council will pass over the Independent Living Fund (ILF) grant in full.

The Council will honour its 9% share of any ICO deficit. This is full year so will be ¾ of those values if ASA/RSA is to end of December 2017 given the January 2017 serving of notice on the RSA by the ICO

## 8.2 Financial Risk Share

The Risk Share Agreement (RSA) developed as part of the transaction creating the ICO took effect from its inception on 1<sup>st</sup> October 2015. The share of financial risk going forward is a function of the wider performance of the Trust, rather than specifically in relation to Adult Social Care.

The financial baseline from the Council and the CCG commissioners funding the ICO will appear in as the RSA appendix to the Operational plan.

### 8.2.1 Notice served on Risk Share Agreement

It is to be noted that the ICO have served notice on the RSA as of January 2017, the notice period being twelve (12) months.

Whilst the intent is to be able to continue to work in partnership and renegotiate the RSA the current position is that this ASA is effective for nine months of the financial year to which it relates.

If the current RSA finishes end of December 2017 in line with recent ICO notice of withdrawal, then the current Better Care Fund arrangements between the Council and South Devon and Torbay CCG in support of the RSA will also cease and will need to be revised in line with national BCF guidance.

### 8.2.2 Efficiency Risks:

- Delivery of the Trust wide Improvement Programme;
- Agency and temporary staffing costs;
- Increasing costs of medical technologies;
- Rate of expenditure in both Adult Social Care and Place People;
- Delayed delivery of financial benefits associated with the implementation of the revised care model

### 8.2.3 Risks pertinent to Adult Social Care expenditure include:

- The scaled of savings required;
- The Judicial Review challenging Care Home Fee set by the Council;
- Insufficient capacity in the domiciliary care market;
- Sufficiency in the care home market;
- Community Support for Change;
- Impact of case law relating to the Deprivation of Liberty Safeguards;
- Pressures within the out of hours Emergency Duty Service;
- Impact of the Care Act;
- The increasing complexity of needs
- The risk within the Risk Share Agreement in respect of any cumulative overspend being shared between three organisations.

### **8.3 Revenue Budget 2017/18 and 2018/19**

The budget allocated by the Council for Adult Social care Service is set out in 8.1 above . The budget is predicated on the ICO achieving the commitments that it has made within the Trust Wide Improvement programmes.

The Council will review the budget annually and in the light of the negotiations as to future Risk Share and pooled budget arrangements, whilst continuing to consider a multi-year agreement the appropriate direction of travel.

### **8.4 Care Home Fees Judicial Review Appeal**

The commitment of £0.860m adjustment to the RSA set out in 8.1 is an interim assessment of the increase in care home fees associated the judicial review established in 2015/16. The Council have agreed to fund this in addition to the original opening baseline, along with any additional settlement agreed or instructed in the final decision on the judicial review appeal. The appeal is now scheduled to be heard in June 2017 so this outstanding risk is carried forwards.

In respect of 2017/18 an make an interim decision on fees will be made pending the outcome of the judicial review.

### **8.5 Better Care Fund**

The guidance and directions in terms of the BCF for 2017/18 will not be available until first quarter 2017. Once received the BCF commitments will form an addendum to the ASA.

## **9. Client Charges**

### **9.1 Power to charge**

With the introduction of the Care Act, the Council now has a 'power to charge for services' whereas previously, there was a 'duty to charge' for long term residential/nursing care and a 'power to charge' for non-residential care.

The Council has made the decision to utilise the 'power to charge' for both residential and non-residential services. The Trust will discharge this power on behalf of the Council and in doing so will apply sections 14 and 17 of the Care Act and the Care and Support (charging and assessment of resources) regulations 2014.

### **9.2 Residential and Non Residential Charges**

Charges per unit of care for residential services will be amended each April as directed by the Department of Health new rates.

Charges per unit of care for non-residential care services will be set annually through the Council's charging policy.

Client contributions are based on the level of care a person requires and an assessment of their financial circumstances, including capital and income. The Trust will ensure that individual financial assessments are updated at least annually (but more frequently where the financial circumstances of an individual service user are known to have changed during the course of the year).

Consequently the charges made to an individual may change in the course of a year if



there are changes in their financial circumstance or the level of care they require.

The Trust will ensure that all clients in receipt of a chargeable service receive a full welfare benefit check from the Finance and Benefits team and an individual financial assessment in person for new assessments where possible.

There is no charge for Intermediate Care or Continuing Health Care services.

### **9.3 Carers**

Services provided specifically to carers will, in principle, not be subject to a charge but this will remain under review dependent upon resource allocation. These are services provided directly to the carer (rather than the person that they care for) which include open access services such as Carers Emergency Card and Carers Education Courses, and simple services provided as a result of an assessment including emotional support or one-off direct payments for a carer's break.

### **9.4 Universal Deferred Payments**

The Care Act 2014 established a requirement for a universal deferred payments scheme which means that people should not be forced to sell their homes in their lifetime to pay for the cost of their care.

A deferred payment is, in effect, a loan against the value of the property which has to be repaid either from disposal of the property at some point in the future or from other sources. The scheme has now been running since April 2015 as all councils in England are required to provide a deferred payment scheme for local residents who move to live in residential or nursing care, own a property and have other assets with a value below a pre-determined amount (currently £23,250). They must also have assessed care needs for residential or nursing care.

The Council's deferred payments policy is now fully implemented as part of the policy the Trust has the ability to recover any reasonable costs it may incur in setting up a Deferred Payment Arrangement in addition to the cost of any services provided. These management costs may be included in the deferred payment total or be paid as and when they are incurred.

The interest rate payable on deferred payments is advised by the Department of Health and changed every six months. Interest will be added to the balance outstanding on the deferred arrangement on a compound daily basis, in accordance with the regulations.

## **10. Governance**

### **10.1 Adult Social Care Programme Board**

The Adult Social Care Programme Board remains the contract management Board for this Agreement. The Board will drive adult social care and improvement plans. Its Terms of Reference cover the following areas:

- To assist the development of the strategic direction of adult social care services supporting the new context faced by the Council and Trust in terms of public sector reform, reducing public resources and potential devolution;
- To receive regular reports and review progress against transformation and cost improvement plans differentiating between those areas incorporated within the budget settlement and any cost pressures over and above this;

- To receive reports and review performance against indicators and outcomes included in the Annual Strategic Agreement providing and/or participating in regular benchmarking activities;
- To monitor action plans against any in-year areas of concern, raising awareness to a wider audience, as appropriate;
- To discuss and determine the impact of national directives translating requirements into commissioning decisions for further discussion and approval within the appropriate forums. This will include the initial list of service improvement areas planned for 2017-19 and onwards;
- To discuss and develop future Annual Strategic Agreements; co-ordinate the production of the Local Account.
- To escalate issues of concern or delivery to the Contract Review meeting and the Risk Share Oversight Group as appropriate
- To receive and review the progress of the Trust Wide Improvement Plans impacting on Adult Social Care

The Adult Social Care Programme Board sits within the governance framework for the overall contract, which is set out in Appendix 3

## **10.2 Consultation, engagement and involvement process**

As the Accountable Authority the Council will lead consultation processes where the need for change is being driven by the needs and requirements of the Council beyond those of delegated activities to the Trust. The Trust is committed to supporting the consultation and engagement processes the Council undertakes in relation to service changes recognising the Council's statutory duty and good practice.

As a provider the Trust will engage all stakeholders in service redesign and quality assurance including, playing an active role with Torbay Council Health Overview and Scrutiny Committee. Additionally the Trust will be engaged with the CCG Locality Teams where the primary focus will be on consultation in regard to NHS services.

Where service changes will result in variation in the level or type of service received by individual service users, the Trust will comply with statutory guidance on the review/reassessment of care needs and ensure that those service users affected are given appropriate notice of any changes.

The Council, the Trust, and the CCG will continue to support the role of Healthwatch and the community voluntary sector in involving people who use services in key decisions as well as service improvement and design. The Council also expects the Trust to engage actively with service users and the voluntary sector in Torbay in developing new service solutions. This will apply irrespective of whether the service changes are driven by the necessities of the current financial environment or the need to ensure the continual evolution and development of services.

## **10.3 Programme Management**

Oversight of delivery and programme management for the programmes of work set out in this Agreement will be provided through the Trust's Programme Management Office. Delivery will be tracked by the Trust's Programme Management Office (PMO), monitored through standing internal meetings (such as the Community Divisional Board) and reported to the ASCPB.

## 10.4 Key Decisions

Whilst this agreement places accountabilities on the Trust for the delivery and development of Adult Social Care Services, the Trust may not act unilaterally to make or enact decisions if they meet the criteria of a 'key decision' as described in the standing orders of the Council or are included in a list of 'Reserved Items' shared between the parties as part of the agreement and which would be listed in an appendix.

This requirement reiterates section 22.3 of the Partnership Agreement under which services were originally transferred from the Council to Torbay Care Trust. Key decisions must be made by the Council in accordance with its constitution.

In Schedule 8 of the Partnership Agreement a key decision is defined as a decision in relation to the exercise of council functions, which is likely to:

- Result in incurring additional expenditure or making of savings which are more than £250,000;
- Result in an existing service being reduced by more than 10% or may cease altogether;
- Affect a service which is currently provided in-house which may be outsourced or vice versa and other criteria stated within schedule 8 of the Partnership Agreement.

In addition when determining what constitutes a key decision consideration should be given to the possible level of public interest in the decision. The higher the level of interest the more appropriate it is that the decision should be considered to be a 'key decision'.

## 10.5 Governance of other decisions

Governance of other decisions will vary according to the scope and sensitivity of the decision being made. To ensure clarity about whether decisions are to be taken by the Trust, Council or CCG and at what level the decision should be taken a 'Decision Tracker' has been developed.

The Decision Tracker will be reviewed, managed and updated by the ASCPB throughout the year.

## 10.6 Governance of Placed People

With the negotiations that will take place during 2017/18 in respect of a revised relationship between the parties with notice having been served on the Risk Share (expiring 31 December 2017), there is a need to increase the focus on those areas where direct social care impact can be or needs to be identified. This will support discussions and options. In respect of Placed People, Adult Social care will be clearly identified and reported alongside health, Continuing Health Care, with clear allocation between the two as to clients, activity and spend. The pooled arrangements continue to report within the existing structure whilst oversight will be undertaken through Social Care Programme Board for information purposes with the papers that will be enhanced to reflect this delineation which are reported to the Joint Executive

This is displayed diagrammatically in Appendix 4

Acknowledging the change in the Risk Share Agreement and being cognisant of its implications to adult social care elements of the service delivery by the ICO, the framework for Council Decision taking is included at Appendix 9 for reference

## **10.7 Risk Share Oversight Group**

The Risk Share Agreement (RSA) describes the framework for the financial management of the multi-year investment by health and social care commissioners for the services provided by the Trust. The RSA sits alongside the NHS Standard Contract and this Agreement. Whilst does not override the quality or administrative elements it does supersede all financial components.

The implementation of the RSA will be monitored by the Risk-Share Oversight Group (RSOG), which includes senior officer representation from the Council and Directors from the Trust and CCG, to provide strategic oversight of the RSA.

A diagram of the governance structure is included Appendix 3

## **10.8 Roles and Responsibilities**

### **10.8.1 Torbay Council Executive Lead Adults and Children**

The role of Executive Lead is held by an elected Member of Torbay Council, as part of their duties they will sit as the Council's representative on the Trust Board to provide oversight, challenge, and liaison.

### **10.8.2 Director of Adult Social Services**

The role of Director of Adult Social Services (DASS) is a statutory function, and is fulfilled by a senior officer of the Council who is accountable for all seven responsibilities of the role set out in statutory guidance dated May 2006. However responsibility for Professional Practice and Safeguarding are delegated to the Deputy DASS employed within the professional practice directorate of the Trust.

### **10.8.3 Assistant Director of Adult Social Services**

The role will provide professional leadership for social care services and lead on workforce planning, implementing standards of care, safeguarding and support the running of the Adult Social Care Programme Board. The role also oversees the Deprivation of Liberty Safeguards and Guardianship arrangements in Torbay.

### **10.8.4 Organisational Roles and Responsibilities**

The partnership working inherent within the Torbay model is supported by further clarification of the organizational roles pertaining to the local authority as the commissioning partner of the contract and the Trust as the providing partner including commissioning responsibilities within its delegated activities. A range of activities for reference is included in Appendix 5 – Strategic and Micro-commissioning functions

## **10.9 Emergency Cascade**

Please see Appendix 6 for details of Torbay Council's Emergency Planning Roles in Council's Emergency cascade. The Trust will be expected, through best endeavors, to identify social care senior officers to be part of emergency cascade, to coordinate delivery of Adult Social Care in an emergency situation.

## **10.10 Annual Audit Programme**

Audit South West (ASW) as the Internal Audit provider to Torbay and South Devon NHS Foundation Trust will undertake the following actions and requirements:-

Consult with the Director of Adults Services (DAS) of Torbay council on proposed internal audit coverage

Provide to the DAS copies of assignment reports that relate to control arrangements for Adult Services

Provide an annual report to the DAS on the adequacy and effectiveness of the overall system of internal control for the Trust, and in particular, those areas directly affecting Adult Services.

Detail is included in appendix 7

## **Appendix 1 - Performance Measures ASCOF / BCF / L.I.**

Distilled from the Adult Social Care Outcomes Framework (ASCOF), Better Care Fund (BCF) & Local Indicators (Version 3.7)

**Due to the timing of the operational plan as required by NHS England this year, the out-turns on which the targets would normally be agreed for Adult Social Care are not available. These will be negotiated with partners with an update to be provided to February Council**

**The latest figures discussed at Social Care Programme Board form this appendix interim**







Domain & SPI	Prime work	Available	2023/24 Performance Description	2023/24 Performance Notes	2024/18	2023/18	2022/17	2023/14	2024/14	2023/14	2024/14	2023/14	2024/14	2023/14	2024/14	2023/14	2024/14	2023/14	2024/14	2023/14	2024/14	2023/14	2024/14	2023/14	2024/14	
					Culture	Culture	M7 Culture	England Average	England Average	England Average	EW Average	EW Average	EW Average	Rank	Rank	Rank	Quartile	Quartile	Quartile	Target	Target	Target	Target	Target	Target	Target
SCP-04a: Number of days of delayed transfers of care per 100,000 population aged 18 and over	BCP	Monthly	<b>Not achieving target</b> Better than Eng ave Better than TW ave <b>Top-quartile</b>	Very good performance compared to other local authorities but missed the very challenging target.		1,294.8	854.4			4,328.8			8,894.8			34(1st)				Q1					1,176.1	1,468.7
ASC-20: The outcome of short-term support & readmission episodes not followed by long-term IC support	ASCOP	Monthly	<b>Worse than previous outcome</b> Better than Eng ave Worse than TW ave <b>Just best quartile</b>	Good performance in this area, we are within 1% point variance for previous outcome and TW average.	82.7%	81.8%	80.8%	n/a	74.8%	79.8%	n/a	78.0%	82.8%	n/a	34(1st)	43(1st)	n/a	Q4	Q3	n/a	no lgf	no lgf	no lgf	no lgf	80.0%	
U-026 No. of permanent care home placements at end of period	Local	Monthly	<b>Not achieving target</b> Better than previous outcome	Exceeded 2023/18 target - we had a very low level of placements at this time	641	633	641	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	887	844	890	817			
U-030 Proportion of clients supported in a care home at end of period	Local	Monthly	<b>Worse than previous outcome</b>	No target set, for information only. Increase in outcome due to reduction in client numbers and better distribution of health funded placements	30.0%	25.8%	25.8%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	18.0%	18.0%	no lgf	no lgf			
SCP-01: Non-shedding headlice admissions treated and averted	BCP	Monthly	<b>Not achieving target</b>	Exceeded target		12,652	9,772																		14,114	17,800
SCP-02: Dementia Diagnosis Rate	BCP	Annual	<b>Not achieving target</b> Worse than previous outcome Worse than Eng ave Worse than TW ave <b>Bottom-quartile</b>	Performance managed by Clinical Commissioning Group	81.80%	78.06%	79.32%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	80.00%	82.89%	86.71%			

Domain & KPI	Prime work	Available	2023/24 Performance Description	2023/24 Performance Notes	2023/24 Performance Notes												2023/24 Performance Notes							
					2023/24 Culture	2023/24 Outcomes	2024/25 MT	2023/24 England Average	2024/25 England Average	2023/24 England Average	2023/24 SW Average	2024/25 SW Average	2023/24 SW Average	2023/24 Rank	2024/25 Rank	2023/24 Rank	2023/24 Quartile	2024/25 Quartile	2023/24 Quartile	2023/24 Target	2024/25 Target	2023/24 Target	2024/25 Target	
<b>Domain 3: Ensuring that people have a positive experience of care and support</b>																								
ASC 3A: Overall satisfaction of people who use services with their care and support	ASCOP	Annual	Achieving target <b>Worse than previous outcome</b> Better than Eng ave Better than SW ave Top quartile	Results from the 2023/24 Adult Social Care Survey show that Torbay service users were more satisfied with their care and support compared to other local authorities.	88.7%	87.3%	n/a	84.8%	84.7%	84.8%	86.4	87.4%	86.9%	30/130	16/131	30/130	C4	C4	C4	no lgt	no lgt	88.3%	88.0%	
ASC 3B: Overall satisfaction of carers with social services	ASCOP	Biennial	n/a identical survey	n/a identical survey	88.8%	n/a	n/a	n/a	81.2%	n/a	n/a	81.8%	n/a	n/a	32/131	n/a	n/a	C4	n/a	n/a	no lgt	n/a	88.8%	88.8%
ASC 3C: The proportion of carers who report that they have been included or consulted in discussions about the person they care for	ASCOP	Biennial	n/a identical survey	n/a identical survey	75.7%	n/a	n/a	n/a	72.8%	n/a	n/a	72.1%	n/a	n/a	35/131	n/a	n/a	C4	n/a	n/a	no lgt	n/a	75.7%	75.7%
ASC 3C part 1: The proportion of people who use services who find it easy to find information about services	ASCOP	Annual	Achieving target Better than previous outcome Better than Eng ave Better than SW ave Top quartile	Results from the 2023/24 Adult Social Care Survey show that Torbay service users found it easier to find information about services compared to other local authorities.	77.4%	81.3%	n/a	74.9%	74.9%	79.9%	76.8	76.8%	76.9%	13/130	45/131	12/130	C1	C3	C4	no lgt	no lgt	77.9%	81.3%	
ASC 3C part 2: The proportion of carers who find it easy to find information about services	ASCOP	Biennial	n/a identical survey	n/a identical survey	74.8%	n/a	n/a	n/a	69.4%	n/a	n/a	68.4%	n/a	n/a	12/131	n/a	n/a	C4	n/a	n/a	no lgt	n/a	75.0%	75.0%
ASC 3C: Carers receiving needs assessment, review, information, advice, support	Local	Monthly	Achieving target Target 75% or greater achieved	Target achieved for proportion of clients with a care assessment.	81.3%	85.3%	85.0%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	81.0%	85.0%	85.0%	85.0%
<b>Domain 4: Safeguarding adults who experience care from substance use and preventing harm</b>																								
ASC 4A: The proportion of people who use services who feel safe	ASCOP	Annual	Achieving target Better than previous outcome Better than Eng ave Better than SW ave Top quartile	Results from the 2023/24 Adult Social Care Survey show that Torbay service users felt safer compared to other local authorities.	87.2%	72.3%	n/a	68.0%	68.9%	68.2%	66.3	68.9%	68.6%	11/130	55/131	32/130	C1	C2	C4	no lgt	no lgt	88.8%	72.3%	
ASC 4B: The proportion of people who use services who say that those services have made them feel safe and secure	ASCOP	Annual	Achieving target Better than previous outcome <b>Worse than Eng ave</b> <b>Worse than SW ave</b> <b>Not in top quartile</b>	Results from the 2023/24 Adult Social Care Survey show that Torbay service users felt their services did not make them feel as safe and secure compared to other local authorities. However, over half of those saying the service did not make them feel safe also reported they felt as safe as they expected.	83.9%	85.2%	n/a	79.1%	84.9%	83.4%	80.2	86.9%	87.1%	16/130	56/131	30/130	C1	C2	C2	no lgt	no lgt	85.8%	88.2%	
CS-02A: Proportion of high risk Adult Safeguarding Concerns where immediate action was taken to safeguard the individual	Local	Monthly	n/a - New KPI for 2023/24	n/a - New KPI for 2023/24	n/a	n/a	100.0%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	100.0%
TC14b: % repeat safeguarding referrals in last 12 months	Local	Monthly	Achieving target Better than previous outcome	The proportion of clients with a repeat safeguarding referral met target and is better than previous outcome. The focus on meeting people's outcomes in terms of Making Safeguarding Personal, has helped to deliver this good performance.	7.6%	6.8%	7.3%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	8.0%	8.0%


## Appendix 2 - Summary of the Adult Social Care Outcomes Framework for Torbay (Jan '17)

SUMMARY OF THE ADULT SOCIAL CARE OUTCOMES FRAMEWORK FOR TORBAY (JAN '17)									
Indicator	Time period	Count	Torbay value	Comparison group average	England average	Unit of measure	Trend	Trend guide	
1A: Social care-related quality of life score	2015/16	359	19.7	19.3	19.1	%		Higher is better	
1B: The proportion of people who use services who have control over their daily life	2015/16	401	81.5	79.1	76.6	%		Higher is better	
1C(1): Proportion of people using social care who receive self-directed support	2013/14	3,155	82.8	57.2	61.9	%		Higher is better	
1C(2): Proportion of people using social care who receive direct payments	2013/14	790	15.7	15.1	19.1	%		Higher is better	
1C(1A): The proportion of people who use services who receive self-directed support	2015/16	1,294	93.6	96.0	86.9	%		Higher is better	
1C(1B): The proportion of carers who receive self-directed support	2015/16	306	83.4	79.3	77.7	%		Higher is better	
1C(2A): The proportion of people who use services who receive direct payments	2015/16	369	26.7	29.2	28.1	%		Higher is better	
1C(2B): The proportion of carers who receive direct payments	2015/16	306	83.4	57.9	67.4	%		Higher is better	
1D: Carer-reported quality of life	2014/15	345	8.3	8.0	7.9	%		Higher is better	
1E: The proportion of adults with a learning disability in paid employment	2015/16	15	3.9	5.7	5.8	%		Higher is better	
1F: The proportion of adults in contact with secondary mental health services in paid employment	2015/16	-	3.1	-	6.7	%		Higher is better	
1G: The proportion of adults with a learning disability who live in their own home or with their family	2015/16	253	70.1	76.4	75.4	%		Higher is better	
1H: The proportion of adults in contact with secondary mental health services living independently, with or without support	2015/16	-	63.2	-	58.6	%		Higher is better	
1I(1): The proportion of people who use services who reported that they had as much social contact as they would like	2015/16	395	49.4	47.0	45.4	%		Higher is better	
1I(2): The proportion of carers who reported that they had as much social contact as they would like	2014/15	370	41.5	38.9	38.5	%		Higher is better	
2A(1): Permanent admissions of younger adults (aged 18 to 64) to residential and nursing care homes, per 100,000 population	2013/14	25	36.4	16.3	14.4	Rate per 100,000		Lower is better	
2A(1): Long-term support needs of younger adults (aged 18-64) met by admission to residential and nursing care homes, per 100,000 population	2015/16	12	16.3	16.2	13.3	Rate per 100,000		Lower is better	
2A(2): Permanent admissions of older people (aged 65 and over) to residential and nursing care homes, per 100,000 population	2013/14	205	614.1	729.3	650.6	Rate per 100,000		Lower is better	
2A(2): Long-term support needs of older adults (aged 65 and over) met by admission to residential and nursing care homes, per 100,000 population	2015/16	176	513.0	707.5	628.2	Rate per 100,000		Lower is better	
2B(1): The proportion of older people (aged 65 and over) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services	2015/16	173	75.9	84.5	82.7	%		Higher is better	
2B(2): The proportion of older people (aged 65 and over) who received reablement/rehabilitation services after discharge from hospital	2015/16	228	4.4	3.4	2.9	%		Higher is better	
2C(1): Delayed transfers of care from hospital, per 100,000	2015/16	6	5.9	12.4	12.1	Rate per 100,000		Lower is better	
2C(2): Delayed transfers of care from hospital that are attributable to adult social care, per 100,000 population	2015/16	3	2.3	5.3	4.7	Rate per 100,000		Lower is better	
2D: The outcome of short-term services: sequel to service	2015/16	781	81.8	81.7	75.8	%		Higher is better	
3A: Overall satisfaction of people who use services with their care and support	2015/16	389	67.9	66.2	64.4	%		Higher is better	
3B: Overall satisfaction of carers with social services	2014/15	290	46.4	43.8	41.2	%		Higher is better	
3C: The proportion of carers who report that they have been included or consulted in discussion about the person they care for	2014/15	265	75.7	73.1	72.3	%		Higher is better	
3D: Proportion of people who use services and carers who find it easy to find information about services	2012/13	-	75.2	74.5	71.4	%		Higher is better	
3D(1): Proportion of people who use services and carers who find it easy to find information about services	2015/16	273	81.3	76.4	73.5	%		Higher is better	
3D(2): The proportion of carers who find it easy to find information about support	2014/15	265	74.9	68.7	65.5	%		Higher is better	
4A: The proportion of people who use services who feel safe	2015/16	399	72.3	70.6	69.2	%		Higher is better	
4B: The proportion of people who use services who say that those services have made them feel safe and secure	2015/16	390	85.2	88.0	85.4	%		Higher is better	

Notes:

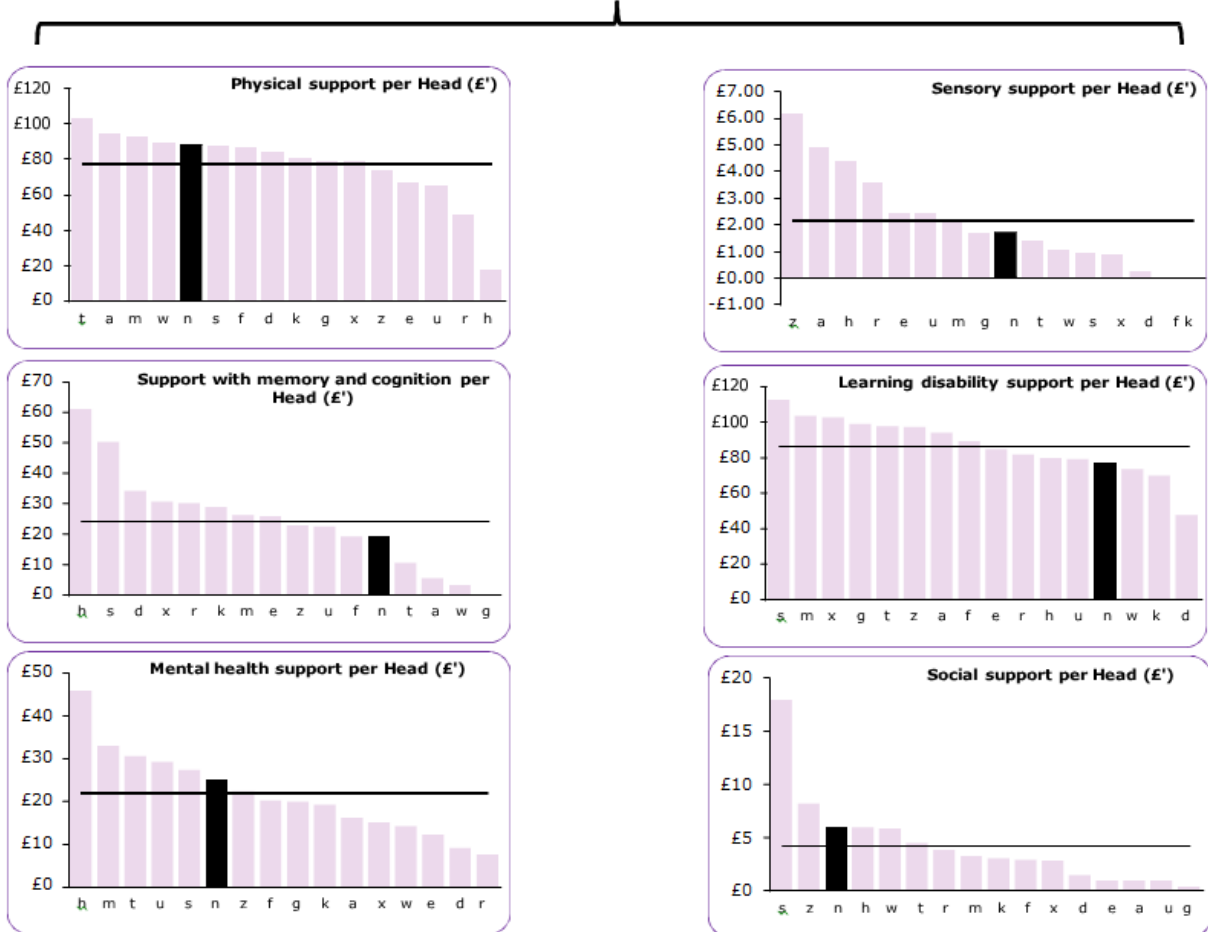
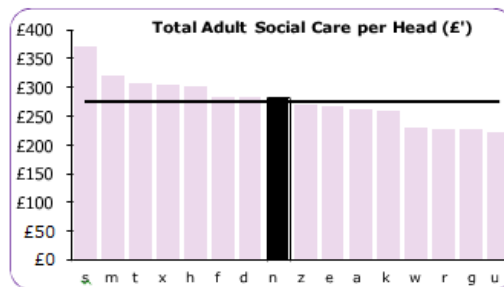
- Torbay value is statistically significantly higher or better than the England average
- Torbay value is not statistically significantly different to the England average
- Torbay value is statistically lower or worse than the England average
- No statistical significance calculated

Source: NHS Digital, Measures from the Adult Social Care Outcomes Framework (ASCOF), England  
<http://www.content.digital.nhs.uk/catalogue/PUB21900>  
 Comparator group based on CIPFA nearest neighbours



## Appendix 2.1 - Adult Social Care Extract from Torbay CIPFA Local Authority Budget Comparative Profile - 'Family' Group Authorities

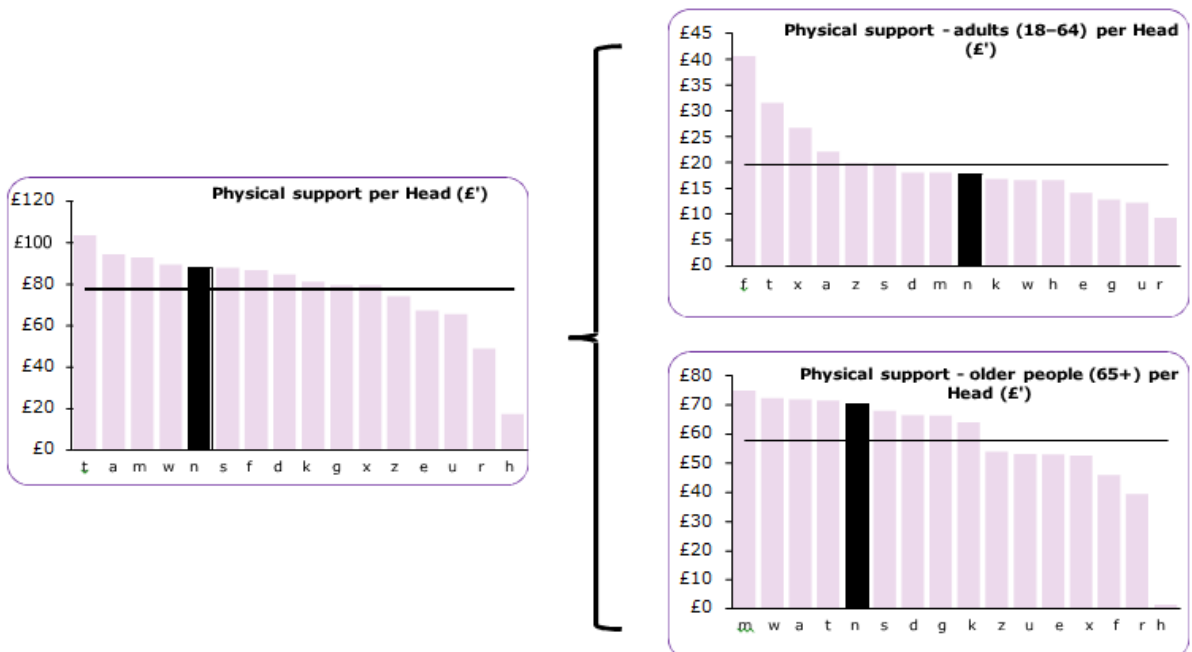
2016-17 Estimates	£'000	£ per head	Avg £ per head
Physical support	11,742	88.02	77.17
Sensory support	227	1.70	2.12
Support with memory and cognition	2,528	18.95	24.36
Learning disability support	10,215	76.57	86.27
Mental health support	3,331	24.97	21.67
Social support	792	5.94	4.24
Assistive equipment and technology	640	4.80	3.56
Social care activities	5,205	39.02	30.56
Information and early intervention	412	3.09	3.06
Commissioning and service delivery	2,429	18.21	22.71
<b>Total</b>	<b>37,521</b>	<b>281.27</b>	<b>275.73</b>





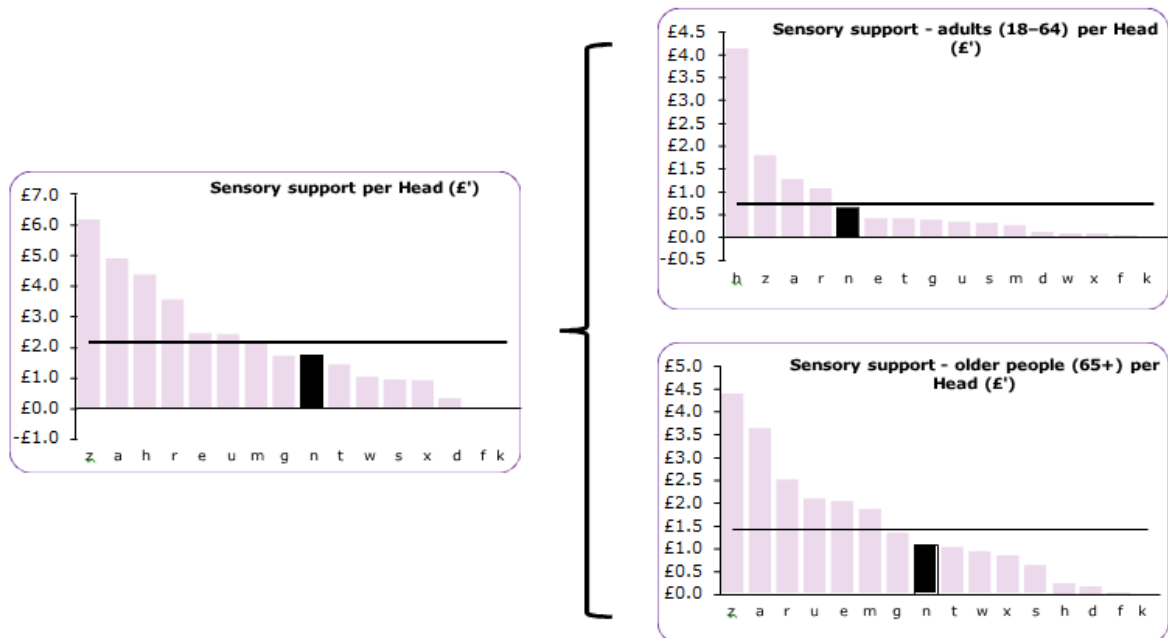
Adult Social Care - Physical Support

2016-17 Estimates	£'000	£ per head	Avg £ per head
Physical support - adults (18-64)	2,365	17.73	19.44
Physical support - adults (65+)	9,377	70.29	57.74
<b>Total</b>	<b>11,742</b>	<b>88.02</b>	<b>77.17</b>



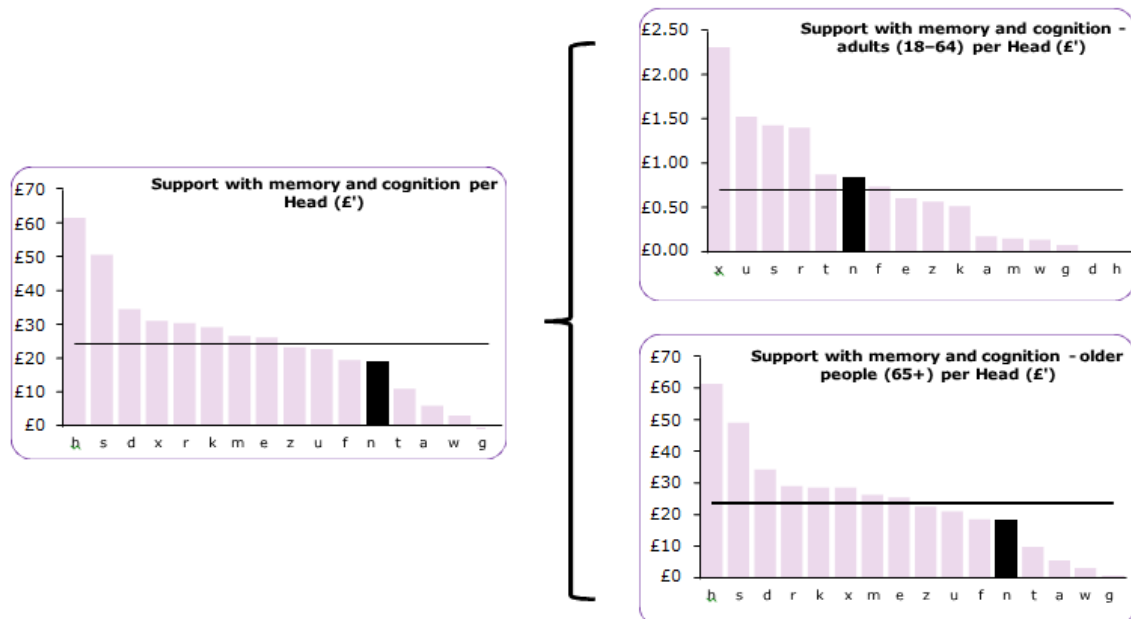
## Adult Social Care – Sensory Support

2016-17 Estimates	£'000	£ per head	Avg £ per head
Sensory support - adults (18-64)	84	0.63	0.70
Sensory support - older people (65+)	143	1.07	1.42
<b>Total</b>	<b>227</b>	<b>1.70</b>	<b>2.12</b>



## Adult Social Care – Support with memory and cognition

2016-17 Estimates	£'000	£ per head	Avg £ per head
Support with memory and cognition - adults (18-64)	112	0.84	0.71
Support with memory and cognition - older people (65+)	2,416	18.11	23.65
<b>Total</b>	<b>2,528</b>	<b>18.95</b>	<b>24.36</b>



## Adult Social Care – Learning disability support

2016-17 Estimates	£'000	£ per head	Avg £ per head
Learning disability support - adults (18-64)	9,100	68.22	77.05
Learning disability support - older people (65+)	1,115	8.36	9.21
<b>Total</b>	<b>10,215</b>	<b>76.57</b>	<b>86.27</b>



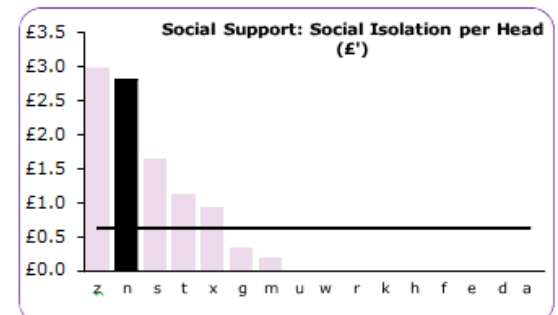
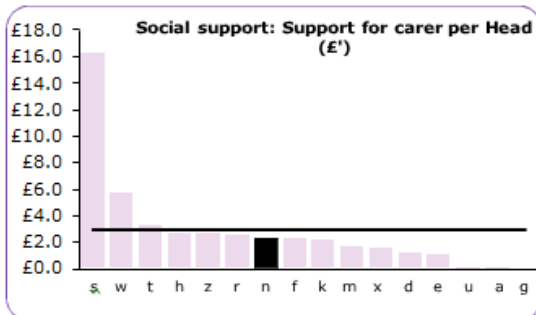
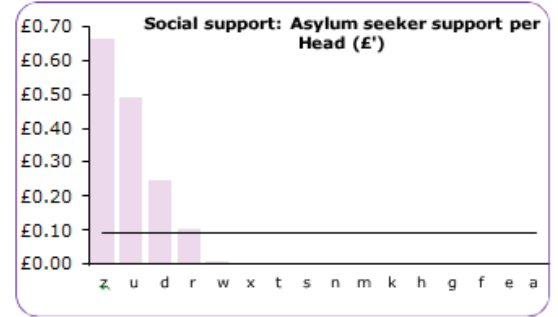
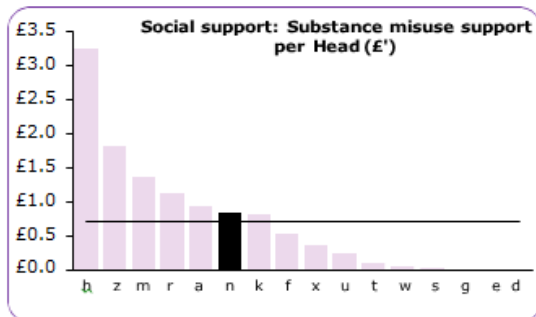
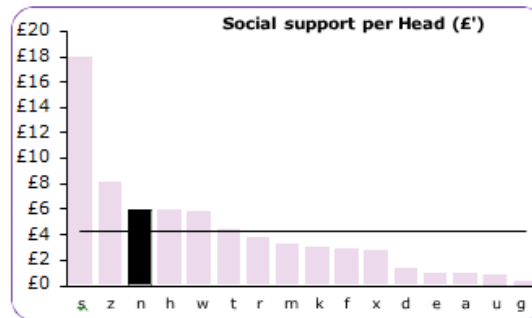
## Adult Social Care – Mental health support

2016-17 Estimates	£'000	£ per head	Avg £ per head
Mental health support - adults (18-64)	1,835	13.76	12.00
Mental health support - older people (65+)	1,496	11.21	9.68
<b>Total</b>	<b>3,331</b>	<b>24.97</b>	<b>21.67</b>



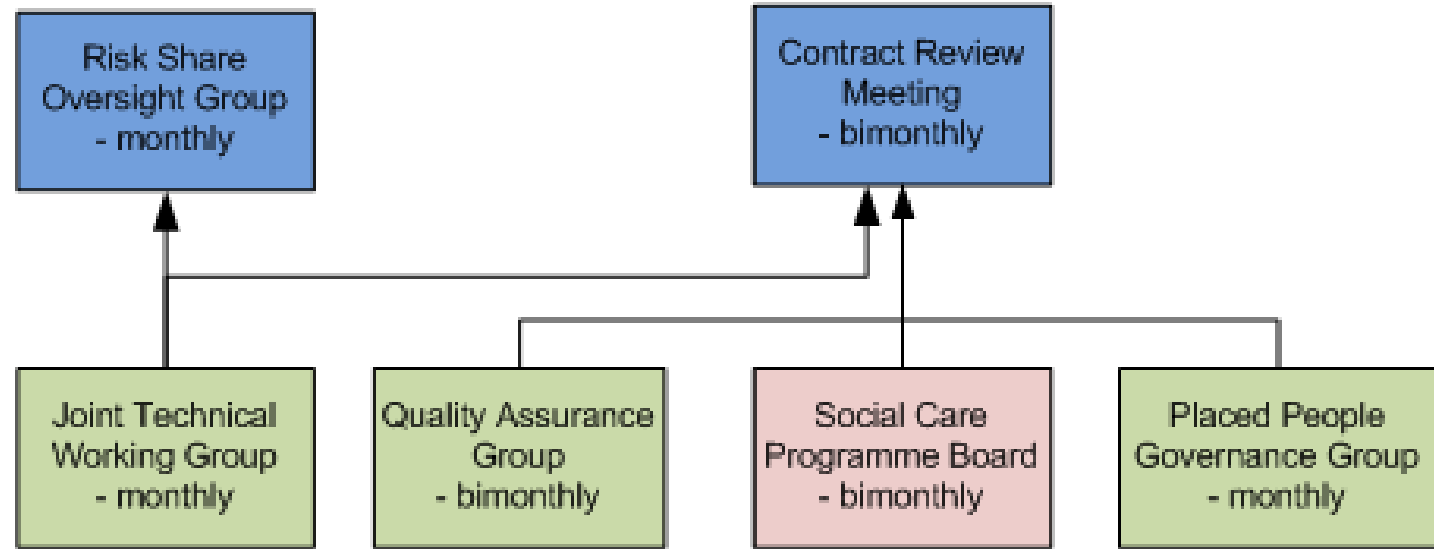
## Adult Social Care – Social Support

2016-17 Estimates	£'000	£ per head	Avg £ per head
Social support: Substance misuse support	111	0.83	0.71
Social support: Asylum seeker support	-	-	0.09
Social support: Support for carer	309	2.32	2.82
Social support: Social Isolation	372	2.79	0.62
<b>Total</b>	<b>792</b>	<b>5.94</b>	<b>4.24</b>





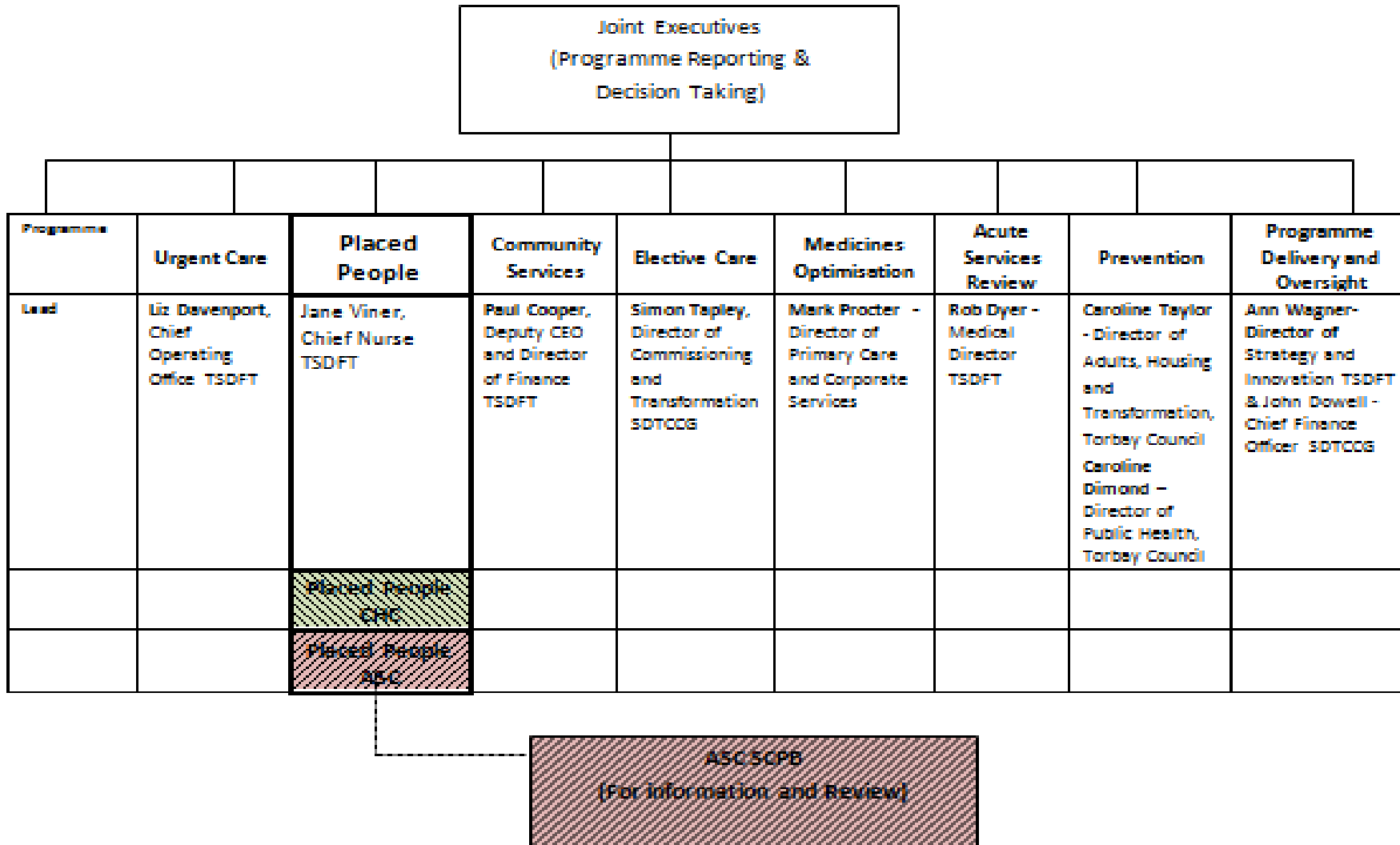
### Appendix 3 – Governance Structures



Key:

Health assurance
Adult Social Care assurance
Health and Adult Social Care assurance

## Appendix 4 - Programmes of the Joint Executive and Placed People Governance



## Appendix 5 – Strategic and Micro-commissioning functions

Function/role lead	Torbay Council Strategic Commissioning function	Torbay and South Devon Trust adult social care function
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STRATEGIC COMMISSIONING FUNCTION		
Market shaping and developing new providers to fill gaps in provision and oversight of decommissioning plans	✓	
Market Position statement and Joint Strategic Needs Assessment	✓	
Market mapping	✓	
Gap analysis	✓	
Analysis of sufficiency of supply	✓	
Manage provider failures and market exits	✓	✓
Strategic Commissioning Strategy	✓	
Proactive strategy to develop the market as a whole	✓	
Market engagement with provider market as a whole	✓	
Run Multi Provider Forum for all providers with strategic themes	✓	
Joint commissioning arrangements with partner organisations and other areas	✓	
Lead on co-design of new service models with providers and stakeholders	✓	✓
Develop population outcome based commissioning approach for market	✓	
Develop and c-produce Payment by Results mechanisms that encourage sound outcomes	✓	
Co-ordinate user and carer engagement and consultation	✓	
Contract review and performance management of adult social care	✓	
Review budget for adult social care and sign-off cost improvement plans related to Adult Social Care	✓	

Function/role lead	Torbay Council Strategic Commissioning function	Torbay and South Devon Trust adult social care function
<b>MICRO COMMISSIONING OF PROVIDERS, PROCUREMENT AND BROKERAGE</b>		
Develop and implement operational commissioning plans		✓
Overarching sub contracts between Trust and other adult social care providers, eg Care homes, community care		✓
Prepare and agree individual service specifications		✓
Develop and monitor outcome based commissioning approach for each provider at service level	✓	✓
Develop personal outcome based commissioning for each service user		✓
Contract management & performance review of independent & voluntary sector including, grant funding		✓
Proactive quality assurance of individual providers including, develop/implement service improvement plans		✓
Achieving value for money from providers including, cost improvement planning		✓
Procurement of adult social care providers		✓
Manage provider failures and market exits including, for service users and relatives/carers involved		✓
Individual contracts for care packages		✓
Brokerage/purchasing processes and brokerage of individual care packages		✓
Direct payments and personal budgets		✓
Lead and manage safeguarding processes including, Whole Provider/Provider of concern/quality concerns		✓
Resolution of Safeguarding incidents and implementation of lessons learned		✓
Run and co-ordinate forums for specific provider areas with operational focus eg forums for care homes		✓
Collection, collation and regular reporting of data on need, demand, supply, cost, workforce and performance (Trust and sub contractors) with interpretation and presentation		✓
Benchmarking of cost/performance of services – own and sub-contracted		✓
Management of pooled budget to achieve value for money and cost improvement		✓

## Appendix 6 – Emergency Cascade

<b>Adult Services Primary Contacts</b>		
<b>Name/Title</b>	<b>Emergency Role</b>	
Frances Mason, Head of Partnerships, People and Housing	Communication with contracted providers of Care and Support for vulnerable people. Availability and co-ordination of needs assessment. Safeguarding vulnerable adults and serious case review including authorisation of deprivation of liberty under Mental Capacity Act.	
Joanna Williams, Associate Director of Adult Social Services	The role will provide professional leadership for social care services and lead on workforce planning, implementing standards of care, safeguarding and support the running of the Adult Social Care Programme Board. The role also oversees the Deprivation of Liberty Safeguards and Guardianship arrangements in Torbay.	
<b>Adults Services Secondary Contacts</b>		
Robin Willoughby, Lead AMHP	Assessment and placement, access to services, medication and packages of care and place of safety for older people with poor mental health	
Sharon O'Reilly, Manager Older Person Mental Health Team	Assessment and placement, access to services, medication and packages of care and place of safety for people under 65 with poor mental health.	

## **Appendix 7 – Annual Audit Programme**

### Background

For Torbay Council, Internal Audit is a statutory service in the context of The Accounts and Audit (England) Regulations 2015.

From April 2013, organisations in the UK public sector are required to adhere to the Public Sector Internal Audit Standards (the Standards).

Internal Audit for Torbay & South Devon NHS Foundation Trust is delivered by Audit South West.

### Internal Audit Plans

When preparing the internal audit plan for Torbay and South Devon NHS Foundation Trust it is expected that Audit South West will :

- Consider the risks identified in Torbay Council's strategic & operational risk registers that relate to Adult Services
- Discuss and liaise with Directors and Senior Officers of Torbay Council regarding the risks which threaten the achievement of the Council's corporate or service objectives that relate to Adult Services, including changes and / or the introduction of new systems, operations, programs, and corporate initiatives
- Take account of requirements to support a “collaborative audit” approach with the external auditors of Torbay Council
- Consider counter-fraud arrangements and assist in the protection of public funds and accountability.
- Support national requirements, such as the National Fraud Initiative (NFI) which is run every two years.

Draft plans, showing proposed audits covering Adult Services should be shared and agreed with Torbay Council's Director of Adult Services (DAS).

The DAS should also be made aware of planned audit reviews that will provide overall assurance that control mechanisms operated by the Trust, but that are key to the workings of Adult Services, are working effectively. ( e.g. audits of key financial systems (Payroll, payments, income collection etc.) and corporate arrangements (e.g. procurement, Information Governance etc.)).

The Audit Plan will not be a "tablet of stone" and changes may be required or advised during the year.

### Internal Audit work

Internal audit work should be completed in accordance with the PSIAS.

Proposed briefs for work covering Adult Social Care should be shared with the DAS prior to fieldwork commencing.

### Reporting - Assignments

The DAS will be provided of copies of all final reports that specifically relate to Adult Services.

The DAS will also be provided with early sight of draft reports for which the audit opinion is "fundamental weaknesses" or similar.

The Director of ASC will also be provided with copied of final audit reports for wider subject areas (e.g. payroll) where the audit opinion is "fundamental weaknesses" or similar.

### Reporting – Annual Report

Audit South West will provide the Council with an annual assurance report on the adequacy and effectiveness of the overall system of internal control for the Trust, and in particular, those areas directly affecting Adult Services. It is noted that this assurance can never be absolute. The most that the internal audit service can do is to provide reasonable assurance, based on risk-based reviews and sample testing, that there are no major weaknesses in the system of control.

The report should provide:

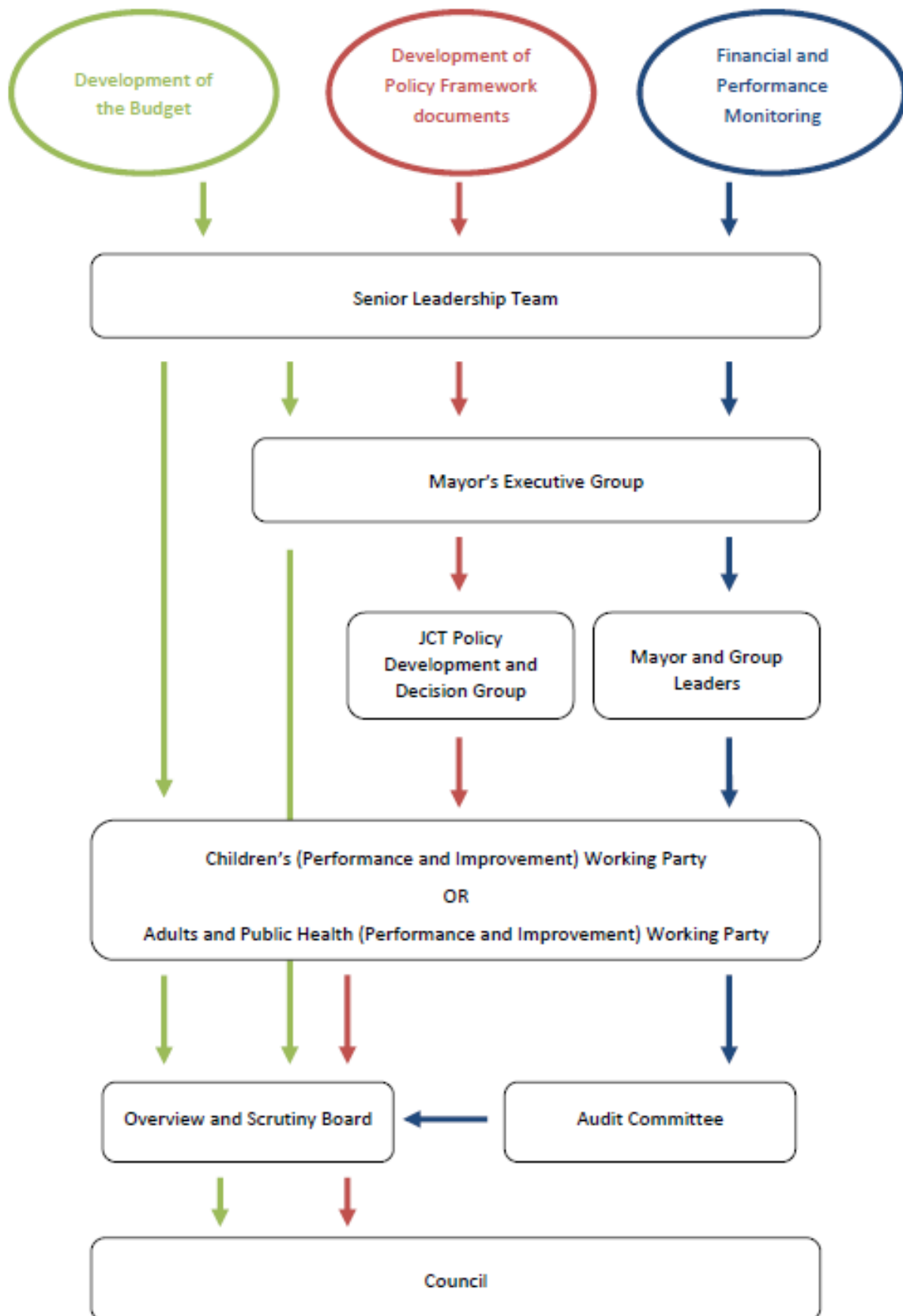
- a comparison of internal audit activity during the year with that planned, placed in the context of Adult Services
- a summary of significant fraud and irregularity investigations carried out during the year and anti-fraud arrangements; and
- a statement on the effectiveness of the system of internal control in meeting the Council's objectives
  - Together with a summary of the performance indicators set for internal audit and performance against these targets.

## **Appendix 8 - Adult Social Care Related/Impacting Trust Wide Improvement/Savings Plans**

These will be provided as part of the Operational Plan when agreed by NHS England and available for publication



## Appendix 9 – Council Governance





**Meeting:** Council

**Date:** 23 February 2017

**Wards Affected:** All Wards

**Report Title:** Review of Torbay Council Investment Fund Strategy

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

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

**Supporting Officer Contact Details:** Anne-Marie Bond, Assistant Director Corporate and Business Services, [anne-marie.bond@torbay.gov.uk](mailto:anne-marie.bond@torbay.gov.uk)

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## 1. Proposal and Introduction

- 1.1 At the meeting of Council held on 8 December 2016 Members approved a bid on a local investment using the Council's Investment Fund. The Council also recommended that the Investment Committee review the Investment Strategy and amount of the Investment Fund to ensure that there is the greatest opportunity to maximise benefits income, diversify investments and spread risks and bring the proposals back to Council. This report sets out a review of the Investment Strategy and Fund which has been carried out by the Council's Investment Committee.
- 1.2 The Investment Strategy is a Policy Framework Document and requires Council approval.
- 1.3 The report also sets out a review of the Investment Committee Terms of Reference to ensure they match the revised Strategy and working practices.

## 2. Reason for Proposal

- 2.1 To review the Investment Fund Strategy and Investment Fund in light of external training and experience of the Investment Committee in considering prospective investments.

## 3. Recommendation(s) / Proposed Decision

### Recommendations from the Mayor:

- 3.1 That the Council be recommended to approve the revised Torbay Council Investment Fund Strategy set out in Appendix 1 to the submitted report.
- 3.2 That the Council be recommended to approve the revised Terms of Reference of the Investment Committee set out in Appendix 2 to the submitted report.

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

### **Recommendations from the Investment Committee:**

- 3.3 That the Council be recommended to approve the revised Torbay Council Investment Fund Strategy set out in Appendix 1 to the submitted report, subject to the level of authority to the Investment Committee being increased to £10m.
- 3.4 That the Council be recommended to approve the revised Terms of Reference of the Investment Committee set out in Appendix 2 to the submitted report, subject to the level of authority to the Investment Committee being increased to £10m.

### **Appendices**

Appendix 1: Revised Torbay Council Investment Fund Strategy

Appendix 2: Revised Terms of Reference of Investment Committee

### **Background Documents**

Capital Investment Fund Report and Minutes – Council meeting 22 September 2016 - <http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=6615&Ver=4>



Fit  
for  
the  
future

creating a prosperous and healthy Torbay

February 2017

Investment Fund Strategy

DRAFT Version 3

# Investment Fund Strategy

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## 1.1 Background

As part of its efficiency plan and transformation programme the Council needs to increase its future local taxbase income (Council tax and NNDR) by investing capital resources within Torbay to stimulate growth. Capital resources could be a combination of asset purchase, co investment in projects or capital loans.

As clarification the following descriptions have been used:

“Investments – Yield”. These are property purchases where the objective is to increase rental income to the Council.

“Investments – Taxbase”. These are property purchases where the objective is to increase NNDR or Council tax income to the Council.

“Investments – Loans or Co Investment”. These are loans to business for capital expenditure where the objective is to increase rental income to the Council or to increase NNDR or Council tax income to the Council. Co Investment is where Council with another investor provides finance or jointly purchases.

“Property Purchase” – property to include purchase of land and/or buildings.

This **Policy Framework document** ~~appendix~~ sets out ~~the~~ **an appropriate** strategy for the management of the Investment Fund including purchases/investments. The strategy ~~adopted~~ **should reflect** a suitable balance between the risks inherent in the types of property/investments to be acquired and the financial rewards obtainable whilst limiting risks appropriately. In addition, the portfolio of investments being acquired should be diversified in order to spread risks via a balanced portfolio, such diversification principally being across geographical location and the use type of properties held. **Existing investments that fall within the remit of the Investment Fund Strategy shall be included in the portfolio to assist in creating a balanced portfolio, as well as other suitable assets held by the Council.**

The risks of investing in property may be mitigated through the acquisition of assets with secure, long income streams. This needs to be balanced against the requirement for a given level of income yield on capital invested in a careful and controlled manner, with specific analysis of risk criteria carried out in the ‘due diligence’ stage prior to the completion of each purchase.

## 1.2 Objective

To invest in commercial investment properties ~~to~~ **for the benefit, improvement or development of the area whilst also delivering** ~~provide income (rental or increased NNDR or a combination of both) from investments with a minimum~~ **significant** income return over the medium-term of **at least 6.5%** ~~(or 2% above capital costs)~~ on capital invested, through a balanced strategy of acquisition, retention and management of good quality property investments, **with that income being used to support wider Council services.**

**The improvement or development of the area will not be constrained by the boundaries of Torbay as there is an evidence base that demonstrates that investment within the South West Local Enterprise Partnership (LEP) Zone area has a positive impact on Torbay's economy. LEPs were established around functional economic boundaries which reflects both labour market and wider economic interdependence. This can be evidenced through the Heart of the South West Strategic Economic**

Plan (see <http://heartofswlep.co.uk/wp-content/uploads/2016/09/SEP-Final-draft-31-03-14-website-1.pdf>) and the Torbay Economic Strategy (see <http://www.torbay.gov.uk/DemocraticServices/documents/s35783/Torbay%20Economic%20Strategy.pdf>). However opportunities in any geographic location will be considered where it can be demonstrated that there is a benefit to, or improvement or development of Torbay.

The objective is specifically to acquire income-producing property in order to enhance Council revenue streams in combination with investments in potential development sites and development schemes within Torbay. Long-term growth of capital values is also an objective where possible but not a key focus.

### 1.3 Scope

	Investment – Yield	Investment – Taxbase	Investment – loans & co investment
Scope	Maximum <del>to consider increasing to assist in diversifying the portfolio</del> £50m in total		

The maximum total level of investment shall be £50m to assist in diversifying the investment portfolio.

### 1.4 Strategy

	Investment – Yield	Investment – Taxbase	Investment – loans & co investment
Maximum individual Purchase	£5m	£5m	£2m

The Investment Committee shall make all decisions up to £5m. The maximum individual investment to be approved by Investment Committee shall be £5m including estimated purchasing costs, however Full Council approval is not restricted in terms of value.

Achieving a spread of risk across a greater number of assets and by acquiring properties across the range of different property asset classes, namely retail, leisure, office and industrial, is to be desired, however it has to be recognised that opportunities to do this may not arise, and ultimately if individual business cases are robust, groupings in any individual property class should not pose any increased risk to the Council.

The principle of being relatively risk-averse by limiting fresh investment to properties with minimum unexpired lease terms of five years at the date of acquisition, and with tenants of strong financial standing, ~~should~~ will be adopted **if possible. Clear consideration will need to be given to yields where investments do not have fully repairing and insuring (FRI) terms or FRI by way of service charge, meaning that all costs relating to occupation and repairs are borne by the occupier(s) during the lease term to ensure that these costs are recovered.**

The investment portfolio will include acquiring some properties to hold and some properties to dispose of depending on the anticipated lifespan of the asset, so as to ensure that the Council has a rolling stock of investments in order to achieve maximum income for the Council. Properties will be acquired to hold rather than to dispose.

## 1.5 Minimum and maximum yield

	Investment—Yield <b>Investment held for asset life</b>	<b>Investments/assets held for defined period (maximum 10 years)</b>	Investment—Taxbase	Investment—loans & co investment
Yield	Rental		NNDR	Loan repayments or rental
Minimum Yield Required (before costs)	6.5% of purchase price (or 2% above estimated borrowing costs <b>(interest and MPR or if capital loan prevailing borrowing rates + 2%)</b> )	<b>2% above estimated borrowing costs (interest only or if capital loan prevailing borrowing rates + 2%)</b>	Increased Council NNDR income (after multiplier) equivalent and/or rental yield to 6.5% of purchase price (or 2% above estimated borrowing costs)	6.5% of investment value (or 2% above estimated borrowing costs)  If capital loan prevailing borrowing rates + 2%
Maximum Yield—Remove	10%		10%	10%
Benchmarked Yield (linked to rate/size)	Yes		Yes	Yes

Acquisitions of assets will be pursued at a target minimum yield (before costs) of 6.5% and, as a guide to potential risk, ~~maximum yields~~ of 10.0% **or more are unlikely to be appropriate for investment**. Assets producing initial yields in excess of 10.0% are likely to exhibit high risk characteristics, such as very short unexpired leases, or financially weak or insubstantial tenants, or obsolete buildings and **would therefore require a higher level of due diligence to be carried out to assess the benefits and risks** ~~are therefore to be avoided~~. Assets with a projected yield of over 10% will be discounted unless officers can demonstrate that risk characteristics are acceptable and avoid very short unexpired leases, financially weak tenants or obsolete buildings.

## 1.6 Sector spread

	Investment – Yield	Investment – Taxbase	Investment – loans & co investment
Sector Diversification – retail, leisure, office & industrial	Yes – retail, leisure, office and industrial	Yes – retail, leisure, office and industrial	Yes – retail, leisure, office and industrial

Traditionally the highest returns come from the office and industrial sub-sectors. **Currently** offices can provide an income return of 5.5% in quality in-town areas and between 7.5% and 8.5% for reasonable quality offices in regional and sub-regional centres. Industrial income yields can range from 6.0% up to 7.5% for acceptable quality assets. The retail sub-sector for prime retail property is lower than comparable office/industrial assets with typical yields ranging between 5% and 7% for high quality in-town properties. On this evidence it is likely that predominantly office and industrial/warehouse will be targeted for acquisition with a lesser emphasis on retail. Leisure and mixed use investments will also be eligible under the strategy.

Residential property tends to be management intensive and requires specialist expertise. It is therefore proposed that this sector is excluded from the Investment Fund strategy.

## 1.7 Locations

	Investment – Yield	Investment – Taxbase	Investment – loans & Co investment	Investment – Co-investment
Location	National (UK)	Torbay	Torbay	National (UK)
Location – Diversity	25% in any Council area	100% Torbay	100% Torbay	

Torbay would be the preferred location for fresh acquisitions of investment properties, so that reinvestment is **directly** retained within the local economy and any additional capital expenditure is made in the local area. However, there is a finite and limited supply of property within the local area, and of that supply only a small proportion may be available for purchase at any time. **The A wider South West Local Enterprise Partnership area should also be considered for fresh acquisitions as there is an evidence base that demonstrates that investment in this area has a positive impact on Torbay’s economy. However opportunities in any geographic location will be considered where it can be demonstrated that there is a benefit to, or improvement or development of Torbay.** Taxbase investments, and loans and co investments will be for investments only within the Torbay area. We will consider opportunities for co investment **with partner organisations of good financial and reputational standing.**



## 1.8 Target assets

Commercial assets will be sought with lot sizes of £500,000 plus with income yields of 2% or more above borrowing costs. However consideration will always need to be given to the number of smaller investments held by the Council, in pursuance of this Strategy and the burden of administering each investment before a decision is taken.

The following assets will be sought:

1. ~~Retail investments with the following characteristics:~~

- ~~• Lot sizes between **of** £1m **plus** and £5m~~
- ~~• Good locations in town centres or in good out-of-town retail clusters/parks~~
- ~~• Well let to sound tenants on leases with a minimum of five years unexpired terms~~
- ~~• Income yield range **of** from 6.5% **or over** to 10.0%~~

2. ~~Office investments with the following characteristics:~~

- ~~• Lot sizes between **of** £1m **plus** and £5m~~
- ~~• Modern specification, likely to be built since 1990~~
- ~~• Good locations in commercially strong town/city centres or in good out-of-town business parks~~
- ~~• Well let to sound tenants on leases with a minimum of five years unexpired terms~~
- ~~• Multi-let properties to be considered with average unexpired lease terms of 3 years, subject to a spread of expiry dates~~
- ~~• Income yield range **of** from 6.5% to 10.0% **or over**~~

3. ~~Industrial/Warehouse investments with the following characteristics:~~

- ~~• Lot sizes between **of** £1m and £5m **plus**~~
- ~~• Modern specification with flexible standard layout, built since 1980~~
- ~~• Good locations on major road routes and good access to motorways~~
- ~~• Well let to sound tenants on leases with a minimum of five years unexpired terms~~
- ~~• Multi-let properties to be considered with average unexpired lease terms of 3 years, subject to a spread of expiry dates~~
- ~~• Income yield range **of** from 6.5% to 10.0% **or over**~~

41. Leisure investments, such as public houses, restaurants and health & fitness centres ~~with similar characteristics as above~~ will also be sought.

52. Mixed-use investments would also be potentially suitable additions to the portfolio. These may include a mixture of commercial uses or a mixture of retail and office use. ~~Again, similar characteristics as set out above for office investments will apply.~~

63. Residential investment – tends to be significantly more management intensive than the types of commercial property investment envisaged under this strategy and requires specialist residential management expertise, so **are** ~~is proposed to be excluded from~~ **this** ~~the~~ strategy. ~~under the proposals set out in this report.~~

## 1.9 Assessment of risks

	Investment, <b>Loans &amp; Co Investment</b> –Yield	Investment –Taxbase	Investment –loans & co investment
Independent Valuation of asset	Yes <b>(if applicable)</b>	Yes	If applicable
Condition Survey	Yes <b>(if applicable)</b>	Yes	If applicable
Independent Assessment of Asset Life	Yes <b>(if applicable)</b>	Yes	If applicable
Independent Assessment of Residual value	Yes <b>(if applicable)</b>	Yes	If applicable
Security required	<b>Yes if loan</b>	-	Yes – minimum 75% of investment/loan
Risk Appetite	Risk averse	Moderate risk	Risk averse
“Green Book” Financial profile over life of asset (IRR)	Yes <b>(if applicable)</b>	Yes	Yes
Lease	Tenants of strong financial standing and minimum 5 year unexpired lease term	Tenants of strong financial standing and minimum 5 year unexpired lease term	If applicable
Reputational Issues	No “sin” assets or tenants	No “sin” assets or tenants	No “sin” assets or tenants

A rigorous assessment of all risks is required in each case of fresh investment in order firstly to value each property and then to check its suitability for inclusion in the portfolio. The risks fall into two categories, firstly economic and property market risks in specific property market sub-sectors and locations and secondly asset-specific risks (as set out below). These can be measured and an assessment made of the likely future performance of the investment carried out based on the ranges of likely future rental growth **and voids** of the property and also the projected disposal price or capital value at the end of the period over which the cash flow analysis is being measured.

Financial returns are modelled over a medium-term horizon of five years, based on proposed offer prices, to determine the acceptability of each investment, and can be compared against general market forecasts.

Internal Rate of Return (IRR) calculations will be carried out to model the expected cash flows from each investment. The anticipated returns can be modelled on different bases to reflect the range of risks applicable in each case, to ensure that forecast returns properly reflect the measured risks. In this way a Business Case is put together to support each recommended property acquisition.

**This modelling will be used to make an assessment on how long the asset should be retained for, taking into account the likely future value of the asset at the proposed time of disposal, any over-renting and potential voids in the leases. Where the value of the asset is likely to be less than the amount paid, including stamp duty and purchasing costs, Minimum Revenue Provision (MRP) will be applied to recover these costs. MRP will be assessed on a case by case basis by the Head of Finance in line with the Council's MRP Policy.**

**The Head of Finance reserves the right to refer any proposed investment decision (irrespective of value) to the Council for consideration where he deems this is in the best interest of the Council.**

### **Asset-specific risks**

Income and capital returns for property will depend principally on the following five main characteristics;

- Location of property
- Building specification quality
- Length of lease unexpired
- Financial strength of tenant(s)
- Rental levels payable relative to current open market rental values

**Location** – this is the single most important factor in considering any property investment. In the retail sector prime or good secondary locations in major regional or sub-regional shopping centres are likely to provide good long-term prospects, or alternatively prime locations in sub-regional or market towns.

Industrial and warehouse property has a wider spectrum of acceptable locations with accessibility on good roads to the trunk road and motorway network being the key aspect.

Experienced knowledge will be required to ensure that good locations are selected where property will hold its value in the long term.

**Building specification quality** – In office property especially it is important to minimise the risk of obsolescence in building elements, notably mechanical and electrical plant. Modern, recently-built office and industrial property should be acquired to ensure longer-term income-production and awareness of the life-cycle of different building elements and costs of replacement is critical in assessing each property's merits. For town centre retail property trends have been towards larger standard retail units being in strongest demand from retailers.

**Length of lease unexpired** – At present capital values are highest for long-term leased property and values tend to reduce significantly when unexpired lease terms fall below five years, as owners expect significant capital expenditure to be necessary when leases expire and tenants may not renew leases and continue to occupy. Fresh investments should be made ensuring that diminishing lease terms will not either adversely affect capital value or that significant capital expenditure and voids are experienced. A strategy to dispose of investments before unexpired lease terms reach terms of shorter than three years should be adopted **or the leases to be renegotiated before this time.**

**Financial strength of tenant(s)** – assessment will be required of each tenant of potential acquisitions through analysis of their published accounts and management accounts where necessary. Risk of tenant default in rent payment is the main issue but the relative strength of a tenant’s financial standing also impacts upon capital value of property which is let to that tenant and careful analysis of financial strength is a key part of due diligence prior to purchase of investments.

**Rental levels** – following the banking crash in 2007/8 rental levels fell across most occupier markets, particularly in office and retail markets. As a result rents payable on leases that were granted before 2007 may be at levels which are higher than current rental values. Rents in some sub-sectors have recovered back to pre-2007 levels but care is required in all purchases to assess market rents local to each property to check whether rents payable under leases are above or below current levels, as this will impact on whether growth in rents in the future will be fully reflected in the specific property being analysed.

**Environmental and regulatory risks** - Risks such as flooding and energy performance are taken into account during the due diligence process on every property purchase.

**Reputational risks** - A policy on specific types of commercial tenant which may not be acceptable to the Council such as tobacco, gambling or alcohol-related companies should be adopted. Properties tenanted by such companies would not then be considered for purchase. However, this would not necessarily protect the Council in the event of a future transfer of any tenancy to a prohibited company.

### 1.10 Financial Assumptions

	Investment - Yield	Investment - Taxbase	Investment- loans & co investment
MRP	50 years land and 40 years buildings or life of asset	50 years land and 40 years buildings or life of asset	As applicable
Interest Costs used in appraisal	New Borrowing Rates	New Borrowing Rates	New Borrowing Rates
SDLT & other purchase costs	Part of purchase price	Part of purchase price	-
*Fund Management Costs & ongoing client costs	0.50% of purchase price	0.50% of purchase price	0.50% of loan or investment
“Green Book” Financial profile over life of asset (IRR)	Yes	Yes	Yes

**\*Normally for each investment an annual payment of 0.5 % of the purchase price or loan or investment, subject to a case by case evaluation and decision by the Chief Finance Officer, will be held in a central fund to cover the following:**

- external advice for future investments;
- known or expected one off future costs, such as costs associated with future negotiation or renegotiation of leases;
- void periods;
- bad debt provision;
- irrecoverable estate costs;
- management of assets; and
- maintenance or redevelopment costs associated with future leases.

## Investment Fund Business Case for Investment

1. Investment Name and Address
2. Strategy Objective
3. Compliance with Strategy Objective – Non-Financial:
  - Sector and target assets
  - Location
  - Building specification
  - Management and maintenance obligations
  - Lease arrangements
  - Quality of tenants
4. Compliance With Strategy Objective – Financial (Completion of Appendix with commentary as below):
  - Purchase price **with an independent valuation**
  - Estimated exit value **and proposed timescale for disposal**
  - Building survey results
  - Rental income **assessed over asset life linked to assessment of future market trends of both the asset sector and location**
  - Outgoings
  - Estimated voids
  - Cashflow
  - Costs including stamp duty, legal fees, survey fees, letting costs
  - Management and maintenance obligations
  - **Internal Rate of Return (IRR) Calculation**
  - **Diversity – how this investment fits in with existing investments and loans by sector**
5. Legal Issues (to Include):
  - Review of title and ownership
  - Liabilities and restrictions
6. Risk Assessment
  - Economic and Property Market
  - Asset-specific –e.g. location, building quality, length of lease, financial strength of tenant, rent payable
  - Environmental and regulatory
  - Reputational
7. Recommendation

8. REVIEW

- Chief Finance officer
- Monitoring officer

### Investment Committee:

#### Proposed Revisions to Terms of Reference:

1. To review the Investment Strategy and make recommendations to the Council for revision of the same, **when appropriate**.
2. To determine any investment or purchase using the Investment Fund up to the value of £5 million, in accordance with the Investment Strategy. All investments or purchases to be subject to a (documented) review by the S151 Officer, Monitoring Officer, ~~Fund Manager~~ and Executive Head of Business Services (**any of whom may require the proposal to be referred to Council for approval**).
3. **To review with officer advice current and future investment opportunities.**
4. **To determine when to receive external advice on investment opportunities.**
5. To receive performance reports on the Investment Fund on a quarterly basis.





**Meeting:** Council

**Date:** 23 February 2017

**Wards Affected:** All wards in Torbay

**Report Title:** Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions

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

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

**Executive Lead Contact Details:** Councillor Derek Mills, Executive Lead for Health and Wellbeing and Corporate Services, (01803) 843412, [Derek.mills@torbay.gov.uk](mailto:Derek.mills@torbay.gov.uk)

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

## 1. Proposal and Introduction

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a pay policy statement for each financial year. This is a statutory requirement. The pay policy statement must be approved formally by Council. The pay policy statement draws together the Council's overarching policies on pay and conditions and will publish them on the Councils Website and update them as necessary through the year.
- 1.2 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme.

## 2. Reason for Proposal

- 2.1 The Annual Pay Policy Statement 2017/18 must be approved by the Council in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011. The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.

## 3. Recommendation(s) / Proposed Decision

- 3.1 That the Torbay Council Annual Pay Policy Statement 2017/18, as set out at Appendix 2 to the submitted report, be approved.
- 3.2 That the Employers Pensions Discretions set out in Appendix 3 to the submitted report be approved.

## **Appendices**

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Torbay Council Pay Policy Statement 2017/18

Appendix 3: Torbay Council Pension Discretions

## **Background Documents**

Copies of Torbay Councils associated Pay Policies will be made available upon request.

All current policies are held on the HR Intranet pages:-

<http://insight/humanresources>

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

Localism Act Pay Policy Guidance from the Local Government Association

<http://www.local.gov.uk/localism-act>

### Supporting Information and Impact Assessment

Service / Policy:	Human Resources
Executive Lead:	Cllr Derek Mills
Assistant Director:	Anne-Marie Bond

Version:	1	Date:	10.2.17	Author:	Jo Sandbrook, Senior HR Officer
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<b>Section 1: Background Information</b>	
<b>1.</b>	<p><b>What is the proposal / issue?</b></p> <p>The publication of the Annual Salary Statement is a Statutory requirement under Section 38 (1) of the Localism Act 2011. If Council does not approve the Salary Statement then there is a significant risk that the Council will be in breach of the legislation.</p> <p>See Pay Policy Statement, Appendix 2, for full details.</p> <p>Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme.</p> <p>The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.</p>
<b>2.</b>	<p><b>What is the current situation?</b></p> <p>The position with the Pay Policy Statement has not changed significantly from last year. There are changes to the Multiplier information that assesses the median between the highest and lowest earners due to the introduction of the National Living Wage in April 2016. This has increased the lowest salary and has reflected a positive change in the highest and lowest paid officers within the Council. The policy has also been updated to reflect Hay 2016 rates low to and spinal scales.</p> <p>Employee and employer pension contribution rates have not yet been updated as these figures are not yet available although the employer contribution rates are expected in January 2017.</p>
<b>3.</b>	<p><b>What options have been considered?</b></p> <p>There are no options to be considered in regard to the publication of the Pay Policy Statement as it is a Statutory requirement of the requirement under Section 38 (1) of the Localism Act 2011.</p>

	<p>The Employers Pensions Discretions were changed and approved by Council in December 2015. Although they have to be agreed by Council on an annual basis, there is no requirement for these to be changed currently therefore no options have been explored.</p>
4.	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p> <p>Ambitions: Prosperous and Healthy Torbay</p> <p>Principles:</p> <ul style="list-style-type: none"> <li>• Use reducing resources to best effect</li> <li>• Reduce demand through prevention and innovation</li> <li>• Integrated and joined up approach</li> </ul> <p>Targeted actions:</p> <ul style="list-style-type: none"> <li>• Protecting all children and giving them the best start in life</li> <li>• Working towards a more prosperous Torbay</li> <li>• Promoting healthy lifestyles across Torbay</li> <li>• Ensuring Torbay remains an attractive and safe place to live and visit</li> <li>• Protecting and supporting vulnerable adults</li> </ul>
5.	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>Torbay Council employees and those within the Council's Maintained Schools, including all employees who are members of the Local Government Pension Scheme.</p>
6.	<p><b>How will you propose to consult?</b></p> <p>Trade Unions representing staff within Torbay Council and its' Schools will be consulted at Joint Consultative meetings.</p>

## Section 2: Implications and Impact Assessment

7.	<p><b>What are the financial and legal implications?</b></p> <p>There would be legal implications for Torbay Council if it does not publish its Annual Pay Policy Statement in accordance with the Localism Act 2011. The Pay Policy Statement and associated pay policies set out the processes and procedures by which the Council pays its staff. These practices are in accordance with the Equality Act 2010 and associated employment law and so must be approved in order to maintain compliance.</p>
8.	<p><b>What are the risks?</b></p> <p>Non-Compliance with Section 38 (1) of Localism Act 2011 mainly and employment law, see above. It is currently not determined as to whether there would be a financial penalty for non-compliance with the Localism Act however, under employment law non-compliance could result in heavy penalties for the Council (e.g. Equal pay and discrimination claims).</p>
9.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Both decisions will not relate to the above Act as there are no associated services or goods that need to be purchased or hired.</p>
10.	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>Reference has been made to the Localism Act 2011 and supplementary guidance supplied by the Department for Communities and Local Government (“Openness and Accountability in Local Pay: Supplementary Guidance”).</p> <p>Advice and information has also been provided by the Local Government Association.</p>
11.	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>The key findings to date from consultation have revealed nothing significant as this is a policy that affects Torbay Council staff. Consultation takes place with the Councils’ Trade Unions on behalf of its staff, the expectation is that the Council has a legally compliant pay policy in place that is fair and transparent.</p>

<b>12.</b>	<b>Amendments to Proposal / Mitigating Actions</b>  Feedback from internal facing departments has not suggested the need for any changes or mitigating action.
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## Equality Impacts

13	<b>Identify the potential positive and negative impacts on specific groups</b>			
		<b>Positive Impact</b>	<b>Negative Impact &amp; Mitigating Actions</b>	<b>Neutral Impact</b>
	Older or younger people	Introduction of the National living Wage in April 2016 has had a positive impact to the pay for lowest earners within the Council.		Employers Pensions Discretions affecting employees who are 55 years and above. A neutral impact as the proposal is that the discretions will not change since they were last reviewed in 2016.
	People with caring Responsibilities	Introduction of the National living Wage in April 2016 has had a positive impact to the pay for lowest earners within the Council.		
	People with a disability	Introduction of the National living Wage in April 2016 has had a positive impact to the pay for lowest earners within the Council.		
	Women or men	Introduction of the National living Wage in April 2016 has had a positive impact to the pay for lowest earners within the Council.		
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this</i>	Introduction of the National living Wage in April 2016 has had a positive impact to the pay for lowest earners within the Council.		

<i>community)</i>			
Religion or belief (including lack of belief)	Introduction of the National living Wage in April 2016 has had a positive impact to the pay for lowest earners within the Council.		
People who are lesbian, gay or bisexual	Introduction of the National living Wage in April 2016 has had a positive impact to the pay for lowest earners within the Council.		
People who are transgendered	Introduction of the National living Wage in April 2016 has had a positive impact to the pay for lowest earners within the Council.		
People who are in a marriage or civil partnership	Introduction of the National living Wage in April 2016 has had a positive impact to the pay for lowest earners within the Council.		
Women who are pregnant / on maternity leave	Introduction of the National living Wage in April 2016 has had a positive impact to the pay for lowest earners within the Council.		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	Introduction of the National living Wage in April 2016 has had a positive impact to the pay for lowest earners within the Council.		



	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			Neutral, no public health impact identified as a result of proposals.
14	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	Possibility of wider budget savings elsewhere within the Council may necessitate a change to the Employers Pensions Discretions when they are reviewed in future.		

# TORBAY COUNCIL ANNUAL PAY POLICY STATEMENT APRIL 2017/18

*Human Resources*

This document can be made available in other languages, on tape, in Braille, large print and in other formats. For more information please contact 01803 207366 or [HRPolicy@torbay.gov.uk](mailto:HRPolicy@torbay.gov.uk)

## **1. Purpose and Scope of the Policy Statement**

- 1.1 Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement.
- 1.2 Supplementary guidance was published in February 2013 – “Openness and Accountability in Local Pay: Supplementary Guidance”. Due regard has been given to that guidance in preparation of this policy.
- 1.3 This Annual Pay Policy Statement acknowledges the impact of pay legislation, The National Living Wage, with effect from 1<sup>st</sup> April 2016, see Appendix 1.
- 1.4 In dealing with staff pay it is the Council’s strategy to ensure that our Pay Policy facilitates the recruitment and retention of staff with the skills and capabilities the Council needs.
- 1.5 Arrangements for staff pay must comply with Equal Pay legislation.
- 1.6 This Pay Policy Statement applies to the Chief Executive/Head of Paid Service, Directors, Assistant Directors, Executive Heads and Senior Officers within Torbay Council. It addresses the legal requirement to set out how pay is determined for this group. This includes the following posts within Torbay Council:
  - Chief Executive/Head of Paid Service
  - Directors
  - Assistant Directors

- Executive Heads ( and those posts with specific responsibility such as Section 151 Officer)
- Senior Officers (non-executive heads) – These are posts where the salary is above £50,000.

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

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

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

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

This information can be found in Appendix 1 of this policy.

## **2. Arrangements for Officer Pay**

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

- Chief Executive/Head of Paid Service - JNC for Chief Executives of Local Authorities,
- Directors - JNC for Chief Officers of Local Authorities,
- Assistant Directors - NJC for Local Government Services
- Executive Heads - NJC for Local Government Services
- Educational Advisors and Inspectors/ Educational Psychologists – Soulbury Pay and Conditions
- All other Employee Groups – NJC for Local Government Services
- Public Health – NHS Terms and Conditions of Service (for employees who have transferred under TUPE)

2.2 The council uses two forms of Job Evaluation to identify officer pay. This is either through the Council's GLPC Job Evaluation Scheme or the Hay Evaluation Scheme. The Hay Evaluation scheme produces both a Know How Score and a total points score for each post evaluated. Torbay Council pays salary (with a pay band of 4 spinal points) on the basis of the Know How Score only (not the final points score). Know-How is the sum of every kind of knowledge, skill and experience required for standard acceptable job performance.

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

- Chief Executive/Head of Paid Service
- Directors
- Assistant Directors
- Executive Heads
- All Grade O roles are evaluated under GLPC and Hay (this is due to the cross over point of the two schemes).
  
- Public Health posts are evaluated on the Council's GLPC Job Evaluation Scheme. Public Health posts can also be evaluated using the "Agenda for Change" job evaluation scheme in order to provide Market Forces information.
  
- All other posts within the Council are evaluated under the Torbay Council GLPC evaluation scheme in accordance with the agreed policies.

2.4 The Officers evaluated as having a Know How Score within the Hay evaluation scheme are paid on a salary range based on the low to median salary levels as set in 2016 for all sectors within the South West. Torbay Council publishes this in bands of £5,000. Please refer to Appendix 1 within this policy for further information. This salary information, together with corresponding job descriptions, is also available from the Council's internet page, link as follows:-

<http://www.torbay.gov.uk/index/yourcouncil/financialservices/expenditure/salarydisclosure.htm>

- 2.5 In determining the salary for the Chief Executive/Head of Paid Service within the Council, advice will be taken by the Employment Committee from Head of Human Resources and the Assistant Director, Corporate and Business Services. Further independent advice will be sought from South West Councils (HR and Employment Services) and other professional organisations to ensure the correct level of remuneration is awarded by the Council.
- 2.6 The Chief Executive under the general scheme of delegation within the Council will determine the terms and conditions of employment of all officers. Advice will be sought Human Resources and Assistant Director, Corporate and Business services as required.
- 2.7 Following significant changes in duties, any post can be re-evaluated. The evaluation will be based on a Job Evaluation Questionnaire which will be assessed by an independent panel of Job Evaluation trained assessors. External advice and benchmarking will also be undertaken if necessary to ensure that market conditions are taken into account for pay and grading.
- 2.8 Salary increases in relation to cost of living will be applied to all posts according to the awards made by the appropriate National Joint Council as described in paragraph 2.1.

2.9 No additional payments are made to in respect of:

- Bonus payments or Performance payments to the Senior Officers defined in 1.4, unless where given as a result of protections under TUPE e.g. Director of Public Health whose protected medical terms and conditions include access to additional NHS allowances in regard to Clinical Excellence and on-call duties, details can be found on the NHS Employers webpage as follows: - <http://www.nhsemployers.org/Aboutus/Publications/PayCirculars/Pages/PayCircular-MD1-2013.aspx>
- Additional enhancements are paid to NJC Employees who are employed on SCP 29 or below of the Torbay Council Salary Scale. Until 31<sup>st</sup> May 2017, these will be paid in accordance with NJC Terms and Conditions of Employment (Green Book) part 3, pay and grading. From 1<sup>st</sup> June 2017, these enhancements will be varied in accordance with a Collective Agreement with our Trades Unions, dated 13<sup>th</sup> December 2016.

2.10 Additional payments are made to any Council Officers who act as Returning Officers and carry out duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. This is treated as a separate employment as and when required.

2.11 In comparing the Chief Executive/Head of Paid Service pay with the wider workforce the Council will use the following definitions:

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

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

### **3. Contributions and other terms and conditions**

3.1 All staff who are members of the Local Government Pension Scheme make individual contributions to the scheme in accordance with the following table. These figures represent the 2016/2017 contribution rates and have not yet been increased for 2017/18. This is anticipated early in 2017.

<b>Band</b>	<b>Salary Range</b>	<b>Contribution Rate</b>
<b>1</b>	<b>£0 To £13,600.00.</b>	<b>5.50%</b>
<b>2</b>	<b>£13,601.00 To £21,200.00.</b>	<b>5.80%</b>
<b>3</b>	<b>£21,201.00 To £34,400.00.</b>	<b>6.50%</b>
<b>4</b>	<b>£34,401.00 To £43,500.00.</b>	<b>6.80%</b>
<b>5</b>	<b>£43,501.00 To £60,700.00.</b>	<b>8.50%</b>
<b>6</b>	<b>£60,701.00 To £86,000.00.</b>	<b>9.90%</b>
<b>7</b>	<b>£86,001.00 To £101,200.00</b>	<b>10.50%</b>
<b>8</b>	<b>£101,201.00 To £151,800</b>	<b>11.40%</b>
<b>9</b>	<b>More than £151,801.00</b>	<b>12.50%</b>

- 3.2 The employer pension contribution rate is: 14.8% from 1<sup>st</sup> April 2017.
- 3.3 All employees are currently able to apply for a Car Parking permit, which enables the employee to park on council property for a reduced daily rate.

#### **4. *Payments on Termination – Chief Officers***

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

#### **5. *Salary Packages upon Appointment***

- 5.1 Any salary package offered in respect of a new appointment for a Chief Executive /Head of Paid Service will be approved by Full Council. This will include **any new salary package** equating to £100,000 or more.

In the case of salary packages for Directors and Assistant Directors, this will need to be approved by the Council's Employment Committee, acting on behalf of Full Council. This will include **any salary package** equating to £100,000 or more.

#### **6. *Settlement Agreements***

- 6.1 Torbay Council will only enter into Settlement Agreements in exceptional circumstances where it is in the Council's overall commercial and financial interests to do so. Any Settlement Agreement for the Chief Executive/Head of Paid Service will be approved by the Full Council. This will include **any severance package** including associated pension costs equating to £100,000 or more.

In the case of Settlement Agreements for Directors and Assistant Directors, this will need to be approved by the Council's Employment Committee acting on behalf of full Council. This will include **any severance package** including associated pension costs equating to £100,000 or more.



Settlement Agreements for any other member of staff will need to be authorised by the Director or Assistant Director of the service following consultation with the Chief Executive/Head of Paid Service.

## **7. Publication**

- 7.1 Once approved by Full Council, this Policy and any subsequent amendment will be published on the Council's website. Human Resources Policy will be responsible for the annual review to ensure an accurate pay policy is published ahead of each financial year.
- 7.2 In accordance with the Code of Practice on Local Authority Accounting, the annual Statement of Accounts includes pay details of Senior Officers reporting directly to the Chief Executive/Head of Paid Service and statutory posts where the salary is above £50,000 per annum.
- 7.3 Full Council decisions in relation to staff pay matters are available from the Council's internet page, link as follows:-

<http://www.torbay.gov.uk/DemocraticServices/ieDocHome.aspx>

## *Current Salary Levels for Chief Executive/Head of Paid Service, Directors, Assistant Directors and other Senior Officers*

Torbay Council publishes a Salary Levels list with post details, salary spot rates or bands and full-time equivalent salaries, available from Torbay Council's web-site:-

<http://www.torbay.gov.uk/council/finance/salary-levels/>

### **Appendix 1      Multipliers**

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

The Council's current ratio in this respect is 5.79:1, i.e. the highest salary earns 5.79:1 times more than the Council's median salary. When measured against the lowest salary the ratio is 9.33:1.

In comparing the highest paid salary with the wider workforce the Council will use the following definitions:

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

The lowest full time equivalent salary is £13,891 which is Point 6, Grade A. Date of assessment: 5<sup>th</sup> January 2017.

	<b>Annual Salary</b>	<b>Ratio to Highest</b>
Highest Salary	£129,586	
Median (Mid-point) value	£22,365.23	5.79:1
Lowest full time salary	£13,891	9.33:1

## ***Equality Statement***

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

## ***Policy Feedback***

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

[HRpolicy@torbay.gov.uk](mailto:HRpolicy@torbay.gov.uk)

## ***History of Policy Changes***

This policy was first agreed by members of the Torbay Joint Consultative Committee in March 2012

<b>Date</b>	<b>Page</b>	<b>Details of Change</b>	<b>Agreed by:</b>
November 2012	Various	Amendment from Chief Executive to Chief Operating Officer	SSG 8.11.12 Approved by Full Council
6 <sup>th</sup> December 2012	4-5	Update to pension ranges re: LGPS contribution rates Addition of Payments upon Termination Section	Approved by Full Council
6 <sup>th</sup> December 2012	7	Update to Ratio + Multiplier information (Appendix 2)	Approved by Full Council
6 <sup>th</sup> December 2012	6	Update to current salary levels + addition of newly appointed posts (Appendix 1)	Approved by Full Council
5 <sup>th</sup> December 2013	Various	Update to current salary levels and reference to Chief Executive Officer throughout. Inclusion of Public Health information.	To be approved by Full Council – 5.12.13

5th December 2014	Various	Update to current salary levels and pension rates, reference to Executive Head of Commercial Services.	To be approved by Full Council – 4.12.14
November 2015	Various	-Update to reflect structure changes, e.g. Chief Officer/Head of Paid Service and Assistant Director roles. Reference to National Living Wage from 1.4.16. New section (5) relating to approval process for Chief Officer/Head of Paid Service appointments and changes to Section 6 (Settlement Agreements) to reflect approval process, i.e. delegation to Employment Committee for decisions relating to Directors and Assistant Directors. Reference to “Openness and Accountability in Local Pay: Supplementary Guidance”	Approved by Full Council – 10.12.15
February 2017	Various	Update to reflect change in job title – Chief Officer to Chief Executive. Changes to Appendix 1 – Multipliers, due to salary pay award in 2016 and introduction of National living Wage. Changes to terms and conditions relating to enhancements and other terms and conditions that have been varied through Collective Consultation. Updated to reflect Hay 2016 rates low to medium and spinal scales. General re-wording to take into account constitution, general delegations.	Pending - to be approved by Full Council February 2017

Policy to be reviewed December 2017.



The Local Government Pension Scheme Regulations 2013  
And  
The Local Government Pension Scheme (Transitional Provisions  
& Savings) Regulations 2014

Employer Name: TORBAY COUNCIL

Policy effective from: 1<sup>st</sup> April 2017 – following Council decision  
2<sup>nd</sup> February 2017

<b>Regulation R16(2)(e) &amp; R16 (4)(d)</b>	<b>Policy Decision</b>
<p><b>Shared Cost Additional Pension Scheme</b></p> <p>An employer can choose to pay for or contribute towards a member's Additional Pension Contract via a Shared Cost Additional Pension Contract (SCAPC)</p>	<p>Torbay Council will not normally enter into a Shared Cost Additional Pension Contract to count towards a member's Additional Pension Contract except in exceptional circumstances.</p>

<b>Regulation R30(6) &amp; TP11(2)</b>	<b>Policy Decision</b>
<p><b>Flexible Retirement</b></p> <p>Employers may allow a member from age 55 onwards to draw all or part of the pension benefits they have already built up while still continuing in employment. This is provided the employer agrees to the member either reducing their hours or moving to a position on a lower grade.</p> <p>In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds or a member has protected rights</p>	<p>Torbay Council will take all reasonable steps to accommodate an employee's request for Flexible Retirement.</p> <p>The Council will consider waiving reduction to pensions benefits where flexibility will enable the Council to retain key skills within critical service areas.</p> <p>The Council will also consider requests where an employee is aged between 55 to 60 and satisfies the 85 year rule criteria.</p> <p>Requests will be considered by the Head of Paid Service and/or Council, dependent upon the seniority of the role and associated costs, in line with the Local Government Transparency Code 2014.</p>

<b>Regulation R30(8)</b>	<b>Policy Decision</b>
<p><b>Waiving of actuarial reduction</b></p> <p>Employers have the power to waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members benefits paid on the grounds of flexible retirement.</p> <p>Employers may also waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to member's benefits for deferred members and suspended tier 3 ill health pensioners who elect to draw benefits on or after age 60 and before normal pension age</p> <p>Employers also have the power to waive, in whole or in part, the actuarial reduction applied to active members benefits when a member chooses to voluntarily draw benefits on or after age 55 and before age 60.</p>	<p>The Council will not waive the actuarial reduction to scheme member's benefits in respect of flexible retirement, deferred member's benefit requests, suspended tier 3 ill health pensioners or active members who retire voluntarily and draw benefits from age 55 to normal retirement age.</p> <p>The Council will consider waiving the actuarial reduction to the scheme member's benefits in respect of flexible retirement only.</p>

<b>Regulation TPSch 2, para 2(2) &amp; 2(3)</b>	<b>Policy Decision</b>
<p><b>Power of employing authority to “switch on” the 85 Year Rule</b></p> <p>An employer can choose whether to “switch on” 85 year rule for members who voluntarily retire on or after age 55 and before age 60</p> <p>An employer can also choose to waive, on compassionate grounds, the actuarial reduction applied to benefits for a member voluntarily drawing benefits on or after age 55 and before age 60</p>	<p>Torbay Council will not ‘switch on’ the 85 year rule for members who voluntarily retire on or after age 55 and before age 60.</p> <p>The Council will also not waive the actuarial reduction in respect of benefits drawn for a member from age 55 to 60.</p>
<b>Regulation R31</b>	<b>Policy Decision</b>
<p><b>Power of employing authority to grant additional pension</b></p> <p>An employer can choose to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500* per annum)</p> <p><i>(* the figure of £6,500 will be increased each April under Pensions Increase orders)</i></p>	<p>Torbay Council will not normally exercise the discretion to grant additional pension except in exceptional circumstances.</p>

These policies may be subject to review from time to time. Any subsequent change in this Policy Statement will be notified to affected employees.

Signed on behalf of \_\_\_\_\_

Signature of authorised officer: \_\_\_\_\_

Date: \_\_\_\_\_

Print name of authorised officer: \_\_\_\_\_

Job Title: \_\_\_\_\_



**Meeting:** Council **Date:** 23 February 2017

**Wards Affected:** All

**Report Title:** Heart of the South West Devolution – Update and Appointment of Joint Committee

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

**When does the decision need to be implemented?** June 2017

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

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

## 1. Proposal and Introduction

- 1.1 This report provides an update following the July 2016 ‘in principle’ Council approval to progress negotiations for a devolution deal and the establishment of a Combined Authority.
- 1.2 This report also outlines proposals for the:
- Preparation and approval of a Heart of the South West (HotSW) Productivity Plan to take forward the HotSW Prospectus for Productivity which was prepared in support of the partnership’s aspirations to secure a devolution deal and approved by the councils in February 2016.
  - Creation of a formal HotSW Joint Committee of the local authorities, national park authorities and partners to take forward the Productivity Plan.
- 1.3 The proposals outlined above are covered by common recommendations in this report to be considered by all of the councils during February/March 2017.

## 2. Reason for Proposal

- 2.1 The urgent and essential need to improve productivity across the HotSW area is the driver for the recommendations in this report.
- 2.2 The Productivity Plan will replace the Local Enterprise Partnership’s Strategic Economic Plan. It will be the key strategic document for the partners to engage



with Government on a range of investment opportunities and powers emerging from the Industrial Strategy and the National Infrastructure Fund.

- 2.3 The recommendations also reflect the position reached with the Government on the Combined Authority / devolution deal matters. With no agreement in sight on either issue the Leaders wish to put in place an alternative formal collaboration arrangement at HotSW level to maintain and take forward the momentum achieved by the partnership.
- 2.4 The HotSW Joint Committee will provide a formal strategic partnership to complement and maximise the ability of local sub-regional arrangements to deliver their aspirations. It will allow the partners to collaborate to agree and deliver the Productivity Plan as well as engage effectively with the Government, other deal areas and other LEPs on a range of policy agendas. It will allow the partnership to test and improve its ability to work together as a potential precursor to the establishment of a Combined Authority at some point in the future. It will also provide a mechanism to work alongside and influence the LEP on strategic investment decisions affecting the HotSW area and to secure improvements to LEP governance and accountability.
- 2.5 Without a Joint Committee in place at this time at a strategic level, the HotSW area is likely to find itself disadvantaged in terms of taking advantage of Government policy initiatives and new funding opportunities compared to those areas that have and are establishing formal strategic partnerships. Although a Joint Committee cannot undertake the full range of functions of a Combined Authority, it would provide a mechanism towards the establishment of a Combined Authority if deemed appropriate, including the potential to operate as a shadow Combined Authority at some point in the future.

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

- 3.1 That the update about the HotSW Combined Authority / devolution deal proposals (including that a Joint Committee, if established, will have responsibility for developing future 'deal' and combined authority proposals for recommendation to the constituent authorities) be noted.
- 3.2 That the proposals for the HotSW Productivity Plan preparation and consultation (including noting that a Joint Committee, if established, will have responsibility for approving and overseeing the implementation of the Productivity Plan) be approved.
- 3.3 That it be agreed 'In principle' that a HotSW Joint Committee be established with a Commencement Date of Friday 1 September 2017 in accordance with the summary proposals set out in this report.
- 3.4 That the 'in principle' decision at (3.3) above be subject to further recommendation and report to the constituent authorities after the County Council elections in May 2017 and confirmatory decisions to: approve the establishment of the Joint Committee; a constitutional 'Arrangements' document; an 'Inter-Authority Agreement' setting out the support arrangements; appoint representatives to the Joint Committee; and appoint an Administering Authority.

## **Appendices**

Appendix 1: Supporting Information and Impact Assessment

### Supporting Information and Impact Assessment

Service / Policy:	Heart of the South West Devolution – Update and Appointment of Joint Committee
Executive Lead:	Elected Mayor of Torbay
Director / Assistant Director:	Steve Parrock, Chief Executive

Version:	1	Date:	24.1.17	Author:	Julian Gale, Strategic Manager – Governance & Risk, Somerset County Council (on behalf of the Programme Management Office)
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#### Section 1: Background Information

##### 1. Combined Authority / Devolution Deal update

1. Following the in-principle agreement by Heart of the South West (HotSW) local authorities to move towards a Combined Authority model to deliver its devolution deal, the Government has changed and the EU Referendum has taken place. Both of these events have had a significant impact on Government policy and in particular the approach to devolution.
2. Members will recall that before the change of Government the previous Secretary of State had indicated his support for the establishment of a Combined Authority for the HotSW area and indicated that a Mayor would not be imposed or be a pre-condition of any initial devolution deal. Although it was made clear that a Mayor was required to achieve extensive funding and powers, the partnership was encouraged to push the limits of an initial deal, with the potential for further deals in the future. At that stage in the early autumn of 2016, the Autumn Statement presented the first opportunity for the announcement of an initial deal. It was also acknowledged that the HotSW LEP would not be penalised in Growth Deal 3 negotiations through not agreeing to a Mayor.
3. These indications were sufficient for the councils to pass resolutions in July / August 2016 to agree to the principle of creating a non-Mayoral Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a devolution deal for the area.
4. Following the change of Government, the new Secretary of State has given a clear indication that a Mayoral Combined Authority is required in order to achieve a significant devolution deal.
5. The collective view is that the partnership must maintain the momentum achieved to date by putting in place arrangements across the HotSW area to deliver key ambition of raising productivity and avoid the area being disadvantaged compared to its neighbours. Pending any progress being made on 1.4 above, and to allow the area to capitalise

	<p>on the emerging, national Industrial Strategy, the Leaders are recommending the following at this stage:</p> <ul style="list-style-type: none"> <li>• The creation of a HotSW Productivity Plan to develop the strength of the Heart of South West’s economy; and</li> <li>• That consideration is given to the creation of a Joint Committee of HotSW partners to drive the development and delivery of the Productivity Plan and be the basis for identifying further public sector reform opportunities for recommendation to the partner authorities.</li> </ul>
<p><b>2.</b></p>	<p><b>HotSW Productivity Plan</b></p> <p>2.1 The report to Council on 21 July 2016 set out that regardless of whether the area entered into a devolution deal with Government the partnership intended to continue with the development of a Productivity Plan for the area to deliver the aspirations set out in the Prospectus for Productivity agreed by the Councils in February 2016. This remains the priority of the partnership.</p> <p>2.2 The Productivity Plan, which replaces the LEP’s Strategic Economic Plan, will guide the long term growth aspirations for the area and will be our key strategic document for engaging with Government and our communities on future prosperity. In the absence of a combined authority / devolution deal at this stage a mechanism is required to enable the partners to collaborate formally to maximise what can be achieved within existing structures and resources through new ways of working as well as continue negotiations with Government over a range of policy agendas to help deliver the partnership’s productivity ambitions.</p> <p>2.3 The latest research from Exeter University confirms that the area has one of the best employment rates in the country. However, too many of those jobs are part-time and low paid. The area significantly lags behind the rest of the UK in terms of its productivity and the key to our future prosperity is to address this disparity.</p> <p>2.4 Productivity is defined as: “the amount of goods and services that a person, industry or country produces per hour.” The more goods and services that are produced, the more productive – and ultimately wealthy – an economy is. There are 5 drivers of productivity which must all be addressed for productivity to rise:</p> <ol style="list-style-type: none"> <li>1. Competition <ul style="list-style-type: none"> <li>• Which encourages business to innovate and be more efficient; and</li> <li>• Access to national and international markets through good infrastructure.</li> </ul> </li> <li>2. Enterprise <ul style="list-style-type: none"> <li>• New business opportunities for existing firms and start-ups where competition encourages new ideas and ways of working; and</li> <li>• Support for businesses and entrepreneurs.</li> </ul> </li> <li>3. Investment in physical capital</li> </ol>

	<ul style="list-style-type: none"> <li>• Machinery, equipment, buildings and infrastructure. More capital generally means that more can be done, better and quicker; and</li> <li>• Infrastructure and somewhere to 'set up shop' are essential, and investment capital must be available.</li> </ul> <p>4. Skills</p> <ul style="list-style-type: none"> <li>• Skills are needed to take advantage of investment in new technologies and ways of running a business; and</li> <li>• Skills alone can determine productivity but so do good management, creativity and investment.</li> </ul> <p>5. Innovation</p> <ul style="list-style-type: none"> <li>• The successful exploitation of new ideas: technology, products or ways of working boost productivity, for example as better equipment works faster; and</li> <li>• Research and development and general support for innovators is essential.</li> </ul> <p>2.5 Our Prospectus for Productivity confirms our commitment to increasing productivity across the Heart of the South West to ensure a successful future economy. We know the new Secretary of State for Business, Energy and Industrial Strategy, who is developing the Industrial Strategy, is keen to hear and reflect the local narrative in his strategy. The Productivity Plan will provide the platform for the area to engage with Government on this agenda with a view to delivering our collective aspirations for growth in the Heart of the South West.</p> <p>2.6 The Productivity Plan will be developed through an evidence base produced by the LEP's Future Economy Group and engagement with stakeholders and the community. In developing the Plan a range of issues will be explored:</p> <ul style="list-style-type: none"> <li>• Productivity in the public and private sector</li> <li>• Understanding how the local economy works and interventions required to guide investment decisions</li> <li>• Bringing together local government, business community, public, the universities and other groups</li> <li>• The need to build an inclusive economy with growth for all.</li> </ul> <p>2.7 Work to create the Productivity Plan is intended to be a fully inclusive process involving all stakeholders and will include public consultation. It will take the form of several stages as follows:</p> <p><b>W/c 23 January – 10 March 2017</b> – a discussion paper will be shared shortly with all Councils. This 'Green Paper' will set out some of the emerging challenges for Heart of the South West productivity identified by the LEP's Future Economy Group. The results from this discussion paper will form the basis of a formal consultation paper on the vision and priorities for a Productivity Plan.</p> <p><b>May 2017 (post County Council elections)</b> – A formal consultation 'White Paper' will be released to all Councils and stakeholders. This will be a public consultation to directly inform the content of the Productivity Plan.</p> <p><b>September 2017</b> – The Productivity Plan will be considered for formal adoption.</p>
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### 3.

#### HotSW Joint Committee Proposal

- 3.1 Members will be aware of the work on developing the Combined Authority proposal for the HotSW area. This work was suspended following the change of government focus as referenced elsewhere in this report. The partnership decided that until there is clarity from the Secretary of State of the criteria for moving forward on devolution, it would take forward a less risky and more cost effective short term option of forming a HotSW Joint Committee to oversee and own the development and delivery of the Productivity Plan. Although the Joint Committee would not have the statutory status of a Combined Authority and cannot therefore deliver the full range of benefits that a Combined Authority can, it has the potential to provide cohesive, coherent leadership and formal governance to agree and oversee delivery of the Productivity Plan and bring forward other pan-HotSW proposals for recommendation to the constituent authorities, as desired and necessary. Its role will focus on collaboration, negotiation and influencing with full delegated decision making responsibilities limited to agreeing and overseeing the implementation of the HotSW Productivity Plan. All other matters where a decision is required will be referred back to the constituent authorities for approval.
- 3.2 Ultimately the aims of the Joint Committee through delivery of the Productivity Plan will be to:
- Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
  - Increase our understanding of the economy and what needs to be done to make it stronger;
  - Ensure that the necessary strategic framework, including infrastructure requirements, is in place across the HotSW area to enable sub-regional arrangements to fully deliver local aspirations; and
  - Improve the efficiency and productivity of the public sector.
- 3.3 The creation of a single strategic public sector partnership covering the HotSW area will: facilitate collaborative working; help us to remove barriers to progress and will provide the partnership with the formal structure to engage with Government at a strategic level to maximise the opportunities /benefits available to the area from current and future government policy. It will also enable the constituent authorities and partners to have discussions with neighbouring councils / combined authorities / LEP areas on South West peninsula priorities and issues as well as the ability to move swiftly towards a devolution deal and Combined Authority model in the future if the conditions are acceptable.
- 3.4 A Joint Committee will also provide a formal mechanism for the constituent authorities to engage effectively with the LEP across common boundaries and agendas. The LEP is in the process of adopting a new assurance framework as part of new government requirements which require improvements in the LEP's transparency and accountability. The direct involvement of the LEP in the Joint

Committee on many common agendas will provide a mechanism to enable the councils to have a more direct involvement in and greater influence over the activities of the LEP.

3.5 The detail of the proposed functions of the Joint Committee and how it will operate will be set out in a draft 'Arrangements' document which will be presented to the constituent authorities for approval in the summer . The reason for only seeking an 'in principle' approval to the creation of a Joint Committee at this stage is because of the local County Council elections scheduled for May 2017. Therefore final decisions to establish the Joint Committee will be sought from all authorities in July / August with a view to the Committee being established on the 1<sup>st</sup> September 2017.

3.6 In detail the proposed functions of the Joint Committee are as follows:

- (a) Develop, own and implement the HotSW Productivity Plan in collaboration with the LEP.
- (b) To identify and develop proposals (for recommendation to constituent authorities / partner agencies as necessary) in response to policy opportunities presented by the Government to secure functions and funding for the benefit of improving productivity. Examples include Industrial Strategy, Brexit, and Devolution.
- (c) Develop and make recommendations to the constituent authorities / partner agencies for actions emerging from the work of the Brexit Opportunities and Resilience Task Group
- (d) Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government's strategic infrastructure commitments, eg, strategic road and rail transport improvements
- (e) Identify opportunities for rationalising / improving existing public sector governance arrangements and make recommendations to the constituent authorities/partners..
- (f) To work with the LEP to identify and deliver improvements to the LEP's democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes formally endorsing the LEP's assurance framework on behalf of the constituent authorities as and when required and before it is formally approved by the LEP's Administering Authority.
- (g) To ensure that adequate resources (including staff and funding) are allocated by HotSW partners to enable the objectives in (a) to (f) above to be delivered.

3.7 In addition to the functions set out above, the Joint Committee Arrangements document will set out in detail:

- (a) Membership arrangements: based on 1 Authority (and to include the 2 National Park Authorities, 1 Member (normally the Leader of the Council / Chairman of the National Park Authority), 1 named substitute member and 1 vote. Partner organisations such as the LEP and the Clinical Commissioning Groups will also have non-voting membership of the Joint Committee
- (b) Standing Orders / Rules of Procedure: An Administering Authority will be identified to support the operation of the Committee and it will be recommended that the Standing Orders and Rules of Procedure of the Administering Authority will apply to the operation of the Committee. This will include the usual Access to Information rules which apply to local authority meetings.
- (c) Provisions to enable a Constituent Authority to formally withdraw from the Joint Committee and for the Joint Committee to be dissolved.
- (d) Appointment of a Chairman and Vice-Chairman on an annual basis.
- (e) The ability for the Joint Committee to appoint sub-committees or establish working groups as required.

	<p>3.8 A draft Inter-Authority Agreement will accompany the ‘Arrangements’ document for approval in the summer. This will detail how the Joint Committee will be supported and set out the obligations on the constituent authorities.</p> <p>In particular this document will set out the Administering Authority functions in support of the operation of the Committee including the provision of financial, legal, constitutional and administrative support to the Committee.</p> <p>The Agreement will also include:</p> <ul style="list-style-type: none"> <li>(a) The cost sharing agreement setting out how the costs of running the Joint Committee will be met by the constituent authorities</li> <li>(b) The roles and responsibilities of the constituent authorities in support of the Joint Committee</li> <li>(c) The roles and duties of the Chief Executives’ Advisory Group that will support the Joint Committee</li> <li>(d) Accounts, Audit, Insurance arrangements</li> <li>(e) Confidentiality, Equal Opportunities, Data Protection provisions</li> <li>(f) Dispute Resolution provisions.</li> </ul> <p>3.9 In addition to the Arrangements and Agreement documents, as part of the summer approval recommendations, the constituent authorities will also be asked to confirm nominations for Joint Committee membership; and appoint an Administering Authority to support the Committee.</p>
<p><b>4.</b></p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p> <p>Working with partners towards a devolution deal and to create a Productivity Plan for the Heart of the South West, meets the ambition of creating a Prosperous Torbay as well as the principle of taking an integrated and joined up approach.</p>
<p><b>5.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>Throughout the development of proposals for devolution, Members and the public have been kept informed of developments. Communications include press releases, newsletters and publication of the Devolution Statement of Intent and Prospectus for Productivity. This emphasis on consultation will continue with the proposed Productivity Plan over the spring of 2017 and this will inform the final Plan to be approved in the autumn of 2017.</p>



## Section 2: Implications and Impact Assessment

### 6. What are the financial and legal implications?

#### Financial Implications

Costs associated with the early work on the Productivity Plan preparation largely relate to officer time which is being provided 'in kind' by the authorities and partners. Specifically some direct costs will be met by the Local Enterprise Partnership across the common agendas of the LEP and the partnership.

The establishment of a Joint Committee provides a low cost option compared to a Combined Authority structure. It is anticipated that the Committee will receive considerable in kind support from partners and direct running costs will be limited to potentially providing direct officer support for the meetings, if there is insufficient 'in-house' capacity, and the costs of the meetings themselves. In respect of the latter, meeting costs can be minimised through the use of council premises for meetings if that is the wish of the authorities. The assumption at this stage is that the direct support costs will be kept to a minimum but could potentially rise to an estimated maximum of £40k per annum as a shared cost between all constituent authorities. The final costs figure will be dependent on the views of the leaders on the issues raised above. Clarification on these issues will be sought before the decision point is reached in the summer to establish the Joint Committee. It is anticipated at this stage that even if the costs are at the upper figure detailed above then in the first year (2017/18) of the operation of the Joint Committee the costs are likely to be covered by the residual devolution budget so requiring no further call for funding from the authorities.

In addition to the direct costs of administering the Joint Committee there is also the issue of a budget to fund its work. At this stage it is recommended that this should be an early issue for discussion and recommendation by the Joint Committee, once established, as this will be dependent on the eventual work programme.

In coming to their decision about a Joint Committee, Members might like to consider the potential cost/impact of not working in this way and the potential loss of investment to the area. Through recent funding initiatives and policy it is clear that Government is looking for areas to come together and articulate their vision and priorities across footprints wider than their organisational boundary or sub-regional areas. The areas that work on wider boundaries are more successful in securing funding. A recent example of this is the Growth Deal funding settlements announced in the Autumn Statement to the Northern Powerhouse and Midlands Engine authorities, who work through formal governance arrangements, when compared with the wider South West.

The proposal put before Council sets out a low risk, low cost option to work in a more formal way to capitalise on opportunities arising from future Government strategies and funding strands.

	<p><u>Legal Implications</u></p> <p>Each of the partners' legal teams and Monitoring Officers will be involved in the development of the detail of the Joint Committee.</p> <p>The Joint Committee will be instigated through a simple 'Arrangements' document setting out the functions, membership and operation of the Committee as well as an Inter-Authority Agreement setting out how the authorities will support the Committee. These documents will be recommended for approval in the summer but a summary of the principles and issues to be covered are set out in this report.</p> <p>Somerset County Council has been the lead authority for the Governance work-stream within the Partnership and the Council's Chief Executive and Monitoring Officer have developed the outline proposal for the Joint Committee in consultation with the Leaders and Chief Executives Group.</p>
<p><b>7.</b></p>	<p><b>What are the risks?</b></p> <p>Risk implications will continue to be addressed at all stages of these proposals. The Secretary of State is yet to formally clarify his position on the HotSW devolution proposal although the overall policy direction seems to be becoming clearer. In the circumstances the Leader feel that the partnership needs to move forward with the priority development of the HotSW Productivity Plan and that this can best be achieved through the establishment of a formal Joint Committee in place of the current informal governance arrangements. This will put a formal governance structure around the Productivity Plan preparation, approval and delivery so minimising risk to the County Council and the other partner authorities. It will give partners the ability to negotiate with Government at pace, particularly on the emerging Industrial Strategy but without the statutory commitment required to establish a Combined Authority.</p> <p>Without a Productivity Plan and Joint Committee in place the Council and its partners will be at a disadvantage in negotiating and lobbying Government on a range of policy initiatives including the growth agenda and are likely to miss out on potential funding streams.</p>



**Meeting:** Audit Committee  
Council

**Date:** 18 January 2017  
23 February 2017

**Wards Affected:** All

**Report Title:** Decision to opt in to the national scheme for Auditor Appointments with Public Sector Audit Appointment (PSAA) as the 'Appointing Person'

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

**When does the decision need to be implemented?** 8 March 2017

**Executive Lead Contact Details:** Mayor Oliver, Mayor and Executive Lead for Finance and Regeneration, (01803) 207001 and mayor@torbay.gov.uk

**Supporting Officer Contact Details:** Martin Phillips, Head of Finance, (01803) 207285 and martin.phillips@torbay.gov.uk

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## 1. Proposal and Introduction

- 1.1 This report sets out the proposals for appointing the external auditor to the Council for the 2018/19 accounts and beyond, as the current arrangements only cover up to and including 2017/18 audits. The auditors are currently working under a contract originally let by the Audit Commission and the contract was novated to Public Sector Audit Appointments (PSAA) following the closure of the Audit Commission.
- 1.2 If the Council is to take advantage of the national scheme for appointing auditors to be operated by PSAA for the subsequent years, it needs to take the decision at this meeting to enable the Council to accept the invitation, which has a deadline of, by early March 2017.

## 2. Reason for Proposal

- 2.1 A sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Council than any procurement undertaken locally. More specifically:
  - The audit costs are likely to be lower than if the Council sought to appoint locally, as national large-scale contracts are expected to drive keener prices from the audit firms;

- Without the national appointment, the Council would need to establish a separate independent auditor panel, which could be difficult, costly and time-consuming;
- PSAA can ensure the appointed auditor meets and maintains the required quality standards and can manage any potential conflicts of interest much more easily than the Council;
- Supporting the sector-led body will help to ensure there is a vibrant public audit market for the benefit of the whole sector and this Council going forward into the medium and long term.

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

#### 3.1 That the Audit Committee recommends:

That the Council accepts Public Sector Audit Appointments' (PSAA) invitation to 'opt in' to the sector led option for the appointment of external auditors for five financial years commencing 1 April 2018.

### **Appendices**

Appendix 1: Supporting Information

### **Background Documents**

Invitation to become an opted-in authority

### Supporting Information

<b>Section 1: Background Information</b>	
<b>1.</b>	<p><b>What is the proposal / issue?</b></p> <p>The Local Audit and Accountability Act 2014 (the Act) brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England. On 5 October 2015 the Secretary of State Communities and Local Government (CLG) determined that the transitional arrangements for local government bodies would be extended by one year to also include the audit of the accounts for 2017/18.</p> <p>The Act also set out the arrangements for the appointment of auditors for subsequent years, with the opportunity for authorities to make their own decisions about how and by whom their auditors are appointed. Regulations made under the Act allow authorities to 'opt in' for their auditor to be appointed by an 'appointing person'.</p> <p>In July 2016 PSAA were specified by the Secretary of State as an appointing person under regulation 3 of the Local Audit (Appointing Person) Regulations 2015. The appointing person is sometimes referred to as the sector led body and PSAA has wide support across local government. PSAA was originally established to operate the transitional arrangements following the closure of the Audit Commission under powers delegated by the Secretary of State. PSAA is an independent, not-for-profit company limited by guarantee and established by the LGA.</p> <p>PSAA is inviting the Council to opt in, along with all other authorities, so that PSAA can enter into a number of contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's auditor.</p>
<b>2.</b>	<p><b>What is the current situation?</b></p> <p>The Council's current external auditor is Grant Thornton, this appointment having been made under a contract let by the Audit Commission. Following closure of the Audit Commission the contract was novated to PSAA, and since this date PSAA has demonstrated its capability in terms of auditor appointment, contract management, and monitoring audit quality. Over recent years authorities have benefited from a reduction in fees in the order of 55% compared with fees in 2012. This has been the result of a combination of factors including new contracts negotiated nationally with the audit firms and savings from closure of the Audit Commission. The Council's current external audit fee is £102,000 per annum plus any grant certification work.</p> <p>The scope of the audit will still be specified nationally, the National Audit Office (NAO) is responsible for writing the Code of Audit Practice which all firms appointed to carry out the Council's audit must follow. Not all audit firms will be eligible to compete for the work, they will need to demonstrate that they have the</p>

	required skills and experience and be registered with a Registered Supervising Body approved by the Financial Reporting Council.
<b>3.</b>	<p><b>What options have been considered?</b></p> <p>If the Council did not opt in the PSAA there would be a need to establish an independent auditor panel. In order to make a stand-alone appointment the auditor panel would need to be set up by the Council itself. The members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, this excludes current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing which audit firm to award a contract for the Council's external audit.</p> <p>Alternatively the Act enables the Council to join with other authorities to establish a joint auditor panel. Again this will need to be constituted of wholly or a majority of independent appointees (members). Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities. Local procurement has been considered and discussed with neighbouring authorities however there was no appetite for such action. This together with only nine providers that are eligible to audit local authorities and other relevant bodies means that any local procurement exercise would seek tenders from these same firms, subject to the need to manage any local independence issues. Local firms could not be invited to bid.</p> <p>None of these options are recommended. All these options would require more resource-intensive processes to implement and without the bulk buying power of the sector led procurement, would be likely to result in a more costly service. It would also be more difficult to manage quality and independence requirements through a local appointment process.</p>
<b>4.</b>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p> <p>The proposal supports the Corporate Plan by using reducing resources to best effect. The PSAA as appointing authority would manage the procurement process, ensuring both quality and price criteria are satisfied. Ensure suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise whilst minimising the scheme management costs and returning any surpluses to scheme members. Activities that would have placed greater demand on resources that are already stretched.</p>
<b>5.</b>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>Torbay Council's officer and elected members. However there would be no change to the delivery model.</p>
<b>6.</b>	<p><b>How will you propose to consult?</b></p> <p>Not applicable.</p>

## Section 2: Implications and Impact Assessment

<b>7.</b>	<p><b>What are the financial and legal implications?</b></p> <p>Legal implications</p> <p>Section 7 of the Local Audit and Accountability Act 2014 requires a relevant Council to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year. Section 8 governs the procedure for appointment including that the Council must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 provides that where a relevant Council is a local Council operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the Council under those arrangements.</p> <p>Section 12 makes provision for the failure to appoint a local auditor: the Council must immediately inform the Secretary of State, who may direct the Council to appoint the auditor named in the direction or appoint a local auditor on behalf of the Council.</p> <p>Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become the appointing person. In July 2016 the Secretary of State specified PSAA as the appointing person.</p> <p>Financial implications</p> <p>There is a risk that current external fee levels could increase when the current contracts end in 2018. Opting-in to a national scheme provides maximum opportunity to ensure fees are as low as possible, whilst ensuring the quality of audit is maintained by entering in to a large scale collective procurement arrangement.</p> <p>If the national scheme is not used some additional resource may be needed to establish an auditor panel and conduct a local procurement. Until a procurement exercise is completed it is not possible to state what, if any, additional resource may be required for audit fees for 2018/19.</p>
<b>8.</b>	<p><b>What are the risks?</b></p> <p>The principal risks are that the Council fails to appoint an auditor in accordance with the new frameworks or does not achieve value for money in the appointment process. These risks are considered best mitigated by opting in to the sector led approach through PSAA.</p>
<b>9.</b>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>No implications</p>

<p><b>10.</b></p>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>Information on Council's who have opted in is available on the PSAA website.</p> <p>Informal updates between unitary Council's indicate the significant majority are intending to use the PSAA.</p> <p>Informal update between other Councils in Devon indicates the majority are intending to use the PSAA.</p>
<p><b>11.</b></p>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>Not applicable.</p>
<p><b>12.</b></p>	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>Not applicable</p>





**Meeting:** Council

**Date:** 23 February 2017

**Wards Affected:** All Wards

**Report Title:** Provisional Calendar of Meetings for 2017/2018

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

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

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

**Supporting Officer Contact Details:** June Gurry, Governance Support Manager, (01803) 207012, june.gurry@torbay.gov.uk

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## 1. Proposal and Introduction

1.1 To seek approval for the provisional calendar of meetings for the 2017/2018 Municipal Year.

## 2. Reason for Proposal

2.1 The provisional calendar of meetings for 2017/2018 (attached at Appendix 1) has been prepared based on the Council's decision-making structure and in accordance with the Council's Standing Orders.

## 3. Recommendation(s) / Proposed Decision

3.1 That the provisional calendar of meetings for 2017/2018, set out in Appendix 1 to the submitted report, be approved for final ratification at the Annual Council Meeting.

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

## Appendices

Appendix 1: Provisional Calendar of Meetings 2017/2018

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## Supporting Information

### 4. Position

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

The following meetings have been scheduled in the calendar for 2017/2018.

- Council;
- Policy Development Decision Group (Joint Operations Team);
- Policy Development Decision Group (Joint Commissioning Team);
- Overview and Scrutiny Board;
- Development Management Committee;
- Licensing Committee;
- Licensing Sub-Committee;
- Harbour Committee;
- Investment Committee;
- Health and Wellbeing Board;
- Standards Committee;
- Audit Committee;
- Appeals Committee (Transport).

- 4.2 The meetings of the Council have been programmed to allow sufficient reporting time between the meetings for the plans and strategies which are required to be approved through the Council's Policy Framework process and for the budget setting process.

- 4.3 The draft calendar has also been structured to allow, wherever possible, for each type of meeting to be allocated a certain day e.g. Development Management Committee to meet on Mondays, Licensing Sub-Committees and Council on Thursdays.

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

### 5. Possibilities and Options

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

## **6. Preferred Solution/Option**

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

## **7. Consultation**

- 7.1 The Mayor, Group Leaders, Chief Finance Officer and the Chief Executive have been consulted on the draft provisional calendar of meetings for 2017/2018.

## **Background Documents**

Constitution of Torbay Council -

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

Provisional Calendar of Meetings 2017-2018

1 May 2017 - 17 May 2018

		MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Appeals Committee (Transport)	9.30 am Wednesday	17	21	19		25 (Mon)	18	8	13	17	21	28	25	2
Audit Committee	2.00 pm Wednesday	31		26		27		22		24		21		
Council	5.30 pm Thursday	Annual Council 9 (Tue) Adj Annual Council 10 (Wed)		20		13 (Wed)	19		7		1 8 22		19	Annual Council 14 (Mon) Adj Annual Council 14 (Mon)
Development Management Committee	2.00 pm Monday	8	12	10	14	11	16	13	11	8	12	12	9	8 (Tue)
Harbour Committee	5.30 pm Monday		26						12 (Tue)			19		
Health and Wellbeing Board	1.30 pm Thursday	11		6			5		6 (Wed)			15		
Investment Committee	4.00 pm Tuesday	4 (Thu) 16 30	13 27	11 25	8 22	5 19	3 17 31	14 28	12	9 23	6 20	6 20	4 (Wed) 17	1
Licensing Committee	9.30 am Thursday	11						23						
Licensing Sub-Committee	9.30 am Thursday	4 11 18 25	1 8 15 22 29	6 13 20 27	3 10 17 24 31	7 14 21 28	5 12 19 26	2 9 16 23 30	7 14 21	4 11 18 25	1 8 15 22	1 8 15 22 29	5 12 19 26	3 10
Overview and Scrutiny Board	5.30 pm Wednesday	3	14	12		6	11	29	13	10	14	14	11	
Policy Development and Decision Group (Joint Commissioning Team)	2.00 pm Monday	2 (Tue)	5	3		4	2	6	4	9 (Tue)	5	5	3 (Tue)	1 (Tue)
Policy Development and Decision Group (Joint Operations Team)	2.00 pm Thursday	18	15	13		14	12	16	14	11	15	8	12	
Priorities and Resources Review Panel 2018/19	Various							14 15 17 20 27 28	4					
Standards Committee	2.30 pm Wednesday		7					8						
Transport Working Party	4.00 pm Thursday		29					30						



**Meeting:** Council

**Date:** 23 February 2017

**Wards Affected:** All Wards

**Report Title:** Jubilee Gardens – Mayoral Recommendations

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

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

**Supporting Officer Contact Details:** Anne-Marie Bond, Assistant Director Corporate and Business Services, [anne-marie.bond@torbay.gov.uk](mailto:anne-marie.bond@torbay.gov.uk)

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## 1. Proposal and Introduction

- 1.1 At the meeting of the Policy Development and Decision Group (Joint Operations Team) held on 6 February 2017 Members considered the submitted report (set out at Appendices 2 to 5 to this report) on the proposed disposal of a number of assets which had been deemed by officers as surplus to the Council's requirements. This included a piece of land adjacent to 4 Berry Head Road, Brixham known as Jubilee Gardens.
- 1.2 At the meeting Members heard oral representations against the proposed disposal of Jubilee Gardens from Tracy Hallett (Town Clerk of Brixham Town Council, she also spoke on behalf of Phil Trayhorn who had submitted a petition via Change.org which contained approximately 1,600 unverified signatures from local residents and visitors) and Mr John Bates (member of the public). Members also noted that a number of representations had been sent directly to the Mayor opposing this disposal.
- 1.4 The Policy Development and Decision Group recommended to the Mayor that Jubilee Gardens should be transferred to Brixham Town Council, who had stated that they would protect the land and keep it as public open space.
- 1.5 The Mayor considered the recommendations of the Policy Development Group and his recommendation to the Council is set out in paragraph 3 to this report. Full details of his decision/recommendation in respect of Jubilee Gardens are set out in his Record of Decision at Appendix 1 to this report.

## 2. Reason for Proposal

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

- 2.1 To consider the recommendations of the Mayor which are outside the Council's Policy Framework, namely the Corporate Asset Management Plan and therefore for the Council to determine.

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

#### **Recommendations from the Mayor:**

- 3.1 That the Council be recommended that the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) remains in the Council's ownership and is not disposed of.
- 3.2 That the Council place a covenant on the land adjacent to 4 Berry Head Road, shown edged red on map number EM260 attached at Appendix 4 to the submitted report, protecting it from future development.

### **Appendices**

- Appendix 1: Record of Decision – Disposal of Surplus Assets  
Appendix 2: Covering report – Proposed Disposal of Surplus Assets  
Appendix 3: Supporting Information and Impact Assessment  
Appendix 4: Map showing land at 4 Berry Head Road  
Appendix 5: Results from consultation – 4 Berry Head Road

### **Background Documents**

None

**Record of Decision**

**Proposed Disposal of Surplus Assets**

**Decision Taker**

Mayor on 06 February 2017

**Decision**

- (i) that the Council be recommended that the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) remains in the Council's ownership and is not disposed of (recommendation to Council not subject to call-in); and
- (ii) that the Council place a covenant on the land adjacent to 4 Berry Head Road protecting it from future development (recommendation to Council not subject to call-in);
- (iii) that, having considered the feedback set out in Appendix 3 to the submitted report and heard at the meeting, the following assets should be declared as no longer required for service delivery and that the Assistant Director Corporate and Business Services be requested to where appropriate advertise their intended individual disposal in accordance with the Section 123(2A) of the Local Government Act 1972:
  - 1. North Boundary Road playpark, Brixham;
  - 2. Land at Green Park Road, Preston; and
  - 3. Bay Tree House, Croft Road;
- (iv) that, subject to any objections received to any disposal advertised pursuant to S123 of the Local Government Act 1972 the assets listed in (iii) above be individually disposed on such terms as are acceptable to the Assistant Director Corporate and Business Services in consultation with the Executive Head of Business Services and the Chief Executive of the Torbay Development Agency; and
- (v) that, the Assistant Director Corporate and Business Services in consultation with the Executive Head of Business Services and the Chief Executive of the Torbay Development Agency be given delegated authority to consider any objections received on the advertisement of any of the proposed disposals pursuant to s123 of the Local Government Act 1972.

**Reason for the Decision**

The disposal of the three assets not required for service delivery will enable the capital receipts to be reinvested into the Council's existing Capital Programme, which will contribute to the Council's objectives as set out in the Council's Corporate Plan and the Corporate Asset Management Plan and is in accordance with the Council's budget and Policy Framework.

The reduction of the number of assets held is seen as an important element to achieving a sustainable maintenance regime for future generations.

The land known as Jubilee Gardens is a valued community asset and should remain as such and be protected from future development.

## **Implementation**

The recommendations in respect of (i) and (ii) will be considered at the Council meeting on 23 February 2017.

The decision in respect of (iii) to (v) will come into force and may be implemented on 17 February 2017 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

## **Information**

The submitted report set out a proposal to dispose of the following four assets which had been deemed surplus to the Council's requirements in accordance with the Council's Corporate Asset Management Plan:

- Land adjoining 4 Berry Head Road, Brixham (known as Jubilee Gardens);
- North Boundary Road Playpark, Brixham;
- Land at Green Park Road, Preston; and
- Bay Tree House, Croft Road, Torquay.

Oral representations were heard against the proposed disposal of the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) from Tracy Hallett (Town Clerk of Brixham Town Council and on behalf of Phil Trayhorn who had submitted a petition via Change.org which contained approximately 1,600 unverified signatures from local residents and visitors) and Mr John Bates (member of the public). Members also noted that a number of representations had been sent directly to the Mayor opposing this disposal.

The Mayor considered the oral representations made at the meeting, together with the written representations in connection with Jubilee Gardens, the representations set out in Appendix 7 to the submitted report and the recommendations of the Policy Development and Decision Group (Joint Operations Team) made on 6 February 2017 and his decision is set out above.

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

Alternative options were set out in the submitted report but were not discussed at the meeting.

The Mayor considered the recommendation of the Policy Development and Decision Group to transfer the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) but felt that this asset should remain in the ownership of Torbay Council but that it should be protected by means of a covenant.

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

Yes – Reference Number: I028277

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

Yes



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

None

**Published**

9 February 2017

Signed: \_\_\_\_\_  
Mayor of Torbay

Date: 9 February 2017



**Meeting:** Policy Development and Decision Group (Joint Operations Team)

**Date:** 6 February 2017

**Wards Affected:** Berry Head with Furzeham, Preston and Tormohun

**Report Title:** Proposed Disposal of Surplus Assets

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

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

**Executive Lead Contact Details:** Mayor Oliver, Mayor and Executive Led for Employment, Regeneration, Finance and Audit, [mayor@torbay.gov.uk](mailto:mayor@torbay.gov.uk)

**Supporting Officer Contact Details:** Kevin Mowat, Executive Head of Business Services, 01803 208428, [kevin.mowat@torbay.gov.uk](mailto:kevin.mowat@torbay.gov.uk) / Liam Montgomery, Head of Asset Management and Housing, (01803) 208720, [liam.montgomery@torbay.gov.uk](mailto:liam.montgomery@torbay.gov.uk)

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**1. Purpose and Introduction.**

1.1. To make individual recommendations relating to the disposal of four surplus assets to achieve capital receipts and cost savings.

**2. Proposed Decision**

2.1. That the Mayor be recommended:

- (i) to consider any feedback received before the 6<sup>th</sup> Feb 2017, from the Local Access Forum, Ward Councillors and Council officers to the disposal of the four assets listed in Appendix 1;
- (ii) that, subject to any feedback identified in (i) above, to accept that the four assets listed in Appendix 1 should be declared as no longer required for service delivery and that the Assistant Director Corporate and Business Services be requested to where appropriate advertise their intended individual disposal in accordance with the Section 123(2A) of the Local Government Act 1972;
- (iii) that, subject to any objections received to any disposal advertised pursuant to S123 of the Local Government Act 1972 and subject to (i) above, the assets listed in Appendix 1 be individually disposed on such terms as are acceptable to the Assistant Director Corporate and Business Services in consultation

with the Executive Head of Business Services and the Chief Executive of the Torbay Development Agency; and

- (iv) that, the Assistant Director Corporate and Business Services in consultation with the Executive Head of Business Services and the Chief Executive of the Torbay Development Agency be given delegated authority to consider any objections received on the advertisement of any of the proposed disposals pursuant to s123 of the Local Government Act 1972.

### **3. Reason for Decision**

- 3.1. Expenditure and repair liability across the Council's assets significantly exceeds available resources.
- 3.2. Council services supported by the Torbay Development Agency (TDA) continue to review the suitability and challenge the present use of assets. Working together the TDA and Council officers have considered the assets listed in Appendix 1 with a view to reducing running costs and generating capital receipts. These receipts could then be used to support the Council's approved Capital Programme.
- 3.3. The disposal of assets not required for service delivery will enable the capital receipts to be reinvested into the Council's existing Capital Programme, which will contribute to the Council's objectives as set out in the Council's Corporate Plan and the Corporate Asset Management Plan. Consequently the recommended decision falls within the Council's Policy Framework.
- 3.4. The reduction of the number of assets held is seen as an important element to achieving a sustainable maintenance regime for future generations.
- 3.5. At this point it is neither possible nor desirable to publicly quantify the expected total receipt.
- 3.6. Section 123(2A) of the Local Government Act 1972 states that subject to certain exceptions a council may not dispose of land consisting or forming part of an open space unless before disposing of the land they advertise the disposal for two consecutive weeks in a local newspaper, and consider any objections to the proposed disposal which may be made to them. An open space is defined for the purposes of the Act as being any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground

### **4. Supporting Information**

- 4.1. The Capital Strategy is approved by the Council each year and provides the funding for the Capital Programme which will be met in part from asset disposals.
- 4.2. The Corporate Asset Management Plan which is approved by the Council each year provided that the Council would adhere to the following guiding principles in the management of its assets:
- To continuously maintain and improve assets;
  - To release value and minimise cost by challenging and reviewing the manner and use of assets;
  - To periodically review all assets to identify possible alternative use or disposal;

- To ensure that disposals are effectively managed; and
  - To monitor running costs to target potential savings.
- 4.3. Three of the four sites are deemed to be open space (Land adj. No. 4, Berry Head Road, Land at Green Park Road and North Boundary Road Play Park). As such their sale will be advertised in accordance with Section 123(1)(2a) of the Local Government Act 1972. The Council will need to consider any objections prior to their disposal.
- 4.4. The disposal of public open space is likely to require some form of mitigation, if so required, as indicated in Policy R5 'Protection of public open spaces and playing fields', as set out in the Local Plan. However, this requirement would be identified as part of the asset review process and planning policy would need to be followed in any event. As such any decision to dispose of public open space is within Council policy, so long as other associated policies are followed.
- 4.5. If deemed appropriate, architects will be instructed to obtain planning consent for the sites so that the final disposal value can be maximised.
- 4.6. When an asset is considered to be available for sale, either with or without planning consent, an external agent or auctioneer (as deemed appropriate) will be instructed to sell the asset in accordance with Council Standing Orders.

## **5. Possibilities, Options and Fair Decision Making**

- 5.1. The assets could be retained. If the assets are retained the ongoing maintenance burden and repair liability would most likely remain with the Council. Also, if the assets are retained then the anticipated capital receipt income will be lost and this will have a negative impact on the Council's capital budget/plan.
- 5.2. It would be possible to consider transferring some of these assets under the Council's Community Asset Transfer Policy but this option would not produce the anticipated capital receipt.

## **6. Equal Opportunities**

- 6.1. An Equality Impact Assessment has been published in respect of these proposals and is attached to this report as Appendix 2.

## **7. Public Services (Social Value) Act 2012**

- 7.1. Where deemed appropriate, architects will be employed to obtain an alternative planning consent and external agents / auctioneers (as appropriate) will be appointed to effect a disposal.

## **8. Consultation**

- 8.1. Letters including plans of the individual assets have been forwarded to relevant Ward Members and the Secretary for the Torbay Local Access Forum and comments received in respect of these proposals are attached to this report as Appendix 7.

## **9. Risks**

- 9.1. The disposal of assets not required for service delivery has been identified as one of several initiatives to provide additional funding to tackle the backlog of urgent land and building maintenance, as well as providing much needed receipts for the Capital Programme. Inevitably, there may be some objections to the disposal of some of the assets identified. Failure to consult adequately may lead to abortive disposal work should some of the disposals not proceed. This risk has been mitigated by consulting adequately and by advertising prior to any marketing taking place.

## **10. Appendices**

Appendix 1 Schedule of assets to be declared surplus.  
Appendix 2 Equalities Impact Assessment  
Appendix 3 EM2670 – Land adj. to no. 4 Berry Head Road  
Appendix 4 EM2814a – North Boundary Road Play Park  
Appendix 5 EM2653 – Land at Green Park Road  
Appendix 6 EM2637 – Bay Tree House  
Appendix 7 - Comments from Consultation

## **11. Additional Information**

- 11.1. None

### Supporting Information and Impact Assessment

Service / Policy:	TDA
Executive Lead:	Mayor
Director / Assistant Director:	Steve Parrock

Version:	1	Date:	11.01.17	Author:	Susanne Lang
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<b>Section 1: Background Information</b>	
<b>1.</b>	<p><b>What is the proposal / issue?</b></p> <p>That four Council Real Estate Assets be declared no longer required for service delivery. The four assets are:</p> <ul style="list-style-type: none"> <li>• Land adj. no4. Berry Head Road</li> <li>• North Boundary Road Play Park</li> <li>• Land at Green Park Road</li> <li>• Bay Tree House</li> </ul>
<b>2.</b>	<p><b>What is the current situation?</b></p> <p><u>Land adj. no.4 Berry Head Road</u>  This piece of amenity land is currently subject to ongoing maintenance liabilities for the Council. Natural Environment have highlighted this site as a 'high Value public Space similar to Shoalstone, breakwater and the south West Coast Path'. If sold it has the potential of generating income for the Council which contributes to Council's Capital Programme.</p> <p><u>North Boundary Road Play Park</u>  The site (as a play area) is not well overlooked and has minimal play value and is currently subject to ongoing maintenance liabilities for the Council. If sold, this could provide a capital receipt for the Council.</p> <p><u>Land at Green Park Road</u>  This site was highlighted as a possible asset disposal site by the SLTG. It is currently subject to ongoing ground maintenance liabilities. If sold it has the potential of providing a capital receipt for the Council.</p> <p><u>Bay Tree House</u>  Bay Tree House has previously been leased to the Care Trust who has recently declared the property surplus to operational requirements and will be returning the property to the Council in January 2017. In order to maintain the integrity of the vacant building programme of planned maintenance would be required to prevent deterioration. Otherwise the asset will quickly become a maintenance liability. In addition to the repair and maintenance liabilities the</p>

	<p>Council will be liable for Business Rate until an alternative use is established or the property is disposed of.</p>
<p><b>3.</b></p>	<p><b>What options have been considered?</b></p> <p>The assets could be retained and the repair and maintenance of the sites carried out by the Council.</p> <p><u>Land adj. no.4 Berry Head Road</u> Maintain as open space</p> <p><u>North Boundary Road Play Park</u> Retain as a play park</p> <p><u>Land at Green Park Road</u> Maintain as open space</p> <p><u>Bay Tree House</u> Property has been advertised for lease on Right Move since September 2016 with minimal interest. If retained it would become a liability for the Council.</p>
<p><b>4.</b></p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p> <p>The effective use of assets is a key factor in delivering to the community of Torbay the objectives and priorities they have set for the Council.</p> <p>The Council's Corporate Asset Management Plan (CAMP) 2015-2019 sets out the strategies to achieve the most efficient use of assets.</p> <p>The principle aim of CAMP is to ensure that the opportunity cost of financial resources tied up in land and buildings is minimised, and that capital and revenue expenditure on the portfolio is directed efficiently and effectively to provide value for money.</p>
<p><b>5.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>The disposal of assets not required for service delivery will enable the capital receipts to be reinvested into the Council's existing capital programme, and save ongoing repair and maintenance costs which will contribute to the Council's objectives and therefore benefitting the residents of Torbay.</p> <p>Consultation with Council service areas, Ward Cllr's and the Local Access Forum is underway and any comments that are received will be included in the final report as an additional appendix item.</p> <p>The disposal of assets not required for service delivery has been identified as one of several initiatives to provide additional funding to tackle the urgent land and building backlog maintenance liability and provide receipts for the Capital</p>

	<p>Programme. Inevitably, there may be some objections to the disposal of one of more of the assets. Failure to consult adequately may lead to abortive disposal work should some of the disposals not proceed. The risk has been mitigated by consulting adequately and by advertising prior to any marketing taking place.</p>
<b>6.</b>	<p><b>How will you propose to consult?</b></p> <p>The above groups and organisations have been contacted and will be asked to comment on the proposal to dispose of the asset.</p>

<b>Section 2: Implications and Impact Assessment</b>	
<b>7.</b>	<p><b>What are the financial and legal implications?</b></p> <p>When an asset is considered to be available for sale, either with or without planning consent, an external agent (as deemed appropriate) will be instructed to sell the asset in accordance with the Council Standing Orders.</p> <p>The net proceeds of sale are then transferred to the Corporate Centre for distribution and prioritisation.</p>
<b>8.</b>	<p><b>What are the risks?</b></p> <p>Failure to consult adequately may lead to abortive disposal work should some of the disposals not proceed.</p>
<b>9.</b>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable</p>
<b>10.</b>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>Evidence would suggest that disposal of the sites and subsequent sale of the land/building would provide a capital receipt for the Council.</p>
<b>11.</b>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>Consultation is currently being undertaken and any feedback will be provided in an additional appendix in the final report.</p>



<b>12.</b>	<b>Amendments to Proposal / Mitigating Actions</b>  In reaching a decision on the proposals, the Mayor will consider any comments or observations received and if appropriate amend the proposals.

## Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		<b>Positive Impact</b>	<b>Negative Impact &amp; Mitigating Actions</b>	<b>Neutral Impact</b>
	Older or younger people			There is no differential impact on Older or younger people with regard to this proposal.
	People with caring Responsibilities			There is no differential impact on People with caring responsibilities with regard to this proposal.
	People with a disability			Although there is no differential impact on people with a disability, where appropriate, the Secretary for the Torbay Local Access Forum has been sent individual plans, seeking any comments or observations on the proposals.
	Women or men			There is no differential impact on Women or men with regard to this proposal
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact on People who are black or from a minority ethnic background (BME) with regard to this proposal.
	Religion or belief (including			There is no differential impact

lack of belief)			on Religion or belief (including lack of belief) with regard to this proposal.
People who are lesbian, gay or bisexual			There is no differential impact on People who are lesbian, gay or bisexual with regard to this proposal
People who are transgendered			There is no differential impact on People who are transgendered with regard to this proposal.
People who are in a marriage or civil partnership			There is no differential impact on People who are in a marriage or civil partnership with regard to this proposal.
Women who are pregnant / on maternity leave			There is no differential impact on Women who are pregnant / on maternity leave with regard to this proposal.
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The three Council Real Estate Assets that are being declared no longer required for service delivery will enable the capital receipts to be reinvested into the Councils existing programme, which will contribute to the Councils objectives and therefore benefitting the residents of Torbay.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			The asset is being returned to the Council from the Care Trust due to the fact it is no longer required for service delivery. It is through this action that the Council have determined the disposal of Bay

			Tree House will have no differential impact on Public Health.
<b>14</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)		
<b>15</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)		





EM Plan No: EM2670  
Date: 18th January 2016  
Title: Land adj No 4 Berry Head Road, Brixham.

Asset No: B0061  
LR Title No: DN510943  
Scale: 1:1250  
Area: 868.24m<sup>2</sup>



Proposed disposal of surplus assets

Results from consultation

Asset Ref	Asset name	Members	Service Areas	L.A.F	Other
EM2670	Land adj. to no. 4 Berry Head Road	<p>We are writing to request that you do not place Jubilee Gardens, land adjacent to 4 Berry Head Road on the Disposal of Assets Lists for the following reasons:-</p> <ol style="list-style-type: none"> <li>1) It is a Green Space much loved and used by both the local community and visitors alike.</li> <li>2) It is used by Green Tourists walking the South West Coastal Path for rest and recreation.</li> <li>3) It is a safe area being surrounded by ancient rock walls in a sheltered position.</li> <li>4) It is an amazing vantage point for both residents and visitors, to appreciate the views and vistas.</li> <li>5) It has been identified as a Local Green Space by the community to be included in the Brixham Peninsula Neighbourhood Plan. This Plan starts a six week public consultation period on the <a href="#">28th January 2017</a></li> </ol> <p>In support of our above submission, we would like to draw your attention to the following.</p> <p><b><u>Corporate Plan</u></b> Delivering for the Future - Ensuring Torbay</p>	<p><b><u>Natural Environment</u></b></p> <p>We can confirm that the site is suitable for disposal and have not raised any objections to this. They are surplus to our requirements.</p> <p>I think the Jubilee Garden site would benefit from disposal, as it has little public value on the wider neighbourhood and very little use. The capital investment from the disposal through the planning system would benefit the surrounding more valuable open spaces such as Shoalstone Pool and associated picnic area.</p> <p>We are aware of covenants on the site but assume this can be negated? A high value public space similar to Shoalstone, breakwater and the South West Coast Path but the surrounding site could benefit from investment in accordance with</p>	<p>Could you please advise if the first piece of land is that commonly known as Jubilee Gardens? If so, as it is part of the Coastal Path, surely there is a public footpath that needs to be protected.</p> <hr/> <p>I share the concern of Margaret Forbes Hamilton (above) re the public footpath status of the Jubilee Gardens, and note that there has been a well supported local campaign against any sell of Jubilee Gardens . If the coast path status is correct then presumably the South West Coast Path Association , and Natural England (who are planning to adopt the SW coast path as part of their England Coast path route), should be aware of any plans for disposal . I attended a detailed briefing meeting by</p>	<p><b><u>Brixham Town Council</u></b> We have been made aware through our ward councillors of two locations in Brixham that have been proposed for dispersal by Torbay Council at the PDDG on the 6<sup>th</sup> February 2017.</p> <p>Brixham Town Council makes the following objection and requests that Brixham Town Council are notified of <b>ALL</b> Brixham assets prior to being added to the dispersal list.</p> <p><b>That the Mayor does not place the proposed assets located at North Boundary Road play park and Land adj. No.4 Berry Head Road (Jubilee Gardens) on the Asset dispersal list for the following reasons:</b></p> <p><b><u>Jubilee Gardens (Land adj. No.4 Berry Head Road).</u></b> These gardens have been designated in the emerging neighbourhood plan as a green space. The Brixham Peninsular Neighbourhood Forum (BPNF) have worked tirelessly for the past 7 years to protect our green spaces, highlighting the important</p>

	<p>remains an attractive and safe place to live, visit and work.</p> <p><b>Target Action 3 - Promoting Healthy Lifestyles across Torbay</b> Paragraph 3. "We will improve accessibility to Leisure, sports, and GREEN SPACES and promote increased physical activity through the use of Council Assets and the Natural Environment."</p> <p>Our comment - We believe the current proposal is contrary to the above <b>Target</b>.</p> <p><b>Target Action 4 Safe Attractive Place to live and visit - Where we aim to be :</b> Torbay Council will ensure there is focus on <b>PROTECTING</b> and <b>RETAINING</b> the Quality of our Natural and built Environment. Maintaining a safe and secure place for Torbay's residents, businesses and visitors, including the provision and maintenance of infrastructure (including Marine, Road, Rail, Walking and GREEN SPACES)</p> <p>Our Comment - We believe the current proposal is contrary to the above <b>Target</b>.</p> <p><b><u>Torbay Local Plan</u></b> The adopted plan for Torbay has stressed the importance of the Natural Environment for the Economy and for the Health and Wellbeing of its residents. <b>1.1.7</b> Crucially the Plan recognises the unique quality of the Bays environment</p>	<p>Policy R5.</p> <p>A number of arboricultural constraints arise, principally from the large, recently pollarded Holm Oak, however a number of other visually prominent trees are also present along the boundary to the road. The seaward side of the land is clear of other of tree constraints other than a small hedge. A professionally prepared BS5837:2012 methodology would be required to indicate tree quality and to support any development of the space prior to any commencement of sale or transfer.</p>	<p>Natural England on the proposed England Coast Path and there was no mention of any issue relating to sale of land in the Brixham area that might affect the coast path route. Alan Robinson, Footpath officer, South Devon Ramblers.</p>	<p>link between health and green spaces.</p> <p>If Torbay Council proceed to sell our green spaces it will not only nullify the work and importance of the Neighbourhood plan but have a detrimental effect on the residents and visitors to Brixham.</p> <p>Jubilee Gardens is protected under the covenants listed below:</p> <ol style="list-style-type: none"> <li>1) All mineral rights under the foreshore are reserved to the Duchy of Cornwall</li> <li>2) The land to be preserved as an open space.</li> <li>3) No building to be erected on the land.</li> <li>4) During the vendors occupation of her residence,("Wolborough"), the Council will maintain the land in good condition, and will not give right of access to the public. (This covenant released June 1984, vendor ceased occupation of "Wolborough".)</li> </ol> <p>These sites are valued by the community of Brixham and should be retained for the benefits of the community. It is also disappointing that Torbay Council did not see fit to include Brixham Town Council as part of the notification process.</p>
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	<p>both Natural and Built.  <b>1.1.8</b> Indicates concerns over the risks of eroding the balance of the Environmental Capacity.</p> <p>We refer you to <b>Policy SS8 Natural Environment</b> and <b>SS9 Green Infrastructure</b> : this particularly comments on the pressure on the Berry Head area including the South Hams SAC and therefore any GREEN SPACES in close proximity will assist in removing some of this pressure.</p> <p>There are many more Policies and Statements relating to the Natural Environment contained within Torbay's Local Plan which we are happy to discuss with you if you wish.</p> <p><b>3.1.5 Sustainable Communities and Places-</b> where people want to be, include OPEN SPACES, PARKS, VIEWS etc.</p> <p>Our Comment - We believe that the current proposal is contrary to the adopted Local Plan.</p> <p><b><u>Brixham Urban Landscape Character Study June 2011</u></b> (a document included in the Local Plan) states:-  <b>Page 84 Objectives</b>  <b>6)</b> Local People and Visitors should be made more aware of the Natural and Cultural Heritage of the Area and encouraged to take pride in the local environment.</p>			<p>Brixham Town Council is an elected corporate body which is here to represent the residents of Brixham. Torbay Council should be notifying BTC of important aspects such as this if only out of common decency and recognition of its work and status.</p> <hr/> <p>As a member of Brixham Town Council &amp; Pride in Brixham I try to work hard to make Brixham a better &amp; pleasant place for people to live. I have done my best to support you in your ideas i.e. the Brixham railway link and to bring in &amp; support events in the bay as a whole.</p> <p>May I ask you to please consider carefully the disposal of the two open spaces in Brixham?  Negotiations between Torbay Council and Brixham Town Council have been ongoing for some time now in connection with the land at North Boundary Rd. The Town Council wanted to retain the land as open space allowing it to still be an access point to the old tracks and turn it into a Community Orchard by planting fruit trees etc.</p> <p>The land along Berry Head Rd is used all the time in the summer by families having a picnic or just sat reading / enjoying the view in what</p>
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		<p><b>7)</b> Local Communities should be better connected to the Countryside to develop a stronger sense of place.</p> <p><b>8)</b> Sufficient Recreation and sporting facilities should be provided for local people and visitors to maintain a healthy life style, whilst protecting other environmental resources.</p> <p>It is recognised the people of Brixham prides itself on its community spirit with a great sense of place and a huge pride and love of the Natural Environment that surrounds the Town. To support the aims above a grant application will shortly be made to the Heritage Lottery Fund in order to introduce a year round Heritage Trail which will have many aspects to it including the very unique Brixham Culture and guiding residents and visitors around our beautiful Coastal Walks.</p> <p>We would ask you not to undermine our Communities wish to designate this exceptional area of Natural Beauty and Tranquillity as Local Green Space and therefore to withdraw the Land Adjacent to <a href="#">4 Berry Head Road</a> as a Disposal of Asset.</p> <hr/> <p>I am responding to this as both a Ward Councillor of Brixham Town Council and Torbay Council and also as the Chair of the Brixham Peninsula Neighbourhood Forum. I wish to advise you that the land next to 4 Berry Head Road appears to be the area locally known as Jubilee Gardens which has</p>			<p>is the last small but open space in the centre of Brixham. I brought this up at a Pride in Brixham meeting on Wednesday &amp; as a member of the group I can say that this small area would be looked after &amp; improved with no cost of incumbents to Torbay Council.</p> <p>I hope you will see the long term benefits over the short term financial gain these areas would bring.</p>
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		<p>been designated as a Local Green Space in the Neighbourhood Plan and we believe fully meets the criteria. This would severely restrict what would be allowed on that piece of land. The Plan is out for consultation this month and when our referendum is held I cannot think of one person who will not agree that this area is unique and cannot be replaced.</p>			
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**Meeting:** Council

**Date:** 23 February 2017

**Wards Affected:** All Wards in Torbay

**Report Title:** Review of Electoral Arrangements - Submission by Torbay Council on Council Size

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

**When does the decision need to be implemented?** by end of February 2017

**Executive Lead Contact Details:** Councillor Derek Mills, Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services

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

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## 1. Proposal and Introduction

- 1.1 Further to Council Minute 40/7/16, the Local Government Boundary Commission for England (LGBCE) is undertaking a review of the number of Councillors in Torbay to ensure electoral equality and that Councillors represent the same number of electors across the whole of Torbay.
- 1.2 The first stage of the process is to decide how many Councillors in total should be elected to Torbay Council in what is known as 'Council Size' submission. This is to ensure that the Council has the right number of Councillors to take decisions effectively.
- 1.3 The second stage of the process is to look at the ward boundaries to ensure an equal spread of Councillors across each ward. This will be launched in May 2017 when the LGBCE commences its formal consultation on warding patterns. Further information on this will be available on their website at [www.lgbce.org.uk](http://www.lgbce.org.uk).

## 2. Reason for Proposal

- 2.1 The current level of 36 elected Members should be retained so that the Council can ensure it continues to:
  - provide an effective decision making process;
  - provide effective arrangements for the management and delivery of its business, responsibilities and regulatory functions;
  - support extensive and effective involvement in community representation and

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

- continue to develop Members' roles as community leaders; and
- respond to the challenges facing Torbay and its local communities, as the population continues to grow.

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

- 3.1 That the Review of Electoral Arrangements - Submission by Torbay Council on Council Size set out at Appendix 1 to the submitted report be approved and that the Local Government Boundary Commission for England be recommended to retain 36 Councillors for Torbay.

### **Appendices**

Appendix 1: Review of Electoral Arrangements - Submission by Torbay Council on Council Size

### **Background Documents**

[www.lgbce.org.uk](http://www.lgbce.org.uk) – guidance on electoral reviews



## **Review of Electoral Arrangements - Submission by Torbay Council on Council Size**

### **1. Introduction**

This submission sets out the response from Torbay Council to the Local Government Boundary Commission for England's (LGBCE) invitation to put forward a recommendation on future Council size.

The review has been triggered because of electoral imbalances of the number of electors per Councillor across some of the Wards in Torbay. For example the Shipway with the Willows Ward has 30% more electors per Councillor than the average. The Council recognises the importance of electoral equality to a fair democratic process by ensuring that each vote carries the same value, whilst at the same time it must ensure that the governance of the Council is maintained at a level which can best serve the electorate.

The Council's submission has been developed with the Mayor and Group Leaders' Group, consisting of the elected Mayor, the Council's three Group Leaders and the Overview and Scrutiny Co-ordinator. The Group Leaders have also carried out consultation on the proposals with their respective group members. **The Council's recommendation on Council size was unanimously approved by full Council so enjoys the cross party support of all Members (to be updated after the Council meeting).**

### **2. Overview of Council Size Submission**

The Council's submission addresses the three broad areas contained within the LGBCE's technical guidance on governance arrangements, scrutiny functions and the representational role of Councillors within their local communities.

The last review of electoral arrangements in Torbay was in 2001/2002, when the number of Councillors was retained at 36, spread over 15 Wards.

Based on the 1 December 2016 electoral register, the current Local Government elector to Councillor ratio is 2,767. The electorate forecasts developed as part of this exercise suggest that by 2023 the ratio for the Council's recommended number of Councillors will be an average of 2,872 electors per Councillor.

#### **Summary of the Council's submission**

The approach adopted when considering Council size has been to follow the LGBCE's guiding principles and address them both in terms of current arrangements and likely future trends and plans. This has taken into account the change in Governance arrangements that will occur in 2019.

The number of Councillors required to enable the anticipated governance arrangements to function are broadly the same as the existing number, namely nine Executive Members and twenty-seven Overview and Scrutiny Non-Executive Members, totalling 36 members. Therefore the number of Councillors recommended by this Council would enable continued and sufficient support of the Council's important governance and decision making functions, whilst ensuring it can provide proper scrutiny, meet its regulatory responsibilities and maintain a proper level of representation on local bodies and partnerships.

After considering all of the relevant factors, the Council's recommendation is that its current level of 36 elected Members should be retained so that the Council can ensure it continues to:

- provide an effective decision making process;
- provide effective arrangements for the management and delivery of its business, responsibilities and regulatory functions;
- support extensive and effective involvement in community representation and continue to develop Members' roles as community leaders; and
- respond to the challenges facing Torbay and its local communities, as the population continues to grow.

### **Summary of Justification**

A summary of the Council's justification for the submission is set out below:

Torbay Council is a small unitary authority responsible for delivering over 1,000 local services including children's and adult social care, road maintenance, leisure facilities and refuse collection with a population of circa 131,000. The Council's ambition is to create a Council fit for the challenges of the future, focusing on creating a prosperous and healthy Torbay, which is reflected in the Corporate Plan and its delivery plans.

Whilst the economy of Torbay is amongst the weakest in England, it is showing signs of recovery from the recession, with recent statistics pointing to a more rapid rise in salary rates than elsewhere in the Heart of the South West Local Enterprise Partnership area. This has been assisted by the actions taken by the Council and its partners to encourage investment in growth from businesses. The South Devon Highway opened in December 2015 and will assist in improving Torbay's economy and lead to higher value employment and wider benefits through providing improved transport links to the region.

The Torbay Local Plan has been adopted and provides over the next 18 years for Torbay to grow by 9,000 homes and 5,500 jobs.

The Council continues to face significant budget pressures and is exploring new and innovative ways to deliver services and maximise value for money. It will build on the service specific partnerships already in place, such as: the Torbay and Southern Devon Health and Care NHS Trust (ICO); economic development through the Torbay Development Agency (TDA); the Torbay Coast and Countryside Trust; TOR2 (a joint venture company between Torbay Council and Kier Group for direct services); and the Multi-Agency Safeguarding Hub. The Council is also working with the Heart of the South West partnership on a proposed

Devolution deal with the government.

The Council currently operates an elected Mayor and Executive model of governance, but following a governance referendum held on 5 May 2016 will be moving to a Leader and Cabinet style system with a Leader and Executive from May 2019.

Our governance arrangements provide a system whereby Non-Executive Members hold Executive Members to account and ensure that regulatory functions are delivered to meet the demands of Torbay's economy and demographic. This will continue with the new Leader and Cabinet system.

Technological advancements since the last electoral review and changes to the way we all communicate, means there are far more channels of communication now available between Members and their constituents. This has created 24 hour access and an expectation that responses will be instant. Members see that their workloads have increased since the last review and believe this trend will continue as its population grows and the Council works to meet its commitment to deliver new housing and encourage economic growth. Such technological changes however have also supported Members' ability to manage the demands upon them. The Council has moved to a self service model of customer support with most of the information customers require being available via the Council's website so they can access it at any time. It is for this reason and making best use of its resources that the Council does not feel it appropriate to increase the number of Councillors above 36. The Council will not have an Elected Mayor from May 2019 and this work will become additional work for one of the 36 Councillors who will become the Leader of the Council. The Council did operate successfully pre-2005 with 36 Councillors within a Leader and Cabinet model of governance and whilst there has been an increase in population since that time, new ways of working will make this number of Councillors effective in 2019 and onwards.

The Council has given serious consideration to reducing the number of Councillors to between 30 to 33 but believe that this would weaken the role of overview and scrutiny as it would reduce the number of non-executive Councillors available for overview and scrutiny. It would also reduce the overall number of Councillors available to serve on outside organisations and other Council committees, sub-committees and working parties, which would add to the workload of the remaining Councillors.

The Council wants to ensure that it can continue to deliver value for money services and address the needs of its residents, whilst being able to fully engage and support its partners, communities and voluntary bodies spread across the geographic area. Torbay has some of the most deprived wards in England and has an ageing population, with high levels of overweight and obese children and adults. Because of its diverse demographic the Council believes that it would not be in the interests of the wider community to reduce the level of Member representation.



## Review of the Electoral Arrangements for Torbay Council - Submission by Torbay Council on Council Size

1. Governance and decision making – how does the Council manage its business and take decisions across its full range of responsibilities?

### Leadership

1.1 What kind of governance arrangements are in place for the authority?

Following a governance referendum on 5 May 2016, the Council will be moving to a Leader and Cabinet style system with a Leader and Executive. It is anticipated that the Council will operate a “strong Leader” model whereby the Executive is appointed by the elected Leader (which is the same model operated in Torbay before we became a Mayoral authority in 2005) with the Leader being appointed by the Council.

The Executive will consist of between 2 and 9 members namely the Leader of the Council, Deputy Leader and up to 7 Executive Members. It is anticipated that all the Executive Members will be Portfolio Holders and the Council’s main representatives and spokespersons on their nominated areas of responsibility.

The Executive will carry out all of the local authority’s functions which are not the responsibility of any other part of the authority and are within the budget and Policy Framework (i.e. the strategic plans and strategies of the Council such as the Corporate Plan and Local Development Plan) approved by the Council.

Based on previous arrangements, there will be approximately 11 formal meetings of the Executive per year and 11 informal Executive briefings.

<p>1.2 How many portfolios are there?</p>	<p>There are currently 8 portfolios; 1 held by each member of the Executive, as follows:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Elected Mayor – Executive Lead for Finance and Regeneration</li><li><input type="checkbox"/> Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services</li><li><input type="checkbox"/> Executive Lead for Planning, Transport and Housing</li><li><input type="checkbox"/> Executive Lead for Tourism, Culture and Harbours</li><li><input type="checkbox"/> Executive Lead for Community Services</li><li><input type="checkbox"/> Executive Lead for Adults and Children</li><li><input type="checkbox"/> Executive Lead for Business</li><li><input type="checkbox"/> Executive Lead for Environment</li></ul> <p>It is anticipated that this will be reviewed by the new Authority from 2019 to align with the officer structure in place at the time. There is likely to still be between 7 and 9 Members of the Executive.</p>
<p>1.3 Describe how a portfolio holder carries out his/her work on a day to day basis.</p>	<p>Portfolio Holders monitor performance, hold regular meetings with the respective area Directors/Assistant Directors and Heads of Service and work with them to deliver the corporate objectives. There are monthly planned progress meetings with supplementary daily or weekly contact with individual officers, depending on the workload.</p>

<p>1.4 To what extent are decisions delegated to portfolio holders or are most decisions taken by the full Executive?</p> <p>What is the volume of decisions taken?</p> <p>How many decisions are taken by officers?</p>	<p>It will be up to the Council in 2019 to determine if they wish to have individual decision making, collective decision making or an advisory Executive with the decisions being made by the Leader. Torbay currently operates with an advisory Executive with all Executive decisions taken by the Mayor or Deputy Mayor.</p> <p>The Council has an extensive officer scheme of delegation whereby the majority of decisions are delegated to officers in consultation with the relevant Executive Lead. For example contracts up to £50,000. It is anticipated that the officer scheme of delegation would remain at similar levels or may be increased to enable the efficient running of the Council.</p> <p>Over the past 12 months there have been approximately 50 Executive decisions taken by the Mayor or Deputy Mayor. In light of the extensive officer scheme of delegation, the number of decisions by officers are not held centrally, with only key officer decisions published on our website. Therefore, the number of officer decisions is not readily available.</p>
<p>1.5 Do Executive (or other) Councillors serve on other decision making partnerships, sub-regional or national bodies?</p>	<p>Members do serve on other bodies. This includes approximately 54 'Outside Bodies' which are appointed after each election at the Annual Council meeting for the next four years and include decision making partnerships, internal working groups, sub-regional, regional and national bodies. 32 of the current Members serve on these bodies (8 Executive Members and 24 non-executive Members).</p>

<p>1.6 Is the role of the Executive Councillor considered to be full time?</p>	<p>It is estimated that the Mayor and Deputy Mayor currently spend between 50 and 60 hours per week on Council business. The other six Executive Leads' time commitments vary (often depending on the service area for which they are responsible). However, the average Executive Lead is estimated to spend between 30 to 45 hours per week on Council business.</p> <p>It is anticipated that these levels will be similar for the Leader and Executive under the new system of governance in 2019.</p>
<p>1.7 In relation to licensing, planning and other regulatory responsibilities, to what extent are decisions delegated to officers?</p>	<p>In relation to licensing, all decisions are delegated to officers, with the exception of:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Relevant policy review and development;</li> <li><input type="checkbox"/> 'Fit and proper' assessments for specific Hackney Carriage License applications; and</li> <li><input type="checkbox"/> Those applications which have received objections.</li> </ul> <p>In relation to planning, the overwhelming majority of applications are determined by officers, unless they are major applications (e.g. 10 dwellings or more), or receive a lot of objections and are referred by the Planning Officer to Committee. Such applications are referred to the Development Management Committee for determination.</p> <p>As a guide, officers estimate that currently 96% of planning and 98% of licensing applications are determined through officer delegation.</p> <p>The Council has a detailed officer scheme of delegation which is regularly reviewed by the Council's Monitoring Officer.</p>

1.8 How many Members are involved in Committees?

The decision-making bodies of the Council consists of:

- Council – 37 Members (this includes the current elected Mayor)
- Executive – 8 Members (this is currently set up as two Policy Development and Decision Groups, but would be expected to be one single Executive meeting from 2019)
- Overview and Scrutiny Board – 9 Members
- Scrutiny Review Panels – 5 Members (drawn from 29 Non-Executive Members)
- Priorities and Resources Review Panel – 9 Members (comprising the 9 Board Members)
- Task and finish groups – no limit to membership (any interested Non-Executive Member)
- Audit Committee – 6 Members
- Development Management Committee – 9 Members (this level was set to achieve political balance across the Council, but could be reduced)
- Licensing Committee – 15 Members (this is set at this level to enable a trained pool of three Members to be drawn to serve on the weekly Licensing Sub-Committee and should remain the same)
- Harbour Committee – 9 Members (this is a Council function under local choice and could become an Executive function or could be reduced to 7 or 8 as this was set at this level to achieve political balance)
- Employment Committee – 5 Members
- Appeals Committee (School Transport) – 7 Members
- Civic Committee – 7 Members
- Standards Committee – 7 Members
- Investment Committee – 6 Members

1.9 Is Committee Councillorship standing or rotating?

Committee membership is standing, with appointments being made at the Annual meeting of Council each May, although Group Leaders may change their membership during the year if they wish.

1.10 Are meetings ad hoc, frequent and/or area based?

The Calendar of Meetings is set annually, but there is the ability to convene meetings ad-hoc in certain circumstances (e.g. special meetings of Council / Executive to consider urgent matters). In addition, there are a number of meetings which are called on an ad-hoc basis to respond to business demand – as indicated in the list below.

From the Calendar there is provision for:

- Council – 10 meetings per Municipal Year (including 2 adjourned meetings)
- Executive – 11 per year (currently 22 for the two Policy Development and Decision Groups, but would be expected to be 11 for the Executive meeting from 2019)
- Overview and Scrutiny Board – 11 per year
- Scrutiny Review Panels – 5 Members drawn from 29 Non-Executive Members (ad hoc task and finish groups)
- Priorities and Resources Review Panel – 15 (including private meetings to review the budget)
- Task and finish groups – (ad hoc usually 1 to 3 meetings per topic)
- Audit Committee – 6 per year
- Development Management Committee – every 4 weeks
- Licensing Committee – 2 meetings of the Committee per year (with the Licensing Sub-Committee scheduled every week in case there needs to be a hearing - 9 meetings held between January 2016 and January 2017)
- Harbour Committee – 3 per year
- Employment Committee – ad hoc
- Appeals Committee (School Transport) – 8 per year scheduled but cancelled if not required
- Civic Committee – ad hoc
- Standards Committee – once per year, plus ad hoc
- Investment Committee – scheduled fortnightly but cancelled if not required

	<p>We do not currently have any area based meetings. Meetings are either held in the Town Hall, Torquay or the Riviera International Conference Centre in Torquay. Site visits for Development Management Committee are held on the day of the Committee throughout Torbay.</p>
<p>1.11 What level of attendance is achieved? Are meetings always quorate?</p>	<p>Generally a good level of attendance is achieved and meetings are normally quorate.</p> <p>Between January 2016 and January 2017 we only had one meeting which was not quorate due to a Member declaring an interest but another Member joined the meeting to ensure that it was quorate and could continue.</p>
<p>1.12 Does the council believe that changes to legislation, national or local policy will have influence on the workload of committees and their Members which would have an impact on council size?</p>	<p>It is not considered that there are any changes on the horizon which would result in less work for Members. They may have an additional role to play if the Heart of the South West Devolution deal goes ahead in terms of serving on joint committees for the region.</p>

<p>1.13 Has the Council defined the role of Councillors?</p> <p>Has the Council adopted arrangements for training and developing Councillors and supporting them in their role?</p>	<p>The Council has Member Job Descriptions to cover the role of Councillor and each of the key posts such as Executive Member, Overview and Scrutiny Co-ordinator, Chairman etc. Each newly elected Member receives a copy of the Job Description as part of their induction.</p> <p>The Council has an extensive Member Development Programme which includes an intensive induction and is regularly reviewed by the Mayor and Group Leaders' Group. There is mandatory training for areas such as the Code of Conduct and interests, licensing and planning. Ongoing support and confidential personal development plans are provided to each Member if they wish. The Mayor (for Executive Leads) and Group Leaders undertake Councillor development one to one discussions on an annual basis to also inform the Member Development Programme.</p>
<p>1.14 Has the Council assessed how much time Councillors spend on Council business?</p>	<p>The Council has carried out assessments in the past as part of the review of Members' Allowances. Responses varied greatly from Member to Member depending on their role and personal circumstances. For example a working Councillor would have less time available for Council business and may only sit on one Committee.</p>
<p>1.15 Do Councillors generally find that the time they spend on council business is what they expected?</p>	<p>The majority of Members comment that they had underestimated the amount of time they spend on Council business before they were elected.</p>



<p>1.16 What is the extent of Councillors representational role on, and appointment to, outside bodies?</p> <p>How many are involved in this activity and what is their expected workload?</p>	<p>A total of 32 Members (including the elected Mayor, with some Members representing the Council on more than one outside body) are appointed to serve as representatives of the Council on outside bodies. Members liaise with these organisations directly and the Council has little input other than to administer the appointment process.</p> <p>Workload varies greatly depending on the outside body. Members are expected to feedback to the Overview and Scrutiny Board/Council with regards to work being undertaken by the outside organisation, especially where it may impact on the work of Torbay or highlight areas for collaborative working.</p>
<p>1.17 Does the Council have difficulty in retaining Councillors or attracting new candidates?</p>	<p>The Council holds full elections every 4 years and all 36 seats have always been contested, usually by the two main political parties in Torbay (namely Conservatives and Liberal Democrats) with other political parties putting up candidates for some of the seats as well as some independent representatives standing. However, the Council does struggle to attract prospective candidates who reflect the demographic profile of the Borough (e.g. a proportion on young residents).</p> <p>Since 2006 there have only been 3 Borough by-elections. One was caused by a death of a serving Councillor, one as a result of a resignation and one as a result of a candidate being elected as Mayor.</p>
<p>1.18 Have there been any instances where the Council has been unable to discharge its duties due to a lack of Councillors?</p>	<p>There have been no such instances.</p>

<p>1.19 Do Councillors have an individual or ward budget for allocation in their area?</p> <p>If so, how is the system administered?</p>	<p>No</p>
<p>2. Scrutiny of the Council, outside bodies and others.</p>	
<p>2.1 What's the structure? How does it operate?</p>	<p>The Council's has one Overview and Scrutiny Board. In addition various task and finish groups and review panels are established as and when required which are Chaired by one of the following four Scrutiny Lead Members:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Joint Commissioning – Children's and Adults</li> <li><input type="checkbox"/> Joint Commissioning – Health, Wellbeing and Public Health</li> <li><input type="checkbox"/> Joint Operations – Commercial and Business Services</li> <li><input type="checkbox"/> Joint Operations – Community and Customer Services</li> </ul> <p>The Council appoints an Overview and Scrutiny Board to discharge the functions conferred by Section 21 of the Local Government Act 2000. It is appointed in accordance with the statutory requirements to achieve political balance.</p> <p>The Overview and Scrutiny Co-ordinator (the Chairman of the Board) is appointed at the Annual Council meeting and the Vice-Chairman is appointed at the first Board meeting each Municipal Year (May to April). The 'scrutiny' function acts as a 'watchdog' and monitors the decisions and performance of the Executive. The Overview and Scrutiny Co-ordinator and Scrutiny Leads are expected to agree arrangements to ensure that each of the Executive</p>

	<p>Portfolios is shadowed, in order to provide expertise in these areas to the Board when a call-in, review, or performance monitoring is undertaken.</p> <p>In addition to scrutiny, ‘overview’ work is carried out which provides Councillors with an opportunity to review how the Council and other partners are delivering services, similar to how a parliamentary select committee would operate.</p> <p>Overview and Scrutiny looks at policies on behalf of the Council to ensure they are fit for purpose’. It also examines wider issues of community interests/concern. The Councillor input to review and develop policy can be significant.</p> <p>Formal review panels are made up of the relevant Scrutiny Lead plus four other Members (which can be any of the 29 Non-Executive Members). There are also informal task and finish groups which comprise interested Non-Executive Members with no limit on membership, lead by the relevant Scrutiny Lead. Due to limited officer resources task and finish group meetings are held without a central support officer and the lead Councillor then provides feedback to inform the conclusion of their review.</p>
<p>2.2 What is the general workload of scrutiny committees?</p> <p>Has the Council ever found that it has had too many active projects for the scrutiny process to function effectively?</p>	<p>There is a meaningful workload across a number of subjects.</p> <p>There have been occasions when the Council has found that there have been too many active projects for the scrutiny process to function effectively. However, the work is now more focused on ‘things that matter’ taking into account the Principles of Overview and Scrutiny as agreed by Council on 26 February 2015 set out below:</p> <ol style="list-style-type: none"> <li>1. The Council as a whole, and therefore overview and scrutiny, need to focus on the issues that really matter. There are no longer any easy decisions to make. The luxury of looking at the more marginal issues has long passed. It is important that there is an “all Council” approach to tackling the challenges now being faced.</li> <li>2. “Holding to account” must continue as a vital role of overview and scrutiny. But “policy</li> </ol>

	<p>development” is of equal importance. And national experience has shown that this is where the contribution of the non-executive members can be most effective.</p> <p>3. The Forward Plan should be seen as a key tool for managing the decision making process throughout the Authority. There needs to be more informal discussions about what is coming forward for decision in the coming months.</p> <p>4. Overview and scrutiny should be seen as an important element in delivering good, sound decisions. The relationship between overview and scrutiny and the executive should not be adversarial, but rather of seeking to complement one another.</p> <p>5. There should be the ability for all councillors to have the opportunity to help shape policy decisions at an early stage.</p>
<p>2.3 How is the work programme developed and implemented?</p> <p>How many subjects at any one time?</p> <p>What’s the time-span for a particular study?</p>	<p>The workload is set by local issues, review of the Mayor’s Forward Plan and the Council’s Corporate Plan and delivery plans. The Board also receives requests to undertake work from the Executive.</p> <p>The rationale for task and finish groups is that they can respond to issues quickly, meaning that there may be a number operating at any one time but they may only meet once or twice to conclude their work.</p> <p>The length of formal reviews tends to depend on external consultation processes which can be from six weeks to three months.</p>
<p>2.4 Are Councillors involved in scrutinising external issues?</p>	<p>Overview and Scrutiny at Torbay has a statutory requirement to carry out health scrutiny as well as scrutiny of flood protection and the Community Safety Partnership. The Council’s Constitution also enables the Board to scrutinise any issue affecting the local area.</p>

<p>2.5 When not in scrutiny meetings what activities are Councillors expected to undertake?</p>	<p>Councillors are required to attend Committees, read relevant committee papers and reports, conduct research, attend working groups, training events and briefings with officers, attend local groups and conduct site visits.</p> <p>In addition to what they are expected to undertake, Councillors also carry out their constituency work and regularly attend Town Council and Community Partnership meetings within their wards.</p>
<p>2.6 How will the role of the scrutiny Councillor change?</p>	<p>Since the adoption of the Principles of Overview and Scrutiny the role has changed to ensure that the process is more Member led and focused on the issues that will make a difference to Torbay Council.</p>
<p>2.7 What kind of support do scrutiny members receive?</p>	<p>The Council currently has one Scrutiny officer. In addition to supporting the Overview and Scrutiny function this officer also provides support on a number of Corporate Issues such as Devolution and budget development.</p>

### 3. Representational Role: Representing electors to the Council

3.1 Has the representational role of Councillors changed since the council last considered how many elected Councillors it should have?

Council size was last considered during the 2001/2002 review when the number of Councillors remained at 36.

Members have indicated that their constituents are now likely to contact them more often due to the wider use of e-mail, blogs, websites and social media, which they feel has had a significant impact on their constituency workloads. However, the recent introduction of a centralised casework system has assisted members with dealing with their casework with automated tracking via the Council's complaints software system.

<p>3.2 In general terms, how do Councillors carry out their representational role with electors?</p> <p>Do members mainly respond to casework from constituents or do they have a more active role in the community?</p>	<p>Many Councillors are proactively involved within their Wards as opposed to simply responding to case work and consider that they play an active part within their communities. The approach they take varies, but a number of Councillors are involved in some or all of the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> holding surgeries – dealing with queries, providing advice and engaging with their constituents face-to-face;</li> <li><input type="checkbox"/> attending consultation events;</li> <li><input type="checkbox"/> working with, facilitating and/or offering support, to community groups and local organisations;</li> <li><input type="checkbox"/> attending Brixham Town Council meetings;</li> <li><input type="checkbox"/> maintaining blogs and/or websites and social media;</li> <li><input type="checkbox"/> dealing with written or e-mailed correspondence (using the Council’s e-casework system);</li> <li><input type="checkbox"/> taking telephone calls;</li> <li><input type="checkbox"/> making ward visits;</li> <li><input type="checkbox"/> representing the interests of their wards;</li> <li><input type="checkbox"/> sitting on outside bodies and attending partnership meetings; and</li> <li><input type="checkbox"/> representing the Council within the wider community.</li> </ul>
<p>3.3 How Councillors engage with Constituents?</p> <p>Do they hold surgeries, public meetings, use IT etc?</p>	<p>All Councillors are issued with an iPad to assist them with their role and have a Torbay Council e-mail address. In addition to this, a number of Councillors engage with their constituents via social media and hold surgeries.</p> <p>Most members appreciate that a high profile and active presence within their local community is the key to building a successful relationship with their constituents. Some produce newsletters and hold open public meetings. They are all members of the local Community Partnerships which meet regularly to engage with their communities.</p>

<p>3.4 How do Councillors generally deal with casework?</p> <p>Do they pass on issues directly to staff or do they take a more in depth approach to resolving issues?</p>	<p>It mainly depends on whether the Member concerned has the necessary level of experience, skill and expertise to deal directly with an issue themselves, or whether they need to refer more technical or sensitive matters directly to an officer via the centralized casework system (referred to in 3.2 above) or to political colleagues.</p>
<p>3.5 What support do Councillors receive in discharging their duties in relation to casework and a representational role in their ward?</p>	<p>The Council has introduced a centralised casework system where Members can log their casework via the Council's corporate complaints system which is then passed to the relevant Council officer for a response and provides automated tracking.</p>
<p>3.6 Has the Council put in place any mechanisms for Councillors to interact with young people, those not on the electoral register, or minority groups or their representative bodies?</p>	<p>No, however, a number of Councillors engage with young people and minority groups as part of their community leadership role and encourage and assist people to get them registered.</p>



3.7 Are Councillors expected to attend meetings of community bodies such as parish councils or resident associations?

What is the level of their involvement and what role do they play?

There is an expectation that Members will attend such meetings, but there is no statutory requirement.

Torbay has one Town Council, namely Brixham Town Council. A number of Torbay Councillors are also Brixham Town Councillors and therefore attend these meetings and feedback relevant issues to Torbay Council. Other Torbay Councillors from the Berry Head with Furzesham and St Marys with Summercombe Wards also sometimes attend the Town Council meetings.

Each Councillor is a member of their local Community Partnership (CP) which comprises all the residents and businesses within the CP area. These usually meet monthly, bi-monthly or quarterly.

#### 4. The Future

4.1 What impact do you think the localism agenda might have on the scope and conduct of council business and how do you think this might affect the role of Councillors?

The Localism Act has provided further opportunities for Councillors to become involved in neighbourhood planning. There are currently three neighbourhood plans being developed.

4.2 Does the Council have any plans to devolve responsibilities and/or assets to community organisations, or does the Council expect to take on more responsibilities in the medium to long term?

Some assets have been transferred to local communities in accordance with the Council's Community Asset Transfer Policy. At the same time the Council is taking on larger profit generating assets as the Council pursues financial self-sufficiency as part of its Transformation Programme. These initiatives will require Member involvement and scrutiny through the Investment Committee.

4.3 Have changes to the arrangements for local delivery of services led to significant changes to Councillors workloads? (For example, control of housing stock or sharing services with neighbouring authorities)

Whilst the following services have been commissioned, the Council is still responsible for service delivery and therefore Councillors are still involved in dealing with issues relating to these services:

- TOR2 (maintenance of highways, grounds, parks, car parks, buildings, Council's fleet, management of household waste & recycling centre and waste transfer stations, out of hours call centre support, street and beach cleansing, waste & recycling collections);
- Integrated Care Organisation (adult social care and health);
- Countryside Management (Torbay Coast and Countryside Trust);
- Devon Audit Partnership;
- Torbay Development Agency (affordable housing & planning, asset management, business services, economy, investment & enterprise, facilities management, project management, property services, South West business centres);
- English Riviera Tourism Company (destination management organisation, visitor information points);
- Careers South West Ltd (careers advice, information & guidance, support services for young people); and
- The PLUSS organisation Ltd (employment services, support for enterprises).

A number of schools have become academies and the Local Authority is now only responsible for 2 voluntary controlled, 4 community and 2 special schools (e.g. 8 schools) with the remaining 34 schools being responsible for their own governance and admission arrangements.

As Torbay Council is part of the Integrated Care Organisation for the delivery of Adult Social Care and Health, the Executive Lead for Adults and Children provides a key role in this area.

The Council is reviewing the delivery of its Children's Services social care function with a view to moving to an alternative delivery model. It is anticipated that the Executive Lead responsible for Children will provide a key role to this work.

	<p>There is a Devon Building Control Partnership with Member representation from each authority involved.</p> <p>There is a Devon and Somerset Trading Standards Partnership with Member representation from each authority involved.</p> <p>Devolution – The Heart of the South West LEP area – Devon and Somerset is currently holding negotiations with government – the outcomes are currently not yet finalised.</p>
<p>4.4 Are there any developments in policy ongoing that might significantly affect the role of elected members in the future?</p>	<p>Members have stated that they could not foresee anything on the horizon which would lead to a dramatic increase (or decrease) in their workloads.</p>
<p>4.5 What has been the impact of recent financial constraints on the Council's activities?</p>	<p>The allocation of available resources has become more challenging and is open to more public involvement and comment, which includes the work of elected Councillors. Councillors are now required to manage the public's expectations on services and act as facilitators in their communities to assist with delivering reduced services in different ways.</p>