

## **OVERVIEW AND SCRUTINY BOARD**

A meeting of **Overview and Scrutiny Board** will be held on

**Wednesday, 6 July 2016**

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Board**

Councillor Lewis (Chairman)

Councillor Barnby  
Councillor Bent  
Councillor Bye  
Councillor Stockman

Councillor Stocks  
Councillor Tolchard  
Councillor Tyerman  
Councillor Doggett

### **Co-opted Members of the Board**

Penny Burnside, Diocese of Exeter

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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:

**Kate Spencer, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207063**

Email: [scrutiny@torbay.gov.uk](mailto:scrutiny@torbay.gov.uk)

# OVERVIEW AND SCRUTINY BOARD REVISED AGENDA

## 1. Apologies

To receive apologies for absence, including notifications of any changes to the membership of the Board.

## 2. Minutes

To confirm as a correct record the minutes of the meeting of the Board held on 15 June 2016.

(Pages 4 - 6)

## 3. Declarations of Interest

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.)

## 4. Urgent Items

To consider any other items that the Chairman decides are urgent.

## 5. Electoral Review to Reduce the Number of Councillors in Torbay

(Pages 7 - 18)

At the request of the Council, the Assistant Director – Corporate and Business Services to present her report on statistical and benchmarking information in connection with a potential review of the ward boundaries in Torbay.

The Deputy Mayor (Executive Lead for Health and Wellbeing and Corporate Services) to attend to answer the Board's questions.

The Board to make recommendations to the Council on whether a review of ward boundaries and/or the number of councillors is required at this time.

6. **Rationalisation of Discretionary Welfare Funds** (Pages 19 - 25)  
Further to the Review of Priorities and Resources in January 2016, the Executive Head – Customer Services to present a progress report on the rationalisation of the various discretionary welfare funds administered by the Council.

The Mayor and the Executive Lead for Customer Services to answer Board's questions.

7. **Amendments to the Corporate Asset Management Plan** (Pages 26 - 60)  
The Executive Head – Business Services to present his report to the Council on proposed amendments to the Corporate Asset Management Plan.

The Mayor to answer the Board's questions.

8. **Torre Valley North Lease** (Pages 61 - 76)  
The Executive Head – Business Services to present his report to the Council on proposal in relation to Torre Valley North Playing Field.

The Mayor to answer the Board's questions.

9. **Screen on the Green**  
In accordance with Standing Order D13, to receive the following request from Councillors Darling (M) and Pentney for an item to be considered by the Overview and Scrutiny Board:

“Whilst we welcome this innovation in Torbay a number a questions surface in light of the Screen on the Green.

1. We understand that Councillor Morris has received a £10,000 grant from the Council to provide the Screen on the Green. Why was such an innovation not put out to open tender?
2. We understand that prior to being elected as a councillor Mr Morris put such a proposal forward previously. Why was this request denied?
3. What claw back provisions are there within the grant for any profit made from this venture?
4. There is a prohibition on illuminated advertising on Torre Abbey Meadow. How has this been circumvented?”

The Board to determine whether it wishes to request officers to prepare a full report on the matter for submission to a future meeting.



## Minutes of the Overview and Scrutiny Board

15 June 2016

-: Present :-

Councillor Lewis (Chairman)

Councillors Bent, Bye, Darling (S), Doggett, Morey, Thomas (D), Tolchard and Tyerman

(Also in attendance: The Mayor and Councillors Cunningham, Ellery, Haddock, King and Manning)

### 11. Apologies

It was reported that, in accordance with the wishes of the Liberal Democrat, Independent and Conservative Groups, the membership of the Board had been amended to include Councillors Darling (S), Morey and Thomas (D) in place of Councillors Stocks, Stockman and Barnby, respectively.

### 12. Minutes

The minutes of the meeting of the Board held on 18 May 2016 were confirmed as a correct record and signed by the Chairman.

### 13. Strategic Agreement between Torbay and South Devon NHS Foundation Trust and Torbay Council/South Devon and Torbay Clinical Commissioning Group

The Director of Adult Services provided the Board with an updated version of the Annual Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group (CCG) and the Torbay and South Devon NHS Foundation Trust which had been prepared since February 2016 to allow for the NHS planning cycle. The Agreement described how the Council would be making a greater financial contribution than had been expected in February 2016 and the accompanying report provided information of how that would be funded.

The Director explained that the allocation of £1.3 million Better Care Fund between the Council and the CCG had been disputed but that, following mediation, an agreement had been reached as set out in the Agreement.

**Resolved:** that, whilst the Board has no specific recommendations, it is felt that the recurrent basis of the agreement reached between the Council and the CCG with the Council contributing £926,000 throughout the lifetime of the Risk Share Agreement should be made explicit in the covering report to the Council.

**14. Provisional Revenue Outturn 2015/2016 - Subject to External Audit**

The Board considered the provisional outturn for the 2015/2016 Revenue Budget which included a recommendation that the Council should carry forward a sum of £120,000 as a budget contingency to ensure the success of the Torbay Airshow in June 2016. Members of the Board questioned whether the need for a contingency was identified prior to 31 March 2016 with the Mayor (as Executive Lead for Finance) confirming that he had not been aware of such a need at that point in time.

As part of the report, the Board considered the debts of over £5000 which had been written off by the Chief Financial Officer during Quarter 4 of the 2015/2016 financial year.

**Resolved:** (i) that the Council be recommended to not approve the carry forward of £120,000 as a budget contingency for the Torbay Airshow and that any losses be shown in the Revenue Budget for 2016/2017; and

(ii) that, as per the Board's decision in November 2015, a review of the Council's debt recovery procedures be added to the Board's Work Programme to ensure that the Council's income is maximised.

**(Note:** Prior to consideration of that part of Minute 14 relating to the write-off of debt, the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)

**15. Capital Investment Plan Outturn 2015/2016 - Subject to Audit**

The Board noted the Capital Plan Outturn for 2015/2016 which provided high level information on capital expenditure and income for the previous financial year and provided a comparison with the position reported in February 2016 for Quarter 3 of that year.

**16. Efficiency Plan**

The Mayor (as Executive Lead for Finance) reported to the Board that he would be recommending that the Council submit an Efficiency Plan to the Government in order to secure a four year funding settlement.

The Board questioned the Mayor when the draft of the Efficiency Plan would be available in order that engagement with all Councillors, partners and the community could be undertaken. The Chief Executive reassured members that a number of the issues to be included in the Efficiency Plan were already known to members and therefore it was likely that the detail of these could be shared sooner rather than later.

**Resolved:** (i) that this Board formally requests the Mayor and Chief Executive:

- (a) to share details of the emerging Efficiency Plan with all members of the Council as they become available during June, July and August 2016; and
- (b) to release the draft Efficiency Plan to all members of the Council once it has been considered by the Mayor's Executive Group; and
- (ii) that the Board hold a series of briefing meetings over the summer and in early September to discuss the emerging Efficiency Plan ahead of formal consideration at the meeting of the Board to be held on 14 September 2016.

**17. Exclusion of the press and public**

Prior to consideration of the item in Minute 18, the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended.)

**18. Masterplans**

The Board received a presentation of the current position in relation to the Masterplans for Torquay and Paignton Town Centres.

**Resolved:** that it be recommended to the Chief Executive that, given the delivery of the Masterplans is a key priority for this Authority, a dedicated project manager should be appointed as soon as possible to drive that delivery forward.

**(Note 1:** Prior to consideration of the item in Minute 18, Councillors Bye and Morey declared non-pecuniary interests as members of the Masterplan Programme Board.)

**(Note 2:** Prior to consideration of the item in Minute 18, the Mayor declared a pecuniary interest in relation to specific elements within the Torquay Masterplan and withdrew from the meeting prior to discussion on those elements.)

Chairman

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**Meeting:** Overview and Scrutiny Board

**Date:** 6 July 2016

**Wards Affected:** All Wards

**Report Title:** Electoral Review to Reduce the Number of Councillors in Torbay

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

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## 1. Proposal and Introduction

1.1 At the Council meeting held on 10 December 2015 Members requested the Assistant Director of Corporate and Business Services to prepare a report containing statistical and benchmarking information to be presented to the Overview and Scrutiny Board for it to make a recommendation to the Council on whether a review of Boundaries and/or the number of Councillors is required at this time. This report sets out the requested information for Members' consideration.

## 2. Reason for Proposal

2.1 To consider whether a review of Boundaries and/or the number of Councillors is required at this time.

## 3. Recommendation(s) / Proposed Decision

3.1 That the Overview and Scrutiny Board consider this report and make recommendations to the Council on whether a review of Boundaries and/or the number of Councillors is required at this time.

## Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Benchmarking Information

## Background Documents

None

### Supporting Information and Impact Assessment

Service / Policy:	Boundary Review
Executive Lead:	Councillor Mills
Director / Assistant Director:	Assistant Director of Corporate and Business Services

Version:	2	Date:	14 June 2016	Author:	Anne-Marie Bond
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#### Section 1: Background Information

##### 1. What is the proposal / issue?

At the Council meeting held on 10 December 2015 Members considered a motion on a electoral review of the number of Councillors for Torbay Council. The extract of the Minute is set out below:

“Members considered a motion in relation to a proposed electoral review on the number of Councillors for Torbay Council, notice of which was given in accordance with Standing Order A14.

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

The Council notes that the last Electoral Review for Torbay Council was carried out in 2001. Since that time there has been:

- a continuous reduction in the number of staff resulting in a reduction from 1455 full time equivalent staff in March 2010 to 890 full time equivalent staff in October 2015;
- a number of significant changes in the way the Council operates, in particular the establishment of the:
  - Integrated Care Organisation (ICO) for adult social care and health and
  - proposed transfer of Children’s Services into the ICO
  - the development of the Torbay Development Agency and continuation of Torbay Coast and Countryside Trust
  - commissioning of services such as the contract with TOR2; and
  - the growth of academy schools in Torbay which have left only a residual Local Education Authority function.

The change to the way the Council now operates means that there is reduced engagement for Councillors as many of the operational decisions are made outside of the Council chamber.

Therefore, this Council resolves:

that the Assistant Director of Corporate and Business Services be requested to develop a business case for submission to the Local Government Boundary Commission for England requesting an electoral



	<p>review to reduce the number of Councillors in Torbay to come into effect from May 2019.</p> <p>An amendment was proposed by Councillor Tyerman and seconded by Councillor Bent:</p> <p>Therefore, this Council resolves:</p> <ul style="list-style-type: none"> <li>(i) that, following the referendum next May which will establish the preferred form of Governance for Torbay to take effect from 2019, the Assistant Director of Corporate and Business Services be requested to prepare a report identifying: <ul style="list-style-type: none"> <li>(a) the respective populations and number of Councillors in other small unitary Councils using a similar form of governance;</li> <li>(b) detail of the number of voters per Councillor in each ward in Torbay together with a forecast of how that might change through housing development by May 2019; and</li> <li>(c) which functions of the Council have been externalised since the formation of Torbay Unitary Authority, resulting in a significant reduction of senior officers from 28 to 9, for example growth of academy schools and Integrated Care Organisation; and</li> </ul> </li> <li>(ii) that such report should be presented to the Overview and Scrutiny Board by July 2016 such that they can make recommendations to Council on whether a review of Boundaries and/or the number of Councillors is required at this time.</li> </ul> <p>On being put to the vote, the amendment was declared carried (unanimous).</p> <p>The substantive motion (the original motion with the new resolution) was then before Members for consideration.</p> <p>On being put to the vote, the substantive motion was declared carried (unanimous).”</p> <p>This report has been developed to provide the required information to the Overview and Scrutiny Board in order for them to make recommendations to the Council on whether a review of Boundaries and/or the number of Councillors is required at this time.</p>
<p><b>2.</b></p>	<p><b>What is the current situation?</b></p> <p>The Council currently comprises an Elected Mayor plus 36 Councillors who meet together as the Council to make decisions on the Council’s key policy documents and set the budget. The Council last undertook a review of its Boundaries and number of Councillors in 2001.</p>

	<p>On 5 May 2016 the electorate voted to change the system of governance from an Elected Mayor and Cabinet to a Leader and Cabinet. These changes will come into effect from May 2019.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• TOR2 (maintenance of highways, grounds, parks, car parks, buildings, Council’s fleet, management of household waste &amp; recycling centre and waste transfer stations, out of hours call centre support, street and beach cleansing, waste &amp; recycling collections);</li> <li>• Integrated Care Organisation (adult social care and health);</li> <li>• Countryside Management (Torbay Coast and Countryside Trust);</li> <li>• Devon Audit Partnership;</li> <li>• Torbay Development Agency (affordable housing &amp; planning, asset management, business services, economy, investment &amp; enterprise, facilities management, project management, property services, South West business centres);</li> <li>• English Riviera Tourism Company (destination management organisation, visitor information points);</li> <li>• Oldway Mansion Management Company Ltd (management of Oldway estate);</li> <li>• Careers South West Ltd (careers advice, information &amp; guidance, support services for young people); and</li> <li>• The PLUSS organisation Ltd (employment services, support for enterprises).</li> </ul> <p>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.</p>
<p><b>3.</b></p>	<p><b>What options have been considered?</b></p> <p>The Overview and Scrutiny Board has the following options available for consideration:</p> <ul style="list-style-type: none"> <li>• Recommend that the Council undertakes a review of ward boundaries and/or the number of Councillors with a view to changes being implemented from May 2019; or</li> <li>• Recommend that the Council does not undertake a review and waits until the next scheduled review due to be instigated by the Local Government Boundary Commission for England. We are waiting confirmation from the Boundary Commission as to their views on a review and when we are next due for a scheduled review.</li> </ul>

4.	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p> <p><i>Principles:</i></p> <ul style="list-style-type: none"> <li>• <i>Use reducing resources to best effect</i></li> </ul>
5.	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>If the Council decides to undertake a formal review of boundaries and/or the number of Councillors detailed proposals will be developed and will be the subject to public consultation. Councillors will also be consulted and will be able to put forward suggestions for changes to their Wards.</p> <p>There is a set process for review which will be carried out in accordance with the requirements of the Local Government Boundary Commission for England.</p>
6.	<p><b>How will you propose to consult?</b></p> <p>If the Council decides to undertake a formal review of boundaries and/or the number of Councillors, a detailed consultation programme will be developed.</p>

## Section 2: Implications and Impact Assessment

7.	<p><b>What are the financial and legal implications?</b></p> <p>Technical work on a formal review and consultation will be carried out by Council officers from the Governance Support and Corporate Support Teams. The last review was undertaken in 2001 with a review team of two fte officers plus some legal and electoral support. This will add further pressures to limited resources within these teams.</p> <p>The Boundary Commissions recommends a minimum of 30 Councillors. If the Council decides to reduce the number of Councillors from 36 to 30 it could save the Council approximately £60,000 per year each year in Members' allowances and support costs.</p>
8.	<p><b>What are the risks?</b></p> <p>There is a risk that non-statutory work will have to be put on hold and Members' support will be reduced to ensure that the Governance Support Team meets its statutory requirements as it undertakes a formal review.</p> <p>The Council currently has 74 seats on Committees, with up to 9 Councillors able to serve on the Cabinet being precluded from sitting on the Audit Committee and Overview and Scrutiny Board. Any reduction in the number of Councillors will impact on the number of Committees that each Councillor will be required to serve on, therefore increasing the number of meetings each Councillor will need to attend.</p>

9.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>N/A</p>																
10.	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>There has been a continuous reduction in the number of staffing resources in the Council resulting in a reduction from 1455 full time equivalent staff in March 2010 to 890 full time equivalent staff in October 2015.</p> <p>Benchmarking has been carried out to compare the population of other authorities with the number of each Councillors per ward and this is set out at Appendix 2.</p> <p>It is important that any consideration of this issue, also takes into account future population growth. Policy SS13 of the Torbay Local Plan states:</p> <p style="padding-left: 40px;">“Five year housing land supply</p> <p style="padding-left: 40px;">The Council will maintain a rolling 5 year supply of specific deliverable sites sufficient to meet a housing trajectory of 8,900 dwellings over the Plan period 2012-30, including an allowance for windfall sites.</p> <p style="padding-left: 40px;">The trajectory is:  400 dwellings per year for the period 2012/13 – 2016/17  495 dwellings per year for the period 2017/18 – 2021/22  555 dwellings per year for the period 2022/23- 2029-30”</p> <p>It is also important that any consideration of this issue recognises that modern communication methods means that face to face communication is not always used. The review into the rationalisation of the Council’s connections service has demonstrated that there has been a shift in the way that members of the public communicate with the Council and obtain information about services. This is demonstrated by the reduction in footfall as shown in the table below.</p> <table border="1" data-bbox="304 1456 1453 1825"> <thead> <tr> <th data-bbox="304 1456 603 1529">Method of contact</th> <th data-bbox="603 1456 1228 1529">Period</th> <th data-bbox="1228 1456 1453 1529">Number</th> </tr> </thead> <tbody> <tr> <td data-bbox="304 1529 603 1825" rowspan="6" style="text-align: center;">Total footfall within the Connections offices</td> <td data-bbox="603 1529 1228 1574">April 2010 to Mar 2011</td> <td data-bbox="1228 1529 1453 1574">101,387 visitors</td> </tr> <tr> <td data-bbox="603 1574 1228 1619">April 2011 to Mar 2012</td> <td data-bbox="1228 1574 1453 1619">94,465 visitors</td> </tr> <tr> <td data-bbox="603 1619 1228 1664">April 2012 to Mar 2013</td> <td data-bbox="1228 1619 1453 1664">81,994 visitors</td> </tr> <tr> <td data-bbox="603 1664 1228 1709">April 2013 to Mar 2014</td> <td data-bbox="1228 1664 1453 1709">71,578 visitors</td> </tr> <tr> <td data-bbox="603 1709 1228 1753">April 2014 to Mar 2015</td> <td data-bbox="1228 1709 1453 1753">66,896 visitors</td> </tr> <tr> <td data-bbox="603 1753 1228 1825">April 2015 to Feb 2016 (Excluding the trial 5 October - 2 November)</td> <td data-bbox="1228 1753 1453 1825">31,911 visitors</td> </tr> </tbody> </table> <p>More people are making use of technology to find information about Council services via the Council’s website and using electronic communications via e-forms and e-mails to report problems and interact with Council officers and Councillors.</p> <p>Social media has changed the way residents interact with organisations affecting</p>	Method of contact	Period	Number	Total footfall within the Connections offices	April 2010 to Mar 2011	101,387 visitors	April 2011 to Mar 2012	94,465 visitors	April 2012 to Mar 2013	81,994 visitors	April 2013 to Mar 2014	71,578 visitors	April 2014 to Mar 2015	66,896 visitors	April 2015 to Feb 2016 (Excluding the trial 5 October - 2 November)	31,911 visitors
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	<p>their lives. Research from Ofcom and Comms2point0 shows 80% of adults have a smart phone and 54% of adults are using social media (those with an opinion – good or bad – are likely to register it on social media).</p> <p>Social media is a quick and easy way to keep large numbers of people informed and engaged at the same time.</p> <p>An article on the Local Government Association from Councillor David Harrington states:</p> <p style="padding-left: 40px;">"Around 25 per cent of followers on Twitter are local and the rest are from further afield. Members need quick ways of engaging and this is one.</p> <p style="padding-left: 40px;">It's useful for breaking down barriers between me as a councillor and residents. I've no qualms about talking about Spotify and it's a standing joke that I'm addicted to Diet Coke. I've no qualms in mentioning that.</p> <p style="padding-left: 40px;">As a rule, I won't tweet on a Friday or a Saturday night about politics. People can get a little bit too excited if they've had a few drinks. I have a high tolerance level and I've only ever blocked around a dozen or so people in the seven years I've been using Twitter.</p> <p style="padding-left: 40px;">I won't talk about personal things and the details of case work on social media and if people do then I'll quickly ask them to direct message me or call me.</p> <p style="padding-left: 40px;">As holder of the finance portfolio, I've found that using social media is useful in the run-up to the budget and afterwards as you can explain the decisions that we've taken.</p> <p style="padding-left: 40px;">I'll also use Skype for surgeries. A lot of people in my ward are used to using this as there are a large number of people involved in the oil and gas industries so they are used to using it.</p> <p style="padding-left: 40px;">If I was still in my original ward which is largely an older population than my current ward, I would not be holding Skype Ward Surgeries as frequently as I do today. Whilst those residents are digitally connected, they preferred face to face engagement. The demographics are much different in my current ward."</p>
<p><b>11.</b></p>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>Most of the authorities surveyed have 2 or 3 Councillors per ward which is comparable to Torbay. The Local Government Boundary Commission for England recommends a minimum of 30 Councillors for an authority.</p> <p>With operating a Leader and Cabinet model of governance from May 2019 up to 9 Councillors can be appointed as Executive Members therefore leaving a reduced number of Councillors available to carry out the Overview and Scrutiny function and serve on the various committees such as Development Management Committee, Harbour Committee, Audit Committee etc. Members of the Executive</p>

	<p>are not permitted to serve on Overview and Scrutiny bodies or the Audit Committee.</p> <p>Members need to take into account the proposed increase of housing supply of 8,900 dwellings up to 2030 and the additional residents there will be over this time and the impact this will have on the work load of the Councillors.</p> <p>The Council is facing continued pressures on its resources and the way that the Council and Councillors work has changed significantly since 2001 when the last review was undertaken. Whilst a review will add additional pressure within the current financial year Members are asked to consider the potential long term benefits of reducing the number of Councillors which will save approximately £10,000 per year for each Councillor reduced.</p>
<p><b>12.</b></p>	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>This will be addressed following any consultation carried out if the Council agrees to conduct a formal review of its boundaries and/or the number of Councillors.</p>

## 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.	
People with caring Responsibilities			There is no differential impact.	
People with a disability			There is no differential impact.	
Women or men			There is no differential impact.	
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.	
Religion or belief (including lack of belief)			There is no differential impact.	
People who are lesbian, gay or bisexual			There is no differential impact.	
People who are transgendered			There is no differential impact.	
People who are in a marriage or civil partnership			There is no differential impact.	
Women who are pregnant / on maternity leave			There is no differential impact.	

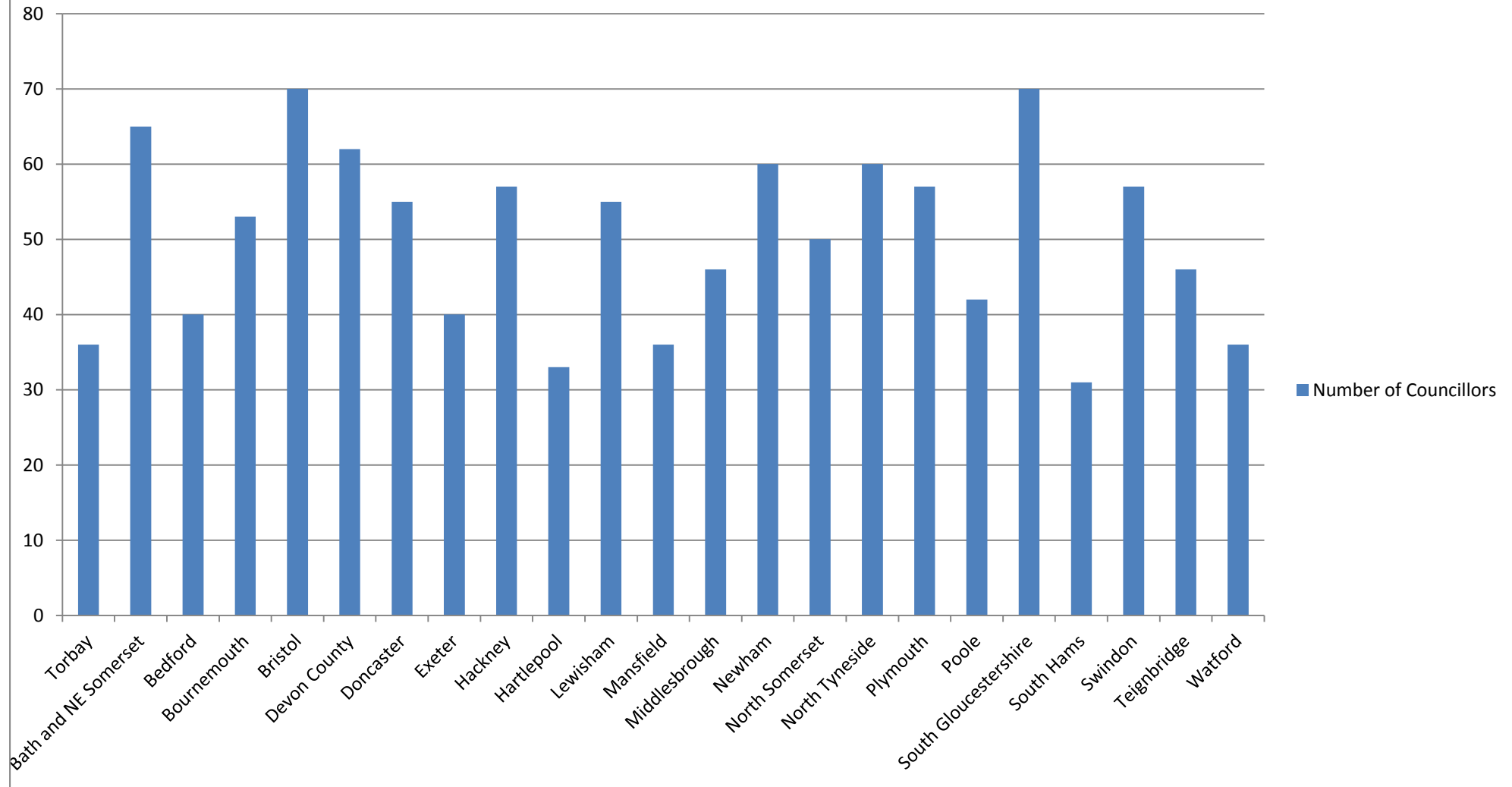
	Socio-economic impacts (Including impact on child poverty issues and deprivation)		There is no differential impact.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		There is no differential impact.
14	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	None	
15	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	None	



**Benchmarking Information for Boundary Review for the Number of Councillors in Torbay**

<b>Council</b>	<b>Type of Authority (Unitary/District/County)</b>	<b>Population</b>	<b>Total Number of Councillors</b>	<b>Number of Councillors Per Ward</b>	<b>Average Number of Electors Per Councillor</b>	<b>Number of Wards</b>
Torbay	Unitary Mayoral	130,959	36	2 or 3	3,638	15
Bath and NE Somerset	Unitary	176,016	65	1, 2 or 3	2,708	37
Bedford	Unitary Mayoral	157,479	40	1 or 2	3,937	27
Bournemouth	Unitary	183,491	53	3	3,462	18
Bristol	Unitary Mayoral	428,234	70	2	6,118	35
Devon County	County	748,357	62	1	12,070	62
Doncaster	District Mayoral	302,402	55	2 or 3	5,498	21
Exeter	Unitary	117,773	40	2 or 3	2,944	18
Hackney	London Borough Mayoral	246,270	57	2 or 3	4,321	21
Hartlepool	Unitary	92,028	33	3	2,789	11
Lewisham	London Borough Mayoral	275,885	55	3	5,016	18
Mansfield	District Mayoral	104,466	36	1	2,902	36
Middlesbrough	Unitary Mayoral	138,412	46	1, 2 or 3	3,009	20
Newham	London Borough Mayoral	307,984	60	3	5,133	20
North Somerset	North Somerset	202,566	50	1 or 2	4,051	35
North Tyneside	District Mayoral	200,801	60	3	3,347	20
Plymouth	Unitary	256,384	57	2 or 3	4,498	20
Poole	Unitary	147,645	42	2 or 3	3,515	16
South Gloucestershire	Unitary	262,767	70	1, 2 or 3	3,754	35
South Hams	District	83,140	31	1, 2 or 3	2,682	20
Swindon	Unitary	209,156	57	1, 2 or 3	3,669	20
Teignbridge	District	124,220	46	1, 2 or 3	2,700	25
Watford	Borough Mayoral	90,301	36	3	2,508	12

**A Chart to show the number of Councillors in each authority**





**Meeting:** Overview and Scrutiny

**Date:** 06/07/2016

**Wards Affected:** All

**Report Title:** Progress Report – Rationalisation/Review of Discretionary Welfare Funds

**Executive Lead Contact Details:** Mayor Oliver, [mayor@torbay.gov.uk](mailto:mayor@torbay.gov.uk) and Cllr Dave Morris, Executive Lead for Customer Services, [dave.morris@torbay.gov.uk](mailto:dave.morris@torbay.gov.uk)

**Supporting Officer Contact Details:** Bob Clark, Executive Head of Customer Services, [bob.clark@torbay.gov.uk](mailto:bob.clark@torbay.gov.uk), 01803 207420

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## 1. Introduction

- 1.1 The Council's Crisis Support Scheme (Local Welfare Assistance) came into effect from April 2013 when responsibility for administering the discretionary Social Fund, which consisted of Crisis Loans and Community Care Grants, was transferred from the Department of Works and Pensions (DWP) to the Council and funding was made available to administer the scheme.
- 1.2 The mindset of the transfer of responsibility to Local Authorities was that the Local Authorities were best placed to be able to devise their own schemes to meet the needs of the local population and by being in closer contact with customers would be able to target spending more effectively.
- 1.3 Local Authorities were encouraged to look at new ways of meeting the needs of local people at times of crisis which would be more effective than the old cash based scheme operated by the DWP.
- 1.4 In Torbay, Officers devised a scheme to make best use of the funding. Where possible goods and services, rather than cash, are provided to ensure that funds are targeted effectively and used for their intended purpose. We work with Local Charitable organisations to provide goods and services therefore supporting these organisations within the local community.
- 1.5 Although repayable Crisis Loans were offered under the DWP scheme, the DWP's advice during transfer of responsibilities was that they would not advocate the use of loans under Local Authority Schemes. This was because Local Authorities were not given the same power to recover loans from state benefits as existed under the DWP scheme. Torbay's Crisis Support Scheme was therefore implemented as a grant only scheme.

- 1.6 At the scheme outset in 2013, Torbay Council was allocated £1.32 million in total to cover Local Welfare Assistance for the financial years 2013/14 and 2014/15. The funding allocation was based on historic cash spending under the DWP scheme.
- 1.7 By devising new ways of working and service provision under its Crisis Support Scheme, Torbay was able to be more cost effective, spending around £700,000 in the first two years.
- 1.8 In 2015/16 DWP withdrew the grant with the expectation that Council used the Revenue Support Grant (RSG) to fund the service. As funding has never been ring fenced, the Council is not obliged to spend a set figure on the Crisis Support Scheme.
- 1.9 Due to budgetary pressures, consideration was given to ending an annual budget allocation for Crisis Support from 2016/17, utilising remaining reserves to continue to operate the scheme instead. The reserves, including under spend to the end of 15/16, stood at c£700,000 as of April 2016.
- 1.10 A report was presented to the Priorities and Resources Review Panel (P&R) on 13/01/2016 regarding this proposal.
- 1.11 As part of the report to P&R a number of options were presented and subsequently adopted by Council with a view to protecting the longevity of the scheme. These were:
- (a) Council wide replacement of Cash Deposits with an enhanced deposit bond scheme.
  - (b) Partial replacement of the grant only Crisis Support Scheme with a loan scheme, operated in conjunction with the local Credit Union, to cover furniture, white goods, removals and storage.
  - (c) Retention of grant awards for rent in advance and daily living expenses.
  - (d) Review of all Discretionary Funds operated by the Council to avoid duplication and ensure effective use of the funds.
- 1.12 As well as Crisis Support other Discretionary funding streams are available within the Council as follows:

Fund	Area of Responsibility	Purpose/Description	Budget
Crisis Support	Revenues and Benefits	Assistance to local residents in Crisis. Non-ring fenced fund	No annual budget allocation. Scheme to be run for as long as possible using reserves of C£700K
Discretionary Housing Payments	Revenues and Benefits	Assistance with housing associated costs for local residents suffering hardship and receiving Housing Benefit. Main provisions-deposits and rent in advance, help with ongoing rent shortfalls Statutory	£328,445 ring fenced 2016/17

		provision	
Fix it/Prevention Fund	Housing Options	Homelessness prevention tool	£44,800 2016/17
Section 17 Fund	Children's Services	Assistance for Children in need	£142,000 2016/17

1.13 This report is an update on the progress that has been made since February 2016 when the Crisis Support proposals were adopted by full Council as part of the 2016/17 budget.

## 2. Progress since February 2016

### 2.1 The new Deposit Bond Scheme

- (a) Work on the new Bond Scheme has already commenced and to date includes staff training on Housing Standards Property Inspections (HHSRS), discussions with other Local Authorities regarding their bond schemes and best practice, creation of a Bond Officer role within the structure, joint working between Housing Standards/Housing Options and Revenues and Benefits regarding scheme criteria and process.
- (b) Building strong links with local landlords is a key part of a successful scheme and landlord liaison has been factored into the implementation plan. A go live date of 01/08/2016 is anticipated to take into account lead time required for landlord liaison.
- (c) The Deposit Bond Scheme, which will offer a deposit indemnity to landlords for a finite period, will prevent the need for cash deposits. In contrast to Discretionary Housing Payments and Crisis Support, no cash is paid to the landlord unless there is a claim against the bond. Cash deposits paid through Crisis Support and Discretionary Housing Payments are money permanently lost to the Local Authority which cannot be recycled to help others.
- (d) The annual spend on deposits in 2015/16 from Crisis Support and Discretionary Housing Payments alone amounted to £60,000 and £86,000 respectively. There is additional spend on deposits from the Housing Options fix it fund amounting to approximately £30000 per annum.
- (e) Historically Bond claim rates are 15% of the live caseload.
- (f) Potential annual savings based on latest 15/16 spend figures is therefore £76500 cashable (85% of the fix it fund and Crisis Support spend) plus a further £73000 in ring fenced Discretionary Housing Payments which can then be used to alleviate hardship and homelessness in other ways.
- (g) Predicted monthly savings from the Crisis Support Scheme attributable to the Deposit Bond Scheme are £4250 per month.

### 2.2 Crisis Support Loan Scheme

- (a) In order for a loan scheme to be cost effective, it was necessary to find a way of achieving recovery of loans. In house recovery is not an option because, as

mentioned in 1.5, as a Local Authority Torbay would have very few powers of recovery. Early research into the viability of a loan element supported working with a Credit Union to operate a scheme due to their enhanced powers of recovery under the government's Eligible Loan Deduction Scheme.

- (b) Despite the short lead in time from February 2016 when the budget was approved, we have managed to successfully implement the Crisis Support Loan Scheme from 01/05/2016. We are very pleased to have achieved such an early go live date in view of the fact that staff resource was limited and officers had to deal with the project implementation alongside normal day to day duties, in what is a busy service area with significant public contact.
- (c) The loan scheme is operated in conjunction with an external partner, Plough and Share Credit Union. In the 3 month lead time, the major areas of work included, procurement issues, contract negotiations with plough and share, updated procedures and policy, working with third party suppliers to agree procedures, production of loan scheme stationary, affordability criteria, publicity, data protection compliance and a Service Level Agreement. The loans are granted and collected by Plough and Share. Whilst the Council is providing a cash flow facility to Plough and Share to support the granting of loans, the loans are only a cost to the Council if they become uncollectable.
- (d) To date there have been no complaints in respect of the Crisis Support Loan Scheme and no appeals against decisions not to make a loan award. There have been no issues raised by the Voluntary Sector regarding the Loan Scheme. Although, the scheme is in its early days, the fact that there has been so little resistance is perhaps indicative that those with the most urgent need are still being supported through the revised scheme.
- (e) Crisis Support Loan Statistics 01/05/2016-19/06/2016
- |                               |   |
|-------------------------------|---|
| Total Number of Applications: | 58  |
| Total of Loan Awards          | : 7   |
| Total of applications refused | : 37 of which only 8 (14% of total applications) were refused on lack of affordability grounds.     |
| Total of decisions pending    | : 14  |
| Total Loan outlay:            | £1806.00 (23% of ave monthly outlay for loan items awarded under the grant based scheme in 2015/16) |
- (f) The dramatic reduction in outlay for items under the loan scheme compared to the grant scheme spend has been considered. The Crisis Support Team report that they have seen an increase in applicants not pursuing applications which have to be repaid. This is likely to be for a number of reasons including the need for an item not being a priority to the applicant, option to acquire an item or assistance with funding elsewhere such as friends or family, unwillingness or inability to repay a loan.
- (g) Plough and Share have reported that out of the 7 live loans, repayments have been received on 4 and are expected for another 2 in the next fortnight. The final loan has only just been issued and so repayment is not yet due. Whilst it is very

early to judge, this information suggests that good recovery rates can be achieved, meaning money can be recycled into the scheme to help other vulnerable adults in future.

- (h) Loans are offered on an interest free basis and in doing so the Council is providing access to affordable loans for the Local Community who may otherwise only have access to less main stream and very expensive forms of borrowing such as door stop lenders and payday loans.
- (i) We continue to use Local Charitable Organisations to provide goods and services under the loan scheme so that the service they provide to the local community continues to be supported.

### **3. Questions Raised by the Overview and Scrutiny Board**

#### **3.1 Q: Following the report to Priorities and Resources Review Panel in January 2016, has a common criteria for all discretionary welfare funds operated within the Council now been established?**

A: The Crisis Support and Discretionary Housing Payments Team have always worked closely together and where possible both scheme policies are written so that they do not contradict the other.

It is not always possible to have common criteria. For example, to be eligible for Discretionary Housing Payments an applicant must be eligible for Housing Benefit. This criteria is not mirrored by Crisis Support as to do so would for example exclude street homeless residents from Local Welfare Assistance, a group who arguably has one of the most immediate needs for assistance.

Where appropriate common criteria are applied e.g. for affordability reasons, assistance with rent in advance, both schemes restrict assistance to properties where the rent is no more than 110% of the Local Housing Allowance rate that applies to the applicant's household. The same criteria is also normally applied by the Housing Options Team when considering awards for deposits and rent in advance through the fix it fund.

Further alignments are perhaps possible between Children's Services who administer Section 17 payments and the other Council Discretionary Funds. Although, across the board common criteria is not achievable throughout all of the discretionary funding schemes governed by different legislation, it may well be possible to further tighten up in some aspects such as financial scrutiny and verification. The standard of financial verification under Crisis Support and Discretionary Housing Payments is already robust. It may be appropriate to implement similar standards elsewhere and we would hope to discuss with the relevant departments in due course.

Common Criteria will further be improved through a single point of access for assistance with deposits under the New Bond Scheme.

#### **3.2 Q: Does this common criteria remove the overlaps that were previously in the system?**

A: It was proposed implement monitoring software to avoid duplication of applications. This has yet to be achieved and further investigations are required about the viability of such a product due to data protection and the sensitive nature of information held on the Children's Service's Paris System which would need to be accessed. Officer time will be given to this as soon as other pressures of work permit. It would be beneficial to achieve closer working with Children's Services who operate their Section 17 payments largely in isolation to the other Discretionary Schemes.

Whilst there has been work in the past to raise awareness about Crisis Support and Discretionary Housing Payments with Children's Services Staff and some liaison takes place on individual cases, it is not possible to guarantee that there is no duplication without a monitoring programme across all schemes and their individual software.

As stated in 3.1 Crisis Support and Discretionary Housing Payment Schemes operate closely together and under the new Revenues and Benefits Structure come under the same manager. There is also close working between the two schemes and Housing Options. All three areas have access to the other's case records reducing the probability of duplication.

**3.3 Q: What is the current level of funding available for Discretionary Welfare Funds and how long is this forecast to last?**

**Discretionary Housing payments**

The Council receives a ring fenced government grant for Discretionary Housing Payments on an annual basis. The 2016/17 budget allocation is £328,445. The Discretionary Housing Payments Team manage spending to ensure that use of the fund is maximised for the benefit of local residents. For a number of years the fund has been well managed so that the spend falls within a few hundred pounds of the budget allocated but does not exceed the government grant. Any under spend at the end of each year has to be returned and so it is in the interests of the local community to make full use of the funds available. Funds are used to assist with unaffordable rent shortfalls and also assistance with rent in advance and deposits where a Housing Benefit recipient has an essential need to move such as at risk of homelessness, moves for medical reasons and downsizing to affordable accommodation.

**Crisis Support (Torbay Council's Local Welfare Assistance Scheme)**

As of April 2016, the Crisis Support reserve fund stood at approximately £700,000 (including the 15/16 under spend).

Crisis Support spending over the 48 day period 01/05/2016 to 17/06/2016, since the loan element of the scheme went live, is a total of £17,232.68. On an annual basis this would equate to £131040 plus loan admin charges payable to Plough and share at £34 per loan (estimated at 100 pa i.e. £3400 pa).

The Crisis Support Scheme will also benefit from 8 months savings in respect of the bond scheme for this year (year 1) at an estimated 8/12 of 85% of the deposit spending for 2015/16 which was £60000 (8/12 x £51000 = £34000 bond savings).



Net spending in year 1 (assuming the bond scheme is live from 01/08/2016) is therefore:

£131040 (est annual spend pre bond scheme) + £3400 (est loan admin costs assuming 100 loans)-£34000 bond savings=£100,440

The above calculation does not factor in loan repayments, which using a conservative recovery rate of 50% on an annual loan base of £14000 (estimated based on loan spending from 01/05/2016 to 17/06/2016) would realise a further £7000 per annum potential savings.

From Year 2 onwards the Crisis Support Scheme will benefit from the bond scheme savings for the full year and therefore we would predict an additional drop in spending of approximately £17000 pa (representing 4/12 of £51000- potential savings not realised in year 1).

Assuming an annual spend in the region of £100,000 in year 1, decreasing to approximately £80,000 from year 2, the Crisis Support reserve fund could last in the region of 8.5 years before being exhausted.

As it is very early days for the loan element of the Crisis Support Scheme and the Bond Scheme is yet to go live, the prediction can only be a rough estimate. We will be able to give more accurate projections once the loan scheme and bond scheme have been in operation for longer periods.

#### **Housing Options Fix it Fund/Prevention Fund**

The Housing Options Fix it Fund (Prevention Fund) Budget for this year is set at £44,800. Approximately 50% of the budget is spent on deposits. This will significantly be reduced with the implementation of the deposit bond scheme.

#### **Children's Services Section 17 Budget**

Children's Services Section 17 Budget is £142,000 for 2016/17. At this stage of the financial year the budget is forecast to breakeven, however, as a demand-led budget, it is subject to variation.

# Agenda Item 7



**Meeting: Full Council**

**Date: 21<sup>st</sup> July 2016**

**Wards Affected: All**

**Report Title: Amendments to the Corporate Asset Management Plan**

**Is the decision a key decision – Yes**

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

**Executive Lead Contact Details:** Mayor (Mayor Gordon Oliver) Executive Lead for Finance and Regeneration, 01803 207001

**Supporting Officer Contact Details:** Kevin Mowat, Executive Head of Business Services, 01803 208428, [kevin.mowat@torbay.gov.uk](mailto:kevin.mowat@torbay.gov.uk)

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## **1. Proposal and Introduction**

- 1.1 On 25<sup>th</sup> February 2016 the Council approved the Corporate Asset Management Plan for 2015 ~ 2019. In section 6.11 the Plan states that the Council holds a variety of Tenanted Non-Residential Properties (TNRP) on which it has granted either leases or licences to third parties. These assets range from golf clubs, offices, restaurants, industrial & leisure sites, to leases to sports clubs and other voluntary sector groups. One of the issues that the Corporate Asset Management Plan goes on to identify, is the need for the Council '*To review the accounting procedures to ensure that market rent is charged on all assets – even if then an equivalent grant is given to the organisation leasing the asset*'.
- 1.2 The issue around accounting procedures has now been largely resolved but one of the '**Asset Management Principles**' identified within the Corporate Asset Management Plan is '**To release value and minimise cost**'. The Plan is clear that due to the financial challenges facing the Authority, one of the measures to achieve this is to '*Ensure any grant from the Council to assist with a tenant's rent will be reviewed annually*', unless there is specific approval at Full Council to the contrary.
- 1.3 It is important that the Council has clear processes and procedures in place to determine applications for grants to offset market rents. Officers have therefore taken the opportunity to review, amend and consolidate the processes and procedures in place to determine applications for grants in lieu of or to offset market

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

rents. The revised processes and procedures for determining applications for grants to offset market rent should be adopted as an Appendix to the Council's Corporate Asset Management Plan 2015 ~ 2019. It is expected that this will provide a more consistent and transparent approach, for all concerned, which will help meet the requirements of the Corporate Asset Management Plan and manage the expectations of those applying for grants.

- 1.4 In July 2011, a paper was submitted to Full Council that recommended the Mayor authorise the then Executive Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency (TDA), to grant leases for up to 40 years to sports clubs on acceptable terms with each case being considered on its merits. It was envisaged that the granting of 40 year leases to the Bay's sports clubs would give them a better chance of applying for and receiving grants to improve facilities.
- 1.5 Since this time a number of sports clubs within Torbay have agreed a 40 year sport lease with Torbay Council – see Appendix 4 for details.
- 1.6 Despite a significant amount of effort and resource from Council and TDA officers, there are an additional number of sports clubs where agreements have not been reached. There have been a variety of reasons why the Council has failed to reach agreement on the outstanding sports leases. As an example, changing priorities within the sports clubs, failure to reach agreement on proposed lease terms, lack of understanding on proposed lease terms and the failure of sports clubs to be legally represented are to name a few.
- 1.7 The drawn out process of trying to reach agreement over several years has been a significant drain on Council and TDA resources. During the year 2015/16, the TDA Estates Team spent over 400 recorded hours working on sports leases.
- 1.9 It is clearly stated in the latest Corporate Asset Management Plan that “*Due to the financial challenges facing the Authority and the possible future reductions in Revenue Support Grants, unless there is specific approval at Full Council to the contrary, the Council will always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest*”. It is therefore apparent that Officer time might be better spent maximising returns to the Council.
- 1.10 Officers have therefore taken the opportunity to review and amend the whole process surrounding the granting of sports leases and it is proposed that an ‘overarching strategy’ for the granting of sports leases should be adopted as an Appendix to the Council's Corporate Asset Management Plan 2015 ~ 2019. It is expected that this strategy will provide a speedier, more consistent and transparent approach, for all concerned, which will help reduce delays and manage expectations.
- 1.11 The estimated market rent assesses the lease value against other similar leases (i.e. sports leases) across the South Devon area. An estimated market rent will take

into account whether the landlord or tenant has the liability for the cost of maintenance and what income generating facilities are at the disposal of the tenant. i.e. a club house & bar, private car parking, etc. The estimated market rent would also reflect the restrictive nature (sports use only user clause) of the lease and the level of the security of tenure.

## **2. Reason for Proposal**

- 2.1 The adoption of two new Appendices to add to the existing Corporate Asset Management Plan 2015 ~ 2019 will amend a key policy framework document and allow for clear and published processes to exist in relation to the award of grants in lieu of rent as well as the Council's approach to long leases for sports clubs. It is expected that the amendments will introduce more consistency and transparency for all concerned.
- 2.2 By offering long leases to local sports clubs the Council can provide the clubs with the confidence that comes with security of tenure. This new found confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. Not all clubs are optimising the opportunities that are available and there is an opportunity cost.

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

- 3.1 That, a new Appendix AM-G ~ 'Procedure for determining applications for grants to offset market rent (grants in lieu of rent)', be added to the existing Corporate Asset Management Plan 2015 ~ 2019.
- 3.2 That, Appendix AM-H ~ 'Granting of sports leases – An overarching strategy', be added to the existing Corporate Asset Management Plan 2015 ~ 2019.

## **Appendices**

Appendix 1: Supporting Information and Impact Assessment

Appendix 2 Appendix AM-G ~ Procedure for determining applications for grants to offset market rent (grants in lieu of rent)

Appendix 3 Appendix AM-H ~ Granting of sports leases – An overarching strategy

Appendix 4: List of Sports Leases Granted

## **Background Documents**

Corporate Asset Management Plan – February 2016

<http://www.torbay.gov.uk/DemocraticServices/documents/s27873/Appendix%20%20-%20Corporate%20Asset%20Management%20Plan%20Final%20Version.pdf>

Review of the provision of grants in lieu of rent – Report of the Overview & Scrutiny Board (March 2004)

# Agenda Item 7

## Appendix 1

### Supporting Information and Impact Assessment

Service / Policy:	Corporate Asset Management Plan
Executive Lead:	Mayor Gordon Oliver, Executive Lead for Finance and Regeneration
Director / Assistant Director:	Anne-Marie Bond, Assistant Director – Corporate & Business Services

Version:	1	Date:	13/06/16	Author:	Kevin Mowat
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#### Section 1: Background Information

##### 1. What is the proposal / issue?

On 25<sup>th</sup> February 2016 the Council approved the Corporate Asset Management Plan for 2015 ~ 2019. In section 6.11 the Plan states that the Council holds a variety of Tenanted Non-Residential Properties (TNRP) on which it has granted either leases or licences to third parties. These assets range from golf clubs, offices, restaurants, industrial & leisure sites, to leases to sports clubs and other voluntary sector groups. One of the issues that the Corporate Asset Management Plan goes on to identify, is the need for the Council *'To review the accounting procedures to ensure that market rent is charged on all assets – even if then an equivalent grant is given to the organisation leasing the asset'*.

The issue around accounting procedures has now been largely resolved but one of the 'Asset Management Principles' identified within the Corporate Asset Management Plan is 'To release value and minimise cost'. The Plan is clear that due to the financial challenges facing the Authority, one of the measures to achieve this is to *'Ensure any grant from the Council to assist with a tenant's rent will be reviewed annually'*, unless there is specific approval at Full Council to the contrary.

It is important that the Council has clear processes and procedures in place to determine applications for grants to offset market rents. Officers have therefore taken the opportunity to review, amend and consolidate the processes and procedures in place to determine applications for grants in lieu of or to offset market rents. The revised processes and procedures for determining applications for grants to offset market rent should be adopted as an Appendix to the Council's Corporate Asset Management Plan 2015 ~ 2019. It is expected that this will provide a more consistent and transparent approach, for all concerned, which will help meet the requirements of the Corporate Asset Management Plan and manage the expectations of those applying for grants.

**2.**

**What is the current situation?**

In July 2011, a paper was submitted to Full Council that recommended the Mayor authorise the then Executive Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency (TDA), to grant leases for up to 40 years to sports clubs on acceptable terms with each case being considered on its merits. It was envisaged that the granting of 40 year leases to the Bay's sports clubs would give them a better chance of applying for and receiving grants to improve facilities.

Despite the benefits of securing additional funding through the granting of extended leases, the Council has only reached agreement on four leases for sports clubs. Notwithstanding a significant amount of effort and resource from Council and TDA officers, there are an additional number of sports clubs where agreements have not yet been reached. There have been a variety of reasons why the Council has failed to reach agreement on the outstanding sports leases. As an example, changing priorities within the sports clubs, failure to reach agreement on proposed lease terms, lack of understanding on proposed lease terms and the failure of sports clubs to be legally represented are to name a few.

The drawn out process of trying to reach agreement over several years has been a significant drain on the Council and TDA resources. During the year 2015/16, the TDA Estates Team spent over 400 recorded hours working on sports leases.

It is clearly stated in the latest Corporate Asset Management Plan that "*Due to the financial challenges facing the Authority and the possible future reductions in Revenue Support Grants, unless there is specific approval at Full Council to the contrary, the Council will always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest*". It is therefore apparent that Officer time might be better spent maximising returns to the Council.

The estimated market rent assesses the lease value against other similar leases (i.e. sports leases) across the South Devon area. An estimated market rent will take into account whether the landlord or tenant has the liability for the cost of maintenance and what income generating facilities are at the disposal of the tenant. i.e. a club house & bar, private car parking, etc. The estimated market rent would also reflect the restrictive nature (sports use only user clause) of the lease and the level of the security of tenure.

Clearly there is still a need to try and conclude the outstanding sports leases for the benefit of all concerned. Officers have therefore taken the opportunity to review and amend the whole process surrounding the granting of sports leases and it is proposed that an 'overarching strategy' for the granting of sports leases should be adopted as an Appendix to the Council's Corporate Asset Management Plan 2015 ~ 2019. It is expected that this strategy will provide a speedier, more consistent and transparent approach, for all concerned, which will help reduce delays and

	<p>manage expectations.</p> <p>It is the intention that all future sports leases adhere to this overarching strategy.</p>
<p>3.</p>	<p><b>What options have been considered?</b></p> <p><b>The following options have been considered:</b></p> <ol style="list-style-type: none"> <li>1. <b>Continue to consider requests for grants to offset market rents without clear processes and procedures.</b> This would clearly be contrary to the expectations set out in the Corporate Asset Management Plan 2015 ~ 2019.</li> <li>2. <b>Continue with ongoing negotiations with sports clubs based on discussions and negotiations to date.</b> It is clear from the limited progress and protracted negotiations there is little likelihood of many of the outstanding sports leases reaching completion in the near future. Further significant effort would be required to conclude the outstanding matters.</li> <li>3. <b>Propose a new overarching strategy that outlines the Council's approach to granting leases to sports clubs.</b> This option may well result in the rewinding of discussions back to a starting point in some cases and this could cause some reputational damage to the Council. However, proposing a predetermined set of key terms where little additional negotiation is required or necessary should ultimately result in discussions reaching a satisfactory conclusion in a more timely fashion.</li> <li>4. <b>Revert back to the Council considering requests for sports leases on a case by case basis.</b> This option would allow the Council to have regard to the aspirations of the clubs and also consider the Council's long term views for the leased area. However, it is likely this would ultimately result in further delays as detailed negotiations would need to be undertaken with each sports club in isolation.</li> </ol>
<p>4.</p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p> <p>This decision to grant sports leases is not a specific corporate priority. However, it does support the Corporate Plan ambitions of being a Healthy Torbay in promoting a healthy lifestyle and ensuring Torbay remains an attractive and safe place to live. It also supports and adds to the existing principles set out in the approved Corporate Asset Management Plan.</p> <p>By offering long leases to local sports clubs the Council can provide the clubs with</p>



	<p>the confidence that comes with security of tenure. This new found confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. Not all clubs are optimising the opportunities that are available and there is an opportunity cost.</p> <p>A new overarching strategic approach to sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This requirement is included to ensure that a tenant organisation has an appropriate constitution with associated rules &amp; regulations. It also means that the tenant would be required to follow best practice in such matters as safeguarding, protecting young children, inclusion and financial probity; it will also help to prevent discrimination and promote equality. Consequently, it is expected that the tenant organisation will have the relevant policies for such matters and can therefore demonstrate a corporate social responsibility.</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 decision to formally adopt a procedure for determining applications for grants to offset market rent (grants in lieu of rent) could have an adverse affect on some tenant organisations that currently enjoy the benefit of a grant or grants.</p> <p>The decision to formally adopt an overarching strategy for the granting of sports leases may have an adverse affect on some sports clubs where negotiations have been ongoing for some time. It is hoped however that sports clubs will understand that given the protracted discussions thus far, that a new and transparent process will hopefully result in outstanding matters reaching a conclusion more quickly. The Council has also spent a significant amount of time negotiating sports leases.</p> <p>There will be a need to consult further with the Executive Leads and the Council's Senior Leadership Team. Direct consultation with the tenant organisations applying for grants and the sports clubs requesting leases is not considered appropriate at this time.</p>
<p><b>6.</b></p>	<p><b>How will you propose to consult?</b></p> <p>Discussions with the Executive Leads and Council's Senior Leadership Team will need to continue. Draft reports and appendices were sent to the Torbay Sports Council for suggestions and comment. Further consultation will take place with the tenants during the grant application process and/or the discussions for a long sports lease. The Corporate Asset Management Plan is reviewed annually in any event and so amendments can be made in a timely fashion.</p>

## Section 2: Implications and Impact Assessment

7.	<p><b>What are the financial and legal implications?</b></p> <p><b>Financial Implications of Decision</b></p> <p>Savings should be made by strengthening the criteria for applying for a grant to offset the market rent. Also, by streamlining the sports leases process a significant savings should be realised as there will be a reduction in Officer time and improved efficiency.</p> <p>Sports leases will normally be advertised to ensure that there is a competitive element to the selection of a tenant and that our communities will be rewarded with the best offer in terms of quality. The Council will use a combination of quality and cost to demonstrate best value, when scoring an applicant's bid for a long sports lease. It is important that a local sports club that wishes to become a tenant or is already a tenant; is discouraged from 'coasting along', not improving or reaching out to their local community.</p>
8.	<p><b>What are the risks?</b></p> <p><b>Risks to Council</b></p> <ul style="list-style-type: none"><li>• If the rent is agreed at full market rent then there is no risk to the Council as it is within the Councils policy.</li><li>• If the rent is agreed at a level below market rent then this would be outside of the current Council policy.</li><li>• If the Council determines a rental higher than they have been negotiating with the tenant organisation/sports club, due to these recommended changes in policy then there is a risk of reputational damage for the Council.</li></ul> <p><b>Risk to the tenant organisation/sports club</b></p> <ul style="list-style-type: none"><li>• If the rent is increased to the market rent then there is a risk that the tenant would find it difficult to meet the rental commitments through the term of the lease and they might have to increase their membership/subscription fees to the community using the facilities which may deter participation.</li></ul>
9.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable as procurement of services or the provision of services together with the purchase or hire of goods or the carrying out of works not required as part of this decision</p>

<p><b>10.</b></p>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>Reference was made to the 'Review of the Provision of Grants in Lieu of Rent' undertaken by the Overview &amp; Scrutiny Board in March 2004.</p> <p>Comparable evidence from sport leases from Plymouth City Council, Teignbridge District Council and Exeter City Council has been obtained as well as looking at lettings completed previously within Torbay Council.</p>
<p><b>11.</b></p>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>The adoption of two new Appendices to add to the existing Corporate Asset Management Plan 2015 ~ 2019 will amend a key policy framework document and allow for clear and published processes to exist in relation to the award of grants in lieu of rent as well as the Council's approach to long leases for sports clubs. It is expected that the amendments will introduce more consistency and transparency for all concerned.</p>
<p><b>12.</b></p>	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>None.</p>

## Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.	Charging a market rent may undermine the tenant's business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport.	
	People with caring Responsibilities	Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to	Charging a market rent may undermine the tenant's business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport.	

	<p>sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.</p>		
<p>People with a disability</p>	<p>Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.</p>	<p>Charging a market rent may undermine the tenant's business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport.</p>	
<p>Women or men</p>	<p>Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to</p>	<p>Charging a market rent may undermine the tenant's business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport.</p>	

	sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.		
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.	Charging a market rent may undermine the tenant's business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport.	
Religion or belief (including lack of belief)	Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to	Charging a market rent may undermine the tenant's business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport.	

	<p>sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.</p>		
<p>People who are lesbian, gay or bisexual</p>	<p>Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.</p>	<p>Charging a market rent may undermine the tenant's business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport.</p>	
<p>People who are transgendered</p>	<p>Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to</p>	<p>Charging a market rent may undermine the tenant's business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport.</p>	

	sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.		
People who are in a marriage or civil partnership	Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.	Charging a market rent may undermine the tenant's business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport.	
Women who are pregnant / on maternity leave	Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to	Charging a market rent may undermine the tenant's business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport.	



	sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.	Charging a market rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport.	
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Long leases for sports clubs will bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to	Charging a market rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport	

		sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.		
14	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A		
15	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A		

**Appendix 2**

**Appendix AM-G Procedure for determining applications for grants  
to offset market rent (grants in lieu of rent)**

**July 2016**

## Introduction

All applications for grants to offset market rent (grants in lieu of rent) should be made to the Executive Head of Business Services by completing the Application Form attached to this procedure.

The estimated market rent assesses the lease value against other similar leases (i.e. sports leases) across the South Devon area. An estimated market rent will take into account whether the landlord or tenant has the liability for the cost of maintenance and what income generating facilities are at the disposal of the tenant. i.e. a club house & bar, private car parking, etc. The estimated market rent would also reflect the restrictive nature (sports use only user clause) of the lease and the level of the security of tenure.

Applications up to a period of **three** consecutive years and below a cumulative value of **£10,000** will be considered and determined by the Council's officers in the form of the Senior Leadership Team. All applications for grants in excess of three years or with a cumulative value of £10,000 or more will be passed to the Council for determination.

The Senior Leadership Team and/or Council will use the criteria set out below when considering an application for a grant to offset market rent (i.e. a grant in lieu of rent).

The Council will not normally offer grant support to tenant organisations whose activities do not support one or more of the 'Targeted Actions' within the Corporate Plan.

The Council will not normally offer grant support to tenant organisations that are not affiliated to or are a member of a recognised national body/voluntary organisation. This requirement is included to ensure that a tenant organisation has an appropriate constitution with associated rules & regulations. It also means that the tenant would be required to follow best practice in such matters as safeguarding, protecting young children, inclusion and financial probity; it will also help to prevent discrimination and promote equality. Consequently, it is expected that the tenant organisation will have the relevant policies for such matters and can therefore demonstrate a corporate social responsibility.

Tenant organisations will need to supply a set of annual accounts and it may be necessary to supply audited accounts and/or accounts for more than one year. The Council may also request to see a medium term financial forecast to evaluate whether or not the organisation is financially sustainable.

## **Criteria for assessing applications for grants to offset market rent (grants in lieu of rent)**

1. Do the activities or services provided by the tenant organisation contribute to the Council's Corporate Plan?  
  
(The Council will not normally offer grant support to tenant organisations whose activities do not support one or more of the 'Targeted Actions' within the Corporate Plan)
2. Is the tenant organisation affiliated or a member of a national body ?  
  
(The Council will not normally offer grant support to tenant organisations that are not affiliated or are a member of a national body/voluntary organisation. This is to ensure that the tenant organisation has proper oversight and governance at a national level, such that it can follow best practice in such matters as safeguarding, financial probity and equality)
3. How many residents of Torbay benefit from the services provided by the organisation ?
4. What is the level of benefit received by those users of the organisation ?
5. How well does the organisation promote social inclusion ?
6. Would the Council need to provide the services if they were not provided by the organisation ?
7. How much other funding will the organisation be able to access if the Council provides a grant ?
8. What mechanisms are in place for working in partnership with other organisations?
9. How much effort is made towards self-help, especially in the form of local fundraising and grant applications ?
10. How far is the organisation able to become self-supporting over the period of the grant?

## Application Form for a grant to offset market rent (grant in lieu of rent)

### 1. Information about the organisation

1.1 Name of Organisation

--

1.2 Address of premises to which the grant will apply

--

1.3 Which of the following best describes your organisation ?

- a. Registered Charity .....   
If yes please provide Charity Registration Number:.....
- b. Awaiting Charity Registration .....
- c. Charitable organisation which is not registered in any way .....
- d. Company Limited by guarantee .....
- e. Other (**Please state**):.....

1.4 Is your organisation:

affiliated to a national voluntary organisation ? ..... Yes  No

a branch of a national voluntary organisation ? ..... Yes  No

If yes to either of these:

Do you have an independent local management committee ? ..... Yes  No

Do you produce separate accounts for the local organisation ? ..... Yes  No

### 2. Name and Address of Contact Person

To whom any queries on this application and correspondence should be addressed

2.1 Name of contact.

--

2.2 Position held within organisation:

--

2.3 Address if different from above.

2.4 Telephone Number

Home:

Work:

Email

**3. Grant Information**

3.1 Amount of rent due on premises

£		pa
---	--	----

3.2 Amount of grant requested

£		pa
---	--	----

3.3 Length of lease


3.4 For how many years would you like a grant ?

3.5 Please explain why you need a lease of this length

3.6 Have you received, ever received, or do you currently receive, funding from Torbay Council ?..... Yes  No

3.7 If Yes,

Year

Amount

Type of grant

What for

£	£	£	

**4. Your Organisation**

4.1 Please describe the aims of your organisation.

4.2 What services and/or activities will you provide from your premises ?

4.3 Which of the 'Targeted Actions' within the Council's Corporate Plan does the work of your organisation meet ? If you meet more than one please tick appropriate boxes.

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

4.4 Please explain briefly how your organisation meets the 'Targeted Actions' you have ticked.



**4.5** Please describe how your organisation promotes social inclusion (i.e. how does it serve people who are disadvantaged).

**4.6** Please give three examples of how your organisation made a difference to the lives of your users in the last 12 months.

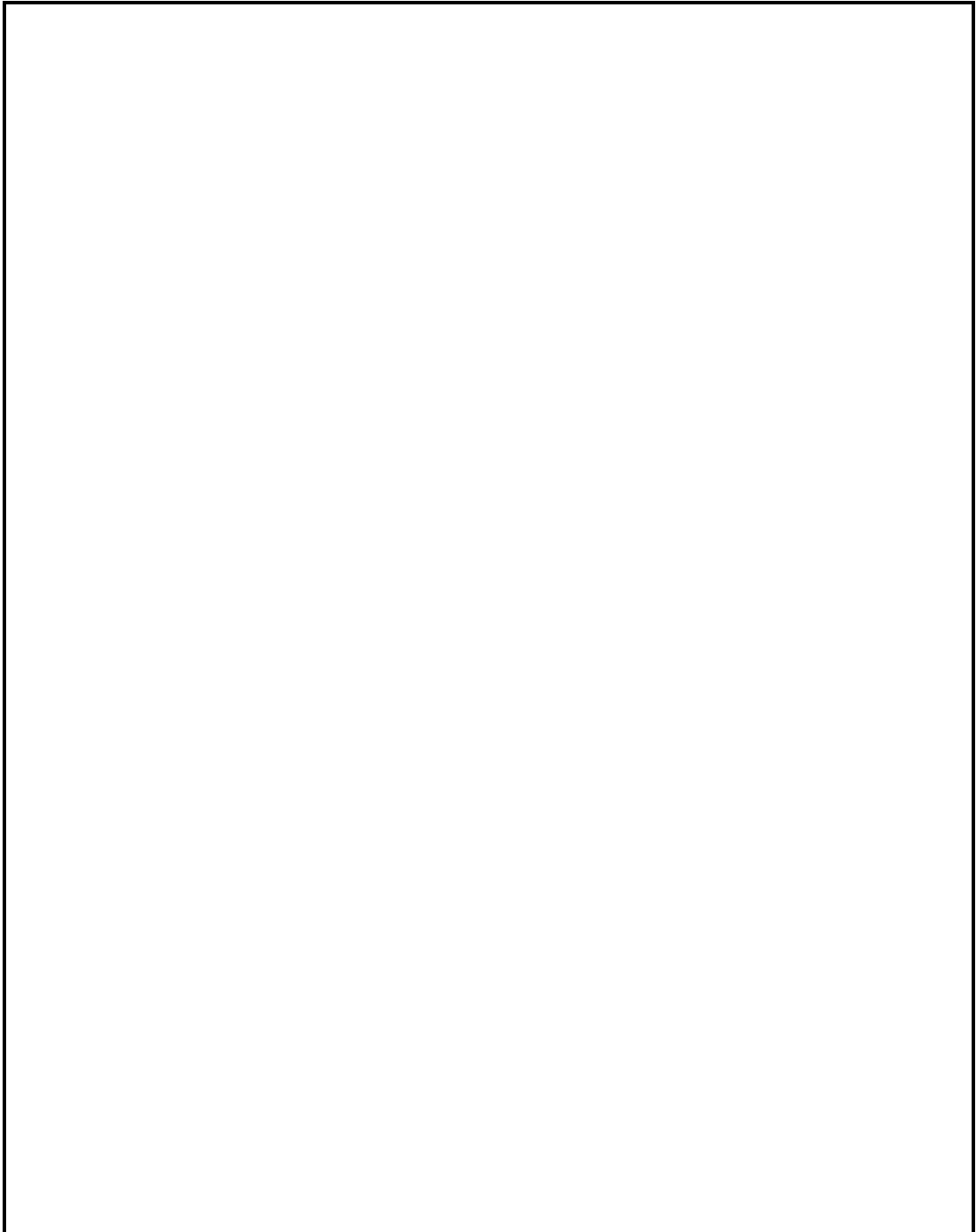
**4.7** How many members does your organisation have ?

**4.8** How many users did your organisation have last year ?

**4.9** How many of your users were residents of Torbay last year ?

**4.10** Do you have an equal opportunities policy ?..... Yes  No

**4.11** Please give examples of how you ensure your service is accessible to all sections of the community.

A large, empty rectangular box with a black border, intended for the user to provide examples of how their service is accessible to all sections of the community.

4.12 Are you aware of any other organisations which also provide similar services or activities in Torbay ?..... Yes  No

If yes, please give brief details, and describe how your organisation liaises or works with these organisations to complement each other and avoid duplication.

**5. Financial Information**

5.1 Please provide details of your organisation’s income and expenditure last year, your budget for this year and your proposed budget for next year.

INCOME – Source	Last year	This year	Next year
<b>Grants</b>			
:			
:			
:			
:			
<b>Fund-raising</b>			
:			
:			
:			
<b>Earned Income</b>			
:			
:			
:			
<b>Reserves brought forward (do not include fixed assets)</b>			
<b>Other</b> (please specify what they are for)			
<b>TOTAL</b>			

<b>EXPENDITURE – Details</b>	<b>Last year</b>	<b>This year</b>	<b>Next year</b>
<b>Salaries/Staffing</b>			
<b>Premises</b>			
<b>Administration</b>			
<b>Volunteers/Management Committee</b>			
<b>Resources and Training</b>			
<b>Transport</b>			
<b>Other</b>			
<b>TOTAL</b>			

Please provide details of any reserves you had at the end of the last financial year, which were either reserves for a specific purpose (e.g. building fund) or were general reserves (e.g. funds held on deposit at the bank).

**5.2** What reserves (excluding fixed assets) were held by your organisation at the end of the last financial year ?

£

**5.3** What are these reserves held for ?

**5.4** What was the value of your fixed assets at the end of the last financial year ?

£

**5.5** What are your plans generating income (including fund raising) or making savings over the period of your lease ?

**6. Checklist**

If applicable, please enclose with your application a copy of your constitution, your equal opportunities policy, evidence that your organisation is affiliated or a member of a national voluntary organisation/body, your latest annual accounts (audited if possible) and a copy of your most recent annual report.

	Enclosed	Not Produced
Application Form		
Constitution		
Equal Opportunities Policy		
Evidence of membership of a national body		
Annual Accounts for last financial year		
Annual Report for last financial year		

**7. Additional Information**

Please use this space for any additional information relevant to your application.

## 8. Declaration

This application has been seen and approved by the organisation's Management Committee and/or officers of the Management Committee. The information contained in this application is correct to the best of my knowledge and belief.

Signed:

Position in Organisation:

Date:

**Please return this completed form along with all enclosures to :-**

The Executive Head of Business Services  
c/o Torquay Harbour Office  
Beacon Quay  
Torquay  
TQ1 2BG

## Appendix 3

### Appendix AM-H ~ Granting of sports leases – An overarching strategy

July 2016

## **Introduction**

In July 2011, a paper was submitted to full Council that recommended the Mayor authorise the then Executive Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency (TDA), to grant leases for up to 40 years to sports clubs on acceptable terms with each case being considered on its merits. There are a number of sports clubs within Torbay who have since completed leases with Torbay Council. However, there are also still a number outstanding, which is absorbing a significant amount of effort and resource.

This overarching strategy is therefore intended to help streamline the process. The strategy will set out the key terms of occupation that the Council is willing to grant. This will be clear and transparent from the outset. The strategy should be extended to all sports clubs within the Bay to avoid a claim that the Council is being selective. Care will however, have to be taken as to what premises are leased to the clubs. A large number of football clubs hire pitches along with the use of changing rooms from the Council. It would be impractical to lease out an individual pitch with changing facilities, as this would deny other clubs from using them at other times. In these instances it may not be possible to offer any type of lease, regardless of its length.

By offering long leases to local sports clubs the Council can provide the clubs with the confidence that comes with security of tenure. This new found confidence should serve as a catalyst for improvement whereby our sports clubs will positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new overarching strategic approach to sports leases will ensure that the tenant clubs are working with the respective national Governing Body for their sport. Not all clubs are optimising the opportunities that are available and there is an opportunity cost.

It is clear that the Council has an over-supply of poor quality, asset related, sports provision in the Bay. The Council needs to understand the issues with its facilities and have a better understanding of where the demand exists. It would then be better placed to invest in those facilities, improving quality, increase demand and ultimately increase income to sports funds. Adhering to the terms listed below will help ensure this happens.

## **Key Terms**

- **Advertising the Opportunity** - Sports leases will normally be advertised to ensure that there is a competitive element to the selection of a tenant and that our communities will be rewarded with the best offer in terms of quality. The Council will use a combination of quality and cost to demonstrate best value,



when scoring an applicant's bid for a long sports lease. It is important that a local sports club that wishes to become a tenant or is already a tenant; is discouraged from 'coasting along', not improving or reaching out to their local community.

- **Full Market Rent payable** - In February 2016 the Council's Corporate Asset Management Plan 2015 ~ 2019, latest revision, was agreed and adopted by the Council. The revision inserted the following statement, "*Due to the financial challenges facing the Authority and the possible future reductions in Revenue Support Grants, unless there is specific approval at Full Council to the contrary, the Council will always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest*". The securing of full Market Rent is therefore in accordance with the Corporate Asset Management Plan.

[The estimated market rent assesses the lease value against other similar leases (i.e. sports leases) across the South Devon area. An estimated market rent will take into account whether the landlord or tenant has the liability for the cost of maintenance and what income generating facilities are at the disposal of the tenant. i.e. a club house & bar, private car parking, etc. The estimated market rent would also reflect the restrictive nature (sports use only user clause) of the lease and the level of the security of tenure.]

- **Sports clubs must be affiliated to National Sports Governing Bodies -** For the purposes of this strategy a sports club must be affiliated to a recognised national governing body for that sport. i.e. recognised by Sport England. Examples include, the Football Association, the Royal Yachting Association, the Rugby Football Union, the England & Wales Cricket Board, UK Athletics or England Athletics, etc. This key term is included to ensure that a tenant organisation has an appropriate constitution with associated rules & regulations. It also means that the tenant would be required to follow best practice in such matters as safeguarding, protecting young children, inclusion and financial probity; it will also help to prevent discrimination and promote equality. Consequently, it is expected that the tenant organisation will have the relevant policies for such matters and can therefore demonstrate a corporate social responsibility.
- **Lease length of up to 40 years –** The sports club should demonstrate the need for the lease length required. It is known that a number of funding bodies do not require clubs to hold leases for longer than 21 years to obtain funding. When granting medium to long term leases the Council should always ensure outputs and outcomes are monitored. If this is not monitored the Council risks losing control over the provision of sporting facilities at that leased area. The

Council should not consider granting a lease, which is longer than 40 years as Upper Tribunal (formerly the Lands Tribunal), under s84 of the Law of Property Act 1925 may on certain grounds, after 25 years into the term, discharge or modify restrictions as to user or buildings on the land affecting the leasehold interest. Granting leases to a maximum lease of 40 years therefore prevents clubs applying to the Upper Tribunal thus safe guarding the Council's position. Where there is no existing lease in place any new sports lease granted will be contracted outside of Sections 24-28 (security of tenure provisions) of the Landlord and Tenant Act 1954.

- **Break Options** – The Council will look to insert mutual break options whereby in the event a sports clubs doesn't secure funding / grants, either party can bring the lease to an end on the service of a notice period. If a clubs takes a lease and did not apply, or were unsuccessful, in obtaining grant funding then the land might not be used to its full potential for the length of the lease with the Council being unable to use it for the same or any other purpose. For example, a club's membership may fall significantly over time and it may not be able to provide the same level of activities with the Council being unable to make use of the land.
- **Grants** – Sports clubs may make an application for a grant to offset market rent (a grant in lieu of rent) by following the procedure contained in Appendix AM-G of the Council's Corporate Asset Management Plan. If a decision is made to provide a grant it is likely to be a short period before it is reviewed and it will probably be linked to appropriate outputs and outcomes set out in the grant agreement. There will also be a clearly defined process for monitoring outputs.
- **Maintenance of Land & Buildings** – The leases will pass onto the sports clubs the full liability for the maintenance of the land and buildings. However, many sports pitches are currently maintained by TOR2 and this is expected to continue until at least 2019. The Council cannot make savings by individually removing certain playing pitches from the contract. Therefore, the Council may need to take account of this responsibility when assessing the appropriate market rent.
- **Adverse costs** – It is recognised that by passing the maintenance of the land and the buildings to the sports clubs this could represent a significant risk and liability that is unacceptable to the Clubs. To offset this risk where a significant item of disrepair manifests itself the sports club will be required to meet the first £1,000 of any costs and then an additional 10% of any costs associated with any repair needed above this ceiling.. If the Council deems it is unable to meet the cost of the remaining 90% of repairs needed, it will have the ability to

bring the lease to an end. Neither the Council nor the sports club should be required to bear an unacceptable level of liability, particularly where no budget exist to meet these costs. The Council's decision shall be final in this regard.

- **Limit the use of lease restrictions** – If the Council is seeking to obtain market rent from a sports lease then it should also limit the use of lease restrictions which inhibits the clubs/tenants from maximising income. An exception will be to exclude telephone masts from the standard lease. Any consent to permit the erection of telephone masts will need to be agreed by the Council as the landlord in a separate agreement.
- **Identification of periphery land in sports leases** – The granting of sports leases will often cover a large area of land. It is possible that some land, most likely on the periphery of the demise area, may have some future development use/value. It is the intention that this land is identified on a lease plan at the commencement of the lease and reserved within the sports lease with rights for the Council to take back this land on the service of a suitable notice period.
- **Multiple Applications** – It is possible when considering future sports leases that the Council receives a number of Expression of Interests for one specific sports ground. Where this is the case the Council will apply a tender process for determining the outcome.
- **Standardised Lease** – The Council will look at all times to incorporate all of the above terms in a standard lease template. Any departure from the above will only be agreed in an exceptional circumstance.

### **Protocol for dealing with outstanding Sports Leases**

1. Write to all sports clubs where negotiations are ongoing informing them of the new overarching strategy that will be applied on all new sports leases granted.
2. Propose new terms of occupation that adhere to the new strategy.
3. Consider any new requests against the criteria of this strategy and forward them to the Executive Head of Business Services and Assistant Director – Community & Customer Services for a steer about whether the request is agreed 'in principle'.

4. Consult with Ward Councillors and the relevant community partnership about the proposed Sports Lease.
5. Take a report to Council for their consideration with the views of the Ward Councillors and the community partnership being incorporated into the report.
6. The following are the principal terms to be considered for all future Sports Lease and any variation must be agreed with the Executive Head of Business Services in consultation with the Assistant Director – Community & Customer Services :-
  - i) The sports club pays a full market rent for the premises.
  - ii) The sports club is responsible for the insurance and maintenance of the land and buildings with the club taking the facilities in their existing state.
  - iii) Where there is no existing lease (within the provisions of the Landlord & Tenant Act 1954) in place, the lease is to be excluded from the security provisions of the Landlord & Tenant Act 1954.
  - iv) The sports club to adhere to the agreed sports development plan (if required by the Council).
  - v) The sports club pays the Council's reasonable legal and surveyor costs associated with the granting of the lease and, if applicable, the surrender of the existing lease.
7. The granting of any lease of open space is deemed to be a disposal of open public space and therefore the proposed granting of the lease will need to be advertised in accordance with the Local Government Act 1972.



**Meeting: Council**

**Date: 21<sup>st</sup> July 2016**

**Wards Affected: Cockington with Chelston / Tormohun**

**Report Title: Torre Valley North Sports Lease**

**Is the decision a key decision - No**

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

**Executive Lead Contact Details:** Mayor (Mayor Gordon Oliver) Executive Lead for Finance and Regeneration, 01803 207001

**Supporting Officer Contact Details:** Kevin Mowat, Executive Head of Business Services, 01803 208428, [kevin.mowat@torbay.gov.uk](mailto:kevin.mowat@torbay.gov.uk)

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## **1. Proposal and Introduction**

- 1.1 In 2012, following an approach to Torbay Council, lease terms were offered to the Torre Valley Sports Group CIC (Community Interest Company) for a 40 year lease of Torre Valley North Playing Fields, this was initially for a rent of £4,000 pa. However, during negotiations Torbay Council suggested that it wanted to see investment in the playing fields. As a consequence, to ensure that the lease to the Torre Valley Sports Group CIC was viable and sustainable, for the tenant, it was agreed that the rent payable would be reduced from £4,000 pa to £2,000 pa for the first 5 years of the term. Also, during negotiations the lease term was reduced to 30 years at the request of the National Playing Fields Association as they hold a Deed of Dedication over the site.
- 1.2 Following protracted discussions the lease was finally ready to be signed and completed in April 2016. However, in February 2016 the Council's Corporate Asset Management Plan 2015 ~ 2019 was updated and a new version adopted by the Council. This Plan forms an important part of the Council's Policy Framework.
- 1.3 The revision version of the Corporate Asset Management Plan inserted the following statement, "*Due to the financial challenges facing the Authority and the possible future reductions in Revenue Support Grants (RSG), unless there is specific approval at Full Council to the contrary, the Council will always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest*".

- 1.4 The rent previously agreed with Torre Valley Sports Group CIC is some 50% below the market rent that could be achieved for this playing field.
- 1.5 It is now appropriate to grant a lease to the Torre Valley Sports Group CIC that is in accordance with the 'overarching sports lease strategy' identified in the revised Corporate Asset Management Plan. The aim of the generic approach to sports leases is to provide a speedier, more consistent and transparent approach, for all concerned, which will hopefully help to reduce further delays and manage the expectations of the clubs. However, although the recommendation is that this lease is to be granted at the appropriate market rent it is also proposed that a 30 month rent free period should be offered so that the average rent over the first five years is equivalent to the originally agreed rent of £2,000 pa, which had been made in good faith. This proposal recognises the change in the Council's policy during the protracted period of lease negotiations, which has resulted in a higher rent position.

## **2. Reason for Proposal**

- 2.1 The Corporate Asset Management Plan 2015 ~ 2019 is a Policy Framework document and as stated the Council will always seek to maximise full market rent. Any reductions below market rent would need to be agreed by Council prior to authority being given and the lease completed. A decision is therefore required by the Council to grant a sports lease which is below market rent for a period of 30 months.
- 2.2 It is appropriate to give the Torre Valley Sports Group CIC time to submit an application to the Council for a grant to offset the market rent (a grant in lieu of rent), in accordance with the procedure set out in the Corporate Asset Management Plan.

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

- 3.1 That, the Council approves the granting of a 30 year full repairing lease to Torre Valley Sports Group CIC (Community Interest Company) at the appropriate market rent.
- 3.2 That authority is delegated to the Assistant Director of Corporate & Business Services, in consultation with the Executive Head of Business Services and the Torbay Development Agency, to approve the detailed terms of the lease.
- 3.3 That, in light of the protracted delays and the revised higher rental figure, the Assistant Director of Corporate & Business Services be authorised to offer a rent free period of 30 months, to allow the Torre Valley Sports Group CIC time to submit an application to the Council for a grant to offset the market rent.
- 3.4 That, the remaining balance of the £127,000 capital sum allocated as compensation for land taken to expand facilities at Cockington Primary School, be ring-fenced for use to improve sports facilities throughout Torbay, including, where required, any modifications to the playing fields at Torre Valley North.

## **Appendices**

Appendix 1: Supporting Information and Impact Assessment

### **Background Documents**

Report ~ Torre Valley North Playing Field – Background to the proposal (Head of Schools Commissioning – September 2013)

**Torbay Playing Pitch Strategy and Torbay Sports Facilities Strategy October 2014 -2021**

# Agenda Item 8

## Appendix 1

### Supporting Information and Impact Assessment

Service / Policy:	Corporate Asset Management Plan
Executive Lead:	Mayor (Mayor Gordon Oliver) Executive Lead for Finance and Regeneration
Director / Assistant Director:	Anne-Marie Bond, Assistant Director – Corporate & Business Services

Version:	5	Date:	13.06.2016	Authors:	Kevin Mowat/ Fran Hughes/ John Tyas
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#### Section 1: Background Information

1.	<p><b>What is the proposal / issue?</b></p> <p>Rent for a new lease to Torre Valley Sports Group CIC (Community Interest Company) had previously been negotiated at £2,000 pa. However, in February 2016 the Council's Corporate Asset Management Plan 2015 ~ 2019 was updated and a new version adopted by the Council. This Plan forms an important part of the Council's Policy Framework. The revision inserted the following statement, "<i>Due to the financial challenges facing the Authority and the possible future reductions in Revenue Support Grants (RSG), unless there is specific approval at Full Council to the contrary, the Council will always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest</i>".</p> <p>A subsequent Market Rental Valuation has now been completed with the market rent estimated to be in the region of £3,350 ~ £6,000 pa.</p> <p>In accordance with the Council's Corporate Asset Management Plan, Council approval is needed for any leasehold disposal at less than market rent.</p>
2.	<p><b>What is the current situation?</b></p> <p>As a response to escalating pupil numbers in 2012/13 Cockington School was identified as needing to expand. To facilitate this expansion there was a need to utilise land at Torre Valley North (TVN). During the Spring/Summer 2013, Children's Services and Cockington School took over some of the TVN land to increase the size of the playground in order to increase the size of the school. In doing so it affected the ability of the various sports to be carried on at TVN due to reduced pitch sizes. As a result, Children's Services put forward</p>



proposals in which it was agreed that as compensation for the land taken away they would transfer £127,000 to the Council to assist with improvements to the playing fields. The Council's Capital Plan was amended in Q3 2013/14 with the transfer of the £127,000 funds from Cockington Primary School expansion scheme to the Council to compensate for the school's encroachment onto TVN. This money was held by the then Residents and Visitors Services area to carry out the works, subject to receipt of quotes being received.

The £127,000 is capital funding and has to be spent on "eligible" capital expenditure. Once the eligible works were complete then the agreement was that the balance of the money would be available as a grant to Torre Valley Sports Group CIC, the proposed Lessee. This was built into the Heads of Terms being negotiated at the time.

Initially the lease negotiations started at a quoting rent of £4,000 pa. In subsequent negotiations that followed it was agreed the proposed rent would be reduced to £2,000 pa in order to assist the tenant in building up revenue and membership. This equated to approximately a 50% reduction in the full market rent for a sports field.

A lease was then drafted on this basis and was due to be completed in April 2016. However, amendments to the Council's Corporate Asset Management Plan 2015 ~ 2019, in February 2016, has meant that further authority is required from Full Council because the lease disposal is granted at less than Market Rent. A decision is therefore required by the Council to grant a sports lease which is below market rent for a period of five years due to an officer recommendation to offer a rent free period of 30 months.

Also, it is now appropriate to grant a lease to the Torre Valley Sports Group CIC that is in accordance with the 'overarching sports lease strategy' identified in the revised Corporate Asset Management Plan. The aim of the generic approach to sports leases is to provide a speedier, more consistent and transparent approach, for all concerned, which will hopefully help to reduce further delays and manage the expectations of the clubs.

As per the Corporate Asset Management Plan 2015 ~ 2019 revision, officers are required to offer Torre Valley Sports Group CIC a leasehold disposal at the full Market Rent.

The Council has a procedure to consider applications for grants to offset market rent (grants in lieu of rent); however, these grants would normally be awarded for no more than 3 years before a re-application is required.

Furthermore, the Council will not normally offer grant support to tenant organisations that are not affiliated to or are a member of a recognised national

	<p>body/voluntary organisation. This requirement is included to ensure that a tenant organisation has appropriate rules &amp; regulations; and is required to follow best practice in such matters as safeguarding, protecting young children, financial probity and equality. It is expected that the organisation will have the relevant policies for such matters and can therefore demonstrate a corporate social responsibility.</p> <p>In 2014/15 the revenue budget for sports leases was reduced by £25,000 in lieu of the anticipated savings being released from clubs taking out 40 year leases. The anticipated savings have not been made and therefore this remains a budget pressure.</p>
<p>3.</p>	<p><b>What options have been considered?</b></p> <p><b>The following options have been considered:</b></p> <p><b>Offer the lease at below the market rent</b>  During early stage discussions the rent for the lease was reduced from a quoted £4,000 pa down to £2,000 pa. This 50% reduction was to ensure that the tenant, Torre Valley Sports Group CIC was viable and sustainable and given time to build up revenue in order to pay the rent. It should also be noted that the Lease allows the rent to be reviewed to the appropriate market rent every 5 years. Therefore, the Council would at regular intervals have further opportunity to obtain a market rent from this property at each rent review during the lease term.</p> <p>If the CIC are granted a lease at below market rent then this will set a precedent for other sports clubs in Torbay.</p> <p><b>Seek the full market rent from the commencement of the lease</b>  Having looked at market comparable evidence for similar playing field sites throughout Devon, the market rent has been assessed for this property at between £3,350 and £6,000 per annum. Therefore, the proposed rental terms of the lease with the Tenant would fall within this range.</p> <p><b>Seek the full market rent from commencement of the lease but offer a rent free period</b>  This would allow the tenant to make an application for a grant to offset the market rent in the future. A rent free period of 30 months (2½ years) would equate to an average rent of £2,000 pa for the first five years. This is the option recommended to Council.</p> <p><b>Offer a lease with a peppercorn rent</b>  This is outside of Council policy and there is no business case to justify this option.</p>

<p>4.</p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p> <p>This decision to grant a lease at Torre Valley North is not a corporate priority. However, it does support the Corporate Plan ambitions of being a Healthy Torbay in promoting a healthy lifestyle and ensuring Torbay remains an attractive and safe place to live.</p>
<p>5.</p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>The outcome regarding the rent could affect the Tenant and any of the clubs that hire the ground from them, as well as the Council as Landlord. The tenant has already stated that if the rent were to increase they would look at increasing the hiring charges to the clubs that use the ground. The Lease is currently drafted whereby the hire charges to the clubs that use TVN is capped at not more than 15% more or less than the Council would reasonably charge for using similar facilities elsewhere in the Bay.</p>
<p>6.</p>	<p><b>How will you propose to consult?</b></p> <p>Discussions have been ongoing and the lease has already been agreed but 'subject to contract', therefore, any further consultation following the Council's decision would be with the Tenant. The Torbay Sports Council has been consulted on the generic approach to sports club leases.</p>

## Section 2: Implications and Impact Assessment

<p>7.</p>	<p><b>What are the financial and legal implications?</b></p> <p><b>Financial Implications of Decision</b></p> <p>There is an assumption that the Council would save the maintenance costs for this site. However, these are part of a wider package of maintenance costs arranged within the TOR2 contract. It is anticipated that the earliest any cashable saving could be realised from the maintenance changes will be 2019, at the end of the current contract period with TOR2.</p> <p>The rent receipt is expected to be £4,000 pa less any rent free period or £2,000 pa if the lease is offered at below the market rent.</p> <p>There will also be a financial precedent set if the full £127,000 is allocated to the new CIC in compensation for the loss of sports facilities. Currently, Torre</p>
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	<p>Valley North Playing Fields is a Council asset, with sports clubs hiring the facility as and when required. Therefore, it is the Council which has suffered the detriment of the land being taken by the School rather than the clubs. When this was discussed in 2012/13 the Council's financial position was different. It would now seem opportune to revisit this decision and determine whether the full allocation should be gifted to the new CIC or whether there are other sports priorities across Torbay, which could also benefit from this funding.</p>
<p><b>8.</b></p>	<p><b>What are the risks?</b></p> <p><b>Risks to Council</b></p> <p>If the rent is agreed at full market rent then there is no risk to the Council as it is within the Council's Asset Management Plan.</p> <p>If the rent is agreed at a level below market rent then this would be contrary to the Council's Asset Management Plan.</p> <p>If the Council determines a rent higher than they have been negotiating with the CIC, due to the recent change in Asset Management Plan then there is a small risk of reputational damage for the Council with the CIC and other sports users. The Torre Valley Sports Group CIC could make a formal complaint against the Council.</p> <p>The £127,000 could be utilised to support a wide range of other sports facilities across the Bay and need not be linked directly to Torre Valley North.</p> <p><b>Risk to the CIC</b></p> <p>If the rent was increased to the full market rent then there is a risk that the Tenant would find it difficult to meet the rental commitments through the term of the Lease and would have to increase the rental charges to the community using the facilities, which may deter participation.</p>
<p><b>9.</b></p>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable as procurement of services or the provision of services together with the purchase or hire of goods or the carrying out of works not required as part of this decision</p>

<p><b>10.</b></p>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>Comparable evidence from sport leases from Plymouth City Council, Teignbridge District Council and Exeter City Council has been obtained as well as reviewing data from completed Leases within Torbay Council. This data has helped inform the calculation of the Market Rent.</p>
<p><b>11.</b></p>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>See above</p>
<p><b>12.</b></p>	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>See above</p>

## Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.	Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities.	
	People with caring Responsibilities	A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the	Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities.	

	<p>respective national Governing Body for their sport. This will help prevent discrimination and promote equality.</p>		
<p>People with a disability</p>	<p>A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.</p>	<p>Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities.</p>	
<p>Women or men</p>	<p>A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the respective national Governing</p>	<p>Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities.</p>	

	<p>Body for their sport. This will help prevent discrimination and promote equality.</p>		
<p>People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i></p>	<p>A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.</p>	<p>Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities.</p>	
<p>Religion or belief (including lack of belief)</p>	<p>A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the respective national Governing Body for their sport. This will help</p>	<p>Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities.</p>	



	prevent discrimination and promote equality.		
People who are lesbian, gay or bisexual	A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.	Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities.	
People who are transgendered	A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote	Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities.	

	equality.		
People who are in a marriage or civil partnership	A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.	Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities.	
Women who are pregnant / on maternity leave	A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.	Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities.	

<p>Socio-economic impacts (Including impact on child poverty issues and deprivation)</p>	<p>A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.</p>	<p>Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport</p>	
<p>Public Health impacts (How will your proposal impact on the general health of the population of Torbay)</p>	<p>A long lease for the TVN CIC should bring confidence through security of tenure. This confidence should serve as a catalyst for improvement whereby the CIC will help the sports clubs to positively engage with their communities and in particular with our young people. Some local clubs are already fully engaged with their communities but this new lease will ensure that the CIC clubs are working with the respective national Governing Body for their sport. This will help prevent discrimination and promote equality.</p>	<p>Charging a Market Rent may undermine the CIC business case with the result that charges will be increased to end users of the sporting facilities. This may reduce participation in sport</p>	

<b>14</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A
<b>15</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A