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Tuesday, 29 March 2016

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 7 April 2016** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

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

Steve Parrock
Executive Director of Finance and Operations

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

A prosperous and healthy Torbay

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

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Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

To confirm as a correct record the minutes of the meeting of the Council held on 25 February 2016.

(Pages 5 - 22)

4. **Declarations of interests**

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

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

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

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

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

5. **Communications**

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

6. **Public question time**

To hear and respond to any written questions or statements from members of the public which have been submitted in accordance with Standing Order A24.

(Page 23)

7. **Members' questions**

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

(Page 24)

- 8. Notice of motions**
To consider the attached motions, notice of which has been given in accordance with Standing Order A14 by the members indicated:
- (a) Notice of Motion - Town Councils for Torquay and Paignton (Page 25)
- (b) Notice of Motion Constitution Amendment - A13 Questions by Members (Page 26)
- (c) Notice of Motion - Appointment of Overview and Scrutiny Lead Memebers (Page 27)
- 9. Appropriation of Land adjacent to South Devon College** (Pages 28 - 34)
To consider a report that proposes appropriating land adjacent to the South Devon College campus at Long Road, Paignton.
- 10. New Primary School in Paignton** (Pages 35 - 50)
To consider a report on the above.
- 11. Local Government Association (LGA) Corporate Peer Challenge 2015 Action Plan** (Pages 51 - 68)
To consider a report that sets out the final action plan following the Local Government Association's Corporate Peer Challenge feedback report.
- 12. Capital Plan 2016/17 - 2019/20 Prioritisation Matrix** (Pages 69 - 74)
To consider a report on the above, and any recommendations from the Overview and Scrutiny Board.
- 13. Review of Members' Allowances Report of the Independent Remuneration Panel** (Pages 75 - 91)
To consider a report that ensures Members receive allowances which reflect the level and time commitment required to fulfil their roles and that the scheme complies with the relevant legislation and guidance.
- 14. Environmental Enforcement Pilot - Mayoral Decision** (Pages 92 - 101)
To consider a report that seeks an extension to the current enforcement pilot.
- 15. Change of Job Title for Executive Director of Operations and Finance** (Page 102)
To consider the submitted report on the above.
- 16. Urgent Decision taken by the Executive Director of Operations and Finance and Assistant Director of Corporate and Business Services** (Pages 103 - 105)
To note the details of decisions taken by the Executive Director of Operations and Finance on the grounds of urgency as set out in the submitted report.

Note

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



Minutes of the Council

25 February 2016

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

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

134 Opening of meeting

The meeting was opened with a prayer.

135 Minutes

The Minutes of the meeting of the Council held on 3 February 2016 were confirmed as a correct record and signed by the Chairman. In respect of the Minutes of the adjourned meeting of the Council held on 11 February 2016, Councillor Tyerman advised that his non-pecuniary interest which he declared as a trustee of Torbay Coast and Countryside Trust was independent from the Council and therefore the Monitoring Officer's dispensation did not apply. Therefore, subject to the Minutes of the adjourned meeting of the Council being updated with Councillor Tyerman's interest, the Minutes were approved as a correct record.

136 Declarations of interests

At the invitation of the Chairman, the Monitoring Officer reminded Members of the dispensation granted in respect of Members' interests in relation to the setting of the Council Tax and matters relating to Council controlled companies where Members were appointed as unpaid directors by the Council. It was noted that this meant Members were permitted to discuss and vote on the budget in respect of these matters without the need to declare an interest. The Monitoring Officer also advised Members of a dispensation granted to the Mayor on his pecuniary interest in relation to Connections for the purposes of proposing the Mayor's overall final revenue budget and voting on any substantive motion.

The following non-pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Tyerman	142	Trustee of Torbay Coast and Countryside Trust and Director of subsidiary companies
Councillor Tyerman	149	Director of Torbay Youth Trust Ltd.
Councillor Thomas (J)	Whole meeting	Trustee and Director of the Shekinah Mission

The Mayor declared a pecuniary interest in respect of Minute142 in relation to Connections and advised of the Monitoring Officer's dispensation for the purposes of proposing his final budget and voting on any substantive motion. The Mayor also declared a pecuniary interest in respect of Minutes 141 and 150.

137 Communications

The Mayor referred to the programme of events scheduled for 2016 including the new Air Show and expressed thanks to the voluntary sector groups that contribute towards making these events a success. The Mayor paid particular thanks to those organisations who deliver events on Paignton Green, which also supported a wide range of local charities. The organisations included Paignton Regatta, BMAD, Torbay Carnival and Torbay Motor Show.

The Overview and Scrutiny Co-ordinator updated Members on the meeting of the Overview and Scrutiny Board held on 17 February 2016. The Co-ordinator advised members that at that meeting the Board discussed the changes to the mechanism of Overview and Scrutiny which reflected the recommendations of the Local Government Association Corporate Peer Challenge Feedback Report and the work undertaken with the Centre of Public Scrutiny in 2014/2015.

138 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable: agenda item 11 (Executive Lead for Business Response to Objection to the Current Corporate Plan – Connections) to be considered before agenda Item 8 (Revenue Budget Proposals 2016/17); and agenda Item 7 (Members' Questions) to be considered after Item 19 (Change of Job Title for Executive Director of Operations), with the exception of question 17 which would be taken after Item 6 (Petition – Health and Safety at Cary Park and immediate surroundings).

139 Petition - Health and Safety at Cary Park and immediate surroundings

In accordance with Standing Order A12, the Council received a petition concerning Health and Safety at Cary Park and immediate surroundings (approximately 103 signatures).

It was noted that the petitioners had requested their petition to be submitted direct to the decision-maker and it would be referred to the Assistant Director for Community and Customer Services for consideration in consultation with the Executive Lead for Community Services.

140 Members' questions

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

A verbal response was provided on question 17 at the meeting and a supplementary question was then asked and answered in respect of the question.

141 Executive Lead for Business Response to Objection to the Current Corporate Plan - Connections

Further to the adjourned meeting of the Council held on 11 February 2016, Members considered the Record of Decision setting out the Executive Lead for Business' response to the objections raised by the Council on the current Corporate Plan in relation to face to face customer service presence.

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

that the Council be recommended to revise the current Corporate Plan under 'Use reducing resources to best affect' as set out below (changes shown in bold text):

*'Use reducing resources to best effect
Thinking for the future*

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

- We may stop providing some services.
Including reducing the Connections Service in Torquay and Brixham, but maintaining an appointments system for face to face customer service presence for one day per week in Brixham and Torquay libraries, with any further changes made to the locations of face to face customer service being determined by Full Council.'

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

that the Council be recommended to revise the current Corporate Plan under 'Use reducing resources to best affect' as set out below (changes shown bold):

'Use reducing resources to best effect

Thinking for the future

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

Therefore we will need to think and act differently:

- We may stop providing some services.

~~Including reducing the Connections Service in Torquay and Brixham, but maintaining an appointments system for face to face customer service presence for one day per week in Brixham and Torquay libraries, with any further changes made to the locations of face to face customer service key services protecting our vulnerable residents, for example Connections, being determined by Full Council.~~

- **The Council will maintain a face-to-face customer service presence in Torquay, Paignton and Brixham and before any change is made a report be presented to Council for approval.'**

At the request of the Chairman, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (25); Against: Councillors Amil, Brooks, Excell, Haddock, King, Lang, Manning, Mills, Morris, Parrott and Stubley (11); Absent: Mayor Oliver (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried.

The substantive motion was then before Members for consideration.

At the request of the Chairman, a recorded vote was taken on the substantive motion. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (25); Against: Councillors Amil, Brooks, Excell, Haddock, King, Lang, Manning, Mills, Morris, Parrott and Stubley (11); Absent: Mayor Oliver (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the substantive motion it was declared carried.

(Note: Prior to the consideration of Minute 141, Mayor Oliver declared his pecuniary interest and withdrew from the meeting.)

142 Revenue Budget 2016/2017

The Council considered the final Revenue Budget proposals of the Mayor, which he had put forward following his consideration of the objections that were made by the Council at its adjourned meeting on 11 February 2016.

In accordance with legislation, the Chairman advised recorded votes would be taken on the motion and amendments.

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

that it be recommended to Council:

- (i) that the net revenue expenditure and council tax requirement for 2016/17 as shown in paragraph 3.3 of the submitted report, that includes the funding raised by the 2% council tax increase specifically for adult social care, be approved;
- (ii) that in relation to (i) above, Council confirms its commitment (by a statement signed by the Section 151 Officer) to allocate the additional funding raised by the 2% council tax increase to adult social care in 2016/17 and in future years;
- (iii) that the 2016/17 allocation of the revenue budget to services as per the budget digest and the associated fees and charges (both circulated separately) be approved, subject to a revised amount of £744,000 (an increase of £10,000) for Customer Services to be allocated from the Grant Income and Contingencies budget, to enable an appointments system for face to face enquiries one day per week in Council libraries in Torquay and Brixham;
- (iv) that the Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (paragraph 11 of the submitted report) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed and this authorisation be included in the officer scheme of delegation;
- (v) that in accordance with the requirement of the Local Government Act 2003, to consider and note the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (paragraph 12 of the submitted report);
- (vi) that Council approve the temporary use of £2.5m from the Insurance Reserve in 2015/16 to fund the projected 2015/16 overspend, which is to be repaid from the 2016/17 budget;
- (vii) that Council note that Brixham Town Council have yet to set their budget for 2016/17 and this precept, when known, will be included as

- part of the Torbay Council budget for Council Tax setting purposes;
- (viii) that, subject to clarification of the acceptance process from DCLG, that Council delegate acceptance of a four year funding settlement for Revenue Support Grant to the Chief Finance Officer in consultation with the Mayor and Executive Director of Operations and Finance;
 - (ix) that, the Review of Reserves 2016/2017 as set out in the submitted report at appendix 3, be approved; and
 - (x) that, the Treasury Management Strategy 2016/2017 (incorporating the Annual Investment Strategy 2016/2017 and the Minimum Revenue Provision Policy 2016/2017) as set out in the submitted report at appendix 4 be approved.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Thomas (D) and seconded by Councillor Ellery:

that the Mayor's Revenue Budget proposals be amended to include:

That the Assistant Director of Corporate and Business Services, in consultation with the Mayor and Group Leaders, be authorised to agree the criteria and principles for use of the transformation budget of £600,000.

A recorded vote was taken on the amendment. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stublely, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (37). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried (unanimous).

(Note: Prior to consideration of the following amendment, the Mayor declared his pecuniary interest in relation to Connections and withdrew from the meeting.)

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Morey and seconded by Councillor Stocks:

- (i) that the Mayor's Revenue Budget proposals be amended to include an additional £38,000 to be allocated from the Grant Income and Contingencies Budget for six months transitional funding of Connections to allow an options appraisal be to undertaken on the future of Customer Services; and
- (ii) that an initial options appraisal be presented to the Council at its extraordinary meeting on 7 April 2016.

A recorded vote was taken on the amendment. The vote was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (25); Against: Councillors Amil, Brooks, Excell, Haddock, King, Lang, Manning, Mills, Morris, Parrott and Stubley (11); and Absent: Mayor Oliver (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried.

The substantive motion (the original motion updated by the two amendments) was then before Members for consideration.

A recorded vote was taken on the substantive motion. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (36); and Against: Councillor Sanders (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the substantive motion it was declared carried.

143 Capital Plan Budget 2016/17

The Council considered the final Capital Plan Budget proposals of the Mayor (as set out in the Mayor's Record of Decision dated 19 February 2016), which he had put forward following his consideration of the objections that were made by the Council at its adjourned meeting on 11 February 2016.

In accordance with legislation, the Chairman advised recorded votes would be taken on the motion and amendments.

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

- (i) that the latest position for the Council's Capital expenditure and funding for 2015/16 be noted;
- (ii) that 2016/17 Capital Strategy (set out at Appendix 1 of the submitted report) be approved;
- (iii) that prudential borrowing of £10 million for an Investment Fund to enable acquisition of properties for investment purposes to be funded from future rental income be approved. Criteria for the purchases within the Fund be presented to Council for approval in due course;
- (iv) that prudential borrowing of £3 million for essential capital repair works be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the budget be agreed by the Executive Head – Business Services in consultation with the Chief Finance Officer and the Mayor and Group Leaders with the

Overview and Scrutiny Co-ordinator being notified in advance of any decisions;

- (v) that prudential borrowing of £0.350 million to upgrade and update the Council's CCTV equipment be approved with the cost of borrowing to be included in future year revenue budgets offset by any future external contributions and any resulting revenue savings;
- (vi) that prudential borrowing of £1.0 million for an IT Investment Fund for 2016/17 to 2019/20 be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the Fund be agreed by Executive Director of Operations and Finance consultation with the Chief Finance Officer, the Executive Head – Customer Services and the Executive Lead for Customer Services;
- (vii) that the reallocation of £0.5m within the existing schools capital allocation to provide two mobile accommodation buildings at Paignton Community Sports Academy be approved to meet an immediate need for pupil places;
- (viii) that the Council will not take up the option in 2016/17 of using capital receipts to fund one off revenue costs of transformation to meet future budget reductions;
- (ix) that, subject to approval of (iii) to (viii) above, the budget forecast for 2016/17 to 2019/20 at Appendix 2 of the submitted report be approved as the Capital Plan; and
- (x) that the Corporate Asset Management Plan for 2015 – 2019 (as set out in Appendix 4 of the submitted report) be approved.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Thomas (D) and seconded by Councillor Darling (S):

that the Mayor's Capital Budget proposals be amended to include:

- (i) that the matrix scoring criteria for capital projects is prepared and presented to the Council for approval at its extraordinary meeting on 7 April 2016; and
- (ii) that following approval of the matrix scoring criteria by the Council on 7 April 2016, any revisions required to the Capital Plan will be presented to Council for approval at the Annual Council meeting on 11 May 2016.

A recorded vote was taken on the amendment. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stubbley, Sykes, Thomas (D), Thomas (J),

Tolchard, Tyerman and Winfield (37). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried (unanimous).

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Carter and seconded by Councillor Sanders:

that it be noted that the Mayor in his response to the Council's objections does not acknowledge the request of the Council to undertake public consultation to ensure that appropriate projects are brought forward for the Paignton seafront and harbour side. Therefore, the Council resolves that public consultation will be undertaken to ensure that appropriate projects are brought forward for the Paignton seafront and harbour side (with a particular focus on Paignton Harbour) to inform the Capital Plan.

A recorded vote was taken on the amendment. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Morey, Morris, Parrott, Sanders, Stockman, Stocks, Stringer, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (33); Against: Councillors Brooks, Mills and O'Dwyer (3); and Abstain: Councillor Robson (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried.

(Note: At this juncture, Councillor Winfield left the meeting.)

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Darling (S) and seconded by Councillor Darling (M):

that in respect of the criteria for the purchases within the £10 million Investment Fund, part of the criteria includes housing delivery investment options. The parameters of the criteria to include a commitment to fully explore and assess the merits of the Council developing its own residential property and to potentially become a landlord to increase the supply and delivery rate of affordable homes, provide more comprehensive solutions around temporary accommodation, to better meet the needs of our most vulnerable residents, tackle the indices of deprivation in the community investment areas (as identified in the Local Plan) and to provide a potential revenue income stream to the Council.

A recorded vote was taken on the amendment. The vote was taken by roll call as follows: For: Councillors Bent, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Morey, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Thomas (D) and Tolchard (16); Against: Mayor Oliver, Councillors Amil, Barnby, Brooks, Bye, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Mills, Morris, O'Dwyer, Stubley, Sykes, Thomas (J) and Tyerman (20); and Absent: Councillor Winfield (1). Therefore, as less than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared lost.

The substantive motion (the original motion updated by the two amendments in relation to matrix scoring criteria and consultation on Paignton projects) was then before Members for consideration.

A recorded vote was taken on the substantive motion. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stublely, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman (36); and Absent: Councillor Winfield (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the substantive motion it was declared carried (unanimous).

144 Mayor's Response to Objection to the Current Corporate Plan - Libraries

Further to the adjourned meeting of the Council held on 11 February 2016, Members considered the Record of Decision setting out the Mayor's response to the objections raised by the Council in respect of the current Corporate Plan in relation to libraries.

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

that the Council be recommended to revise the current Corporate Plan under 'Use reducing resources to best affect' as set out below (changes shown in bold text):

'Use reducing resources to best effect

Thinking for the future

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

Therefore we will need to think and act differently:

- We may stop providing some services.
- Some services will need to be provided differently with greater community support and/or with integrated working with our partners, **including reviewing the delivery of libraries whilst maintaining libraries in Torquay, Paignton, Churston and Brixham.**

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

145 Council Tax 2016/2017

The Council received the submitted report in relation to the setting of Council Tax for 2016/17.

In accordance with legislation, the Chairman advised recorded votes would be taken on the motion.

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

- (i) that the Council is recommended to note:
 1. that in December 2015 the Council calculated the Council Tax Base for 2016/17:-
 - (a) for the whole Council area as 43,180.70, [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - (b) for dwellings in the Brixham Town Council area as 5,811.07 to which a Parish precept relates; and
 2. that the Police and Crime Commissioner for Devon and Cornwall and the Devon and Somerset Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table in paragraph (ii) 3. below.
- (ii) that the Council is recommended to approve:
 1. the Council Tax requirement for the Council's own purposes for 2016/17 (excluding Brixham Town Council) of £56,631,056;
 2. that the following amounts be calculated for the year 2016/17 in accordance with Chapter Three of the Act:
 - (a) £267,034,519 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account the precept issued to it by Brixham Town Council;
 - (b) (£210,169,615) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
 - (c) £56,864,904 being the amount by which the aggregate at (ii) 2(a) above exceeds the aggregate at (ii) 2(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year (item R in the formula in Section 31B of the Act);
 - (d) £1316.91 being the amount at (ii) 2(c) above (Item R), all divided by Item T ((i) 1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);

- (e) £233,848 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act;
- (f) £1,311.49 being the amount at (ii) 2(d) above less the result given by dividing the amount at (ii) 2(e) above by Item T ((i) 1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
3. that the Council, in accordance with Chapter Three of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2016/17 for each part of its area and for each of the categories of dwellings.

	Valuation Band							
	A	B	C	D	E	F	G	H
Ratio of each band to Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	£	£	£	£	£	£	£	£
Torbay Council	874.33	1,020.05	1,165.77	1,311.49	1,602.93	1,894.37	2,185.82	2,622.98
Police and Crime Commissioner	115.23	134.43	153.64	172.84	211.25	249.66	288.07	345.68
Devon and Somerset Fire and Rescue Authority	53.32	62.21	71.09	79.98	97.75	115.53	133.30	159.96
Aggregate of Council Tax Requirements ex. Town Council	1,042.88	1,216.69	1,390.50	1,564.31	1,911.93	2,259.56	2,607.19	3,128.62
Brixham Town Council	26.83	31.30	35.77	40.24	49.18	58.12	67.07	80.48

Aggregate of Council Tax Requirements including Brixham Town Council	1,069.71	1,247.99	1,426.27	1,604.55	1,961.11	2,317.68	2,674.26	3,209.10
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4. that the Council's basic amount of Council Tax for 2016/17 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992 (see paragraph 5.9 of the submitted report).

A recorded vote was taken on the motion. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (35): and Absent: Councillors King and Winfield (2). Therefore, the motion was declared carried (unanimous).

(Note: Councillor King had left the meeting for a short period and during the recorded vote on the motion above.)

146 Proposed Change to 2015/2016 Minimum Revenue Policy

The Chairman advised that this item had been withdrawn.

147 Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust

The Council considered the submitted report on the Annual Strategic Agreement which set out the arrangements for Torbay Council and South Devon and Torbay Clinical Commissioning Group to commission Adult Care services from Torbay and South Devon NHS Foundation Trust. It was noted the Agreement set out the strategic direction to maximise choice and independence for those who required adult social care and support, together with objectives for the Trust to meet and to enable performance monitoring.

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

that the Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust set out at Appendix 1 (and annexes 1 to 13) to the submitted report be approved.

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

148 Collaton St Mary Masterplan Supplementary Planning Document

Members considered the submitted report on the Collaton St Mary Masterplan which defined the nature of future development within the Collaton area, west of Paignton. It was noted this area was allocated as a Future Growth Area within the Adopted Torbay Local Plan 2012-30 to deliver approximately 460 new homes, a local centre and infrastructure.

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

that the Collaton St Mary Masterplan, with the schedule of amendments set out in Appendix 2 to the submitted report be approved and adopted as a Supplementary Planning Document.

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

149 Relocation of Torbay School and a New Primary School in Paignton

Further to the decision of the Council at its meeting on 26 February 2015 to relocate Torbay School, the Council received revised proposals for a new site which would better meet the needs of young people attending this special school. The submitted report updated Members on the results of site investigations into the original approved site at Hillside, Torquay and the alternative proposed site at MyPlace, Paignton. It was noted that a revised officer recommendation had been circulated in the morning of 25 February 2016.

The Chairman drew Members' attention to the recommendations of the Overview and Scrutiny Board which were circulated on 23 February 2016 and invited the Overview and Scrutiny Co-Ordinator to outline the Board's recommendations.

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

- (i) that, subject to the outcome of the formal consultation in (iii) below and in the event of a decision being made to relocate Torbay School to the MyPlace facility in Paignton, the decision in Minute 172(ii) 'that the Executive Head of Commercial Services be given delegated authority to agree the terms of the lease and/or procurement arrangements for the transfer of the Parkfield site (the new build), BMX and Skateboard Park to the Torbay Youth Trust' be rescinded;
- (ii) that the Director of Children's Services be requested to work in partnership with the Youth Trust to develop an alternative viable business plan, to be in place by July 2016, (within existing budget) for the continuity and development of services for young people across the Bay. That the development work should include a review of Parkfield and other potential sites to ensure that the Youth Trust will have an appropriate administrative base and good access to deliver services in areas that meets the needs of children and young people across the Bay. The new business plan needs to be approved by the Council;

- (iii) that, following the outcome of the formal consultation, the decision to relocate Torbay School to the MyPlace facility in Paignton and the subsequent transfer of the area of land edged red on the plan attached as Appendix 2 of the submitted report on a 125 year lease be delegated to the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children, with an instruction being issued as part of the commercial transfer of the site to the academy sponsor, to include access in the evenings, weekends and holiday periods for the benefit of the young people of Torbay for whom the facility was built, and enabling its original purpose (subject to confirmation by the Secretary of State); and
- (iv) that in the event that a decision is made to transfer Torbay School to the MyPlace facility, the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children be given delegated authority to develop the current Torbay School site at Torquay Road as a new primary school.

An amendment was proposed by Councillor Thomas (D) and seconded by Councillor Lewis:

that the decision on the relocation of Torbay School and a new primary school in Paignton be deferred to enable:

- (a) an outline financial business plan for the Youth Trust to be prepared and presented to the Council at its extraordinary meeting on 7 April 2016. The business plan to provide assurance that the proposals are financially viable and that the Youth Trust accept that the plan is sound;
- (b) the report to the Extraordinary Council meeting on 7 April 2016 to also include further details of accessibility to the facilities in the evenings, weekends and holiday periods, without incurring any financial burden and including:
- how this will be accomplished and which body will be responsible for the access;
 - greater detail of the time periods it will be available; and
 - the area of the building that will be available for access.
- (c) an explanation who will be responsible for activities at the BMX and skateboard park after the building has been leased to the Torbay School Academy.

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

(Note: In accordance with Standing Order A19.6, Councillor Tyerman requested his abstention from voting on the amendment to be recorded.)

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

that the original motion (i) to (iii) is adopted; and

- (iv) that in the event that a decision is made to transfer Torbay School to the MyPlace facility, the Executive Director for Operations and Finance and the Director of Children's Services, in consultation with the Executive Lead for Children and Adults, be requested to bring forward a further report detailing the expansion of primary school places in Paignton to the Council meeting on 7 April 2016.

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

The substantive motion (the original motion (i) to (iii) with the revised (iv)) was then before members for consideration.

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

(Note: In accordance with Standing Order A19.6, Councillor Tyerman requested his abstention from voting on the substantive motion to be recorded.)

(Note: During consideration of Minute 149, Councillor Tyerman declared his non-pecuniary interest.)

150 Options for the Sustainable Support of Tourism in Torbay

At this juncture, the Chairman advised that the meeting had exceeded four hours in duration and in accordance with Standing Order A11.2, the Executive Director of Operations and Finance and the Monitoring Officer had indicated that this item must be transacted at the meeting.

Further to the decision of the Council at its meeting on 10 December 2015, the Council received the submitted report which set out options for the sustainable support of tourism in Torbay following the recent 'No' vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID). The report also detailed proposals for the future of the English Riviera Tourist Company (ERTC).

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

- (i) that the Council supports, in principle, the private sector led 'English Riviera Tourism Business Improvement District' (ERTBID);
- (ii) that, subject to a favourable business plan, the Executive Director of Operations and Finance be nominated to cast the Council's votes in

favour of the 'English Riviera Tourism Business Improvement District' (ERTBID) at the time of the ballot;

- (iii) that, in the event of a 'Yes' vote for the proposed 'English Riviera Tourism Business Improvement District' (ERTBID), the Executive Director of Operations and Finance, in consultation with the Executive Lead for Tourism, Culture and Harbours, be instructed to :-
- a) decommission the provision of Destination Tourism Marketing and Visitor Information Services from 1 January 2017, wind up the English Riviera Tourism Company (ERTC) and arrange for the transfer of Destination Tourism Marketing and Visitor Information Services to the new ERTBID Company;
 - b) immediately establish an ERTC/ERTBID Project Transition Board, comprising of two Senior Officers, the Executive Lead for Tourism, Culture and Harbours and two Members from the Conservative Group and one Member from Liberal Democrat and one Member from the Independent Group, so that the Council's income and assets are properly considered in respect of the ERTC; and that the intellectual property rights of the English Riviera brand are safeguarded;
 - c) allow the ERTC/ERTBID Project Transition Board to establish and facilitate the terms upon which the official ERTC brands and logos will transfer, under license, to the new ERTBID Company;
 - d) provide Council support to facilitate the transfer of appropriate ERTC staff (including those in the Local Government Pension Scheme) to the new ERTBID Company;
 - e) negotiate and sign the ERTBID Operating Agreement on behalf of the Council; and
 - f) make an appropriate charge to the ERTBID Company each year for the duration of the ERTBID (5 years) to cover the Council's costs associated with collection of the ERTBID levy.
- (iv) that, in the event of a 'Yes' vote for the proposed 'English Riviera Tourism Business Improvement District' (ERTBID) the Council agrees to:-
- a) allocate sufficient funds to meet the ERTBID levy liability, for any applicable Council owned properties, for the term of the ERTBID (5 years);
 - b) provide a cash advance facility to the ERTBID Company, which will be returned once the ERTBID levy payments are received;

- c) delegate the approval of pension liability arrangements, including a possible guarantee, to the Chief Financial Officer in consultation with the Executive Lead for Tourism, Culture and Harbours and the Assistant Director of Corporate and Business Services;
 - d) request that the Overview and Scrutiny Board keep an oversight of how well the new ERTBID Company is meeting its aims and objectives, especially in relation to the functions, which had previously been undertaken by the ERTC and any performance issues arising from the formal Operating Agreement; and
 - e) recognise that the new ERTBID Company will take over responsibility for operating as the official Destination Marketing Organisation (DMO) for Torbay.
- (v) that, in the event of a 'No' vote for the proposed 'English Riviera Tourism Business Improvement District' (ERTBID), the Executive Director of Operations and Finance, in consultation with the Executive Lead for Tourism, Culture and Harbours, be instructed to decommission the provision of Destination Tourism Marketing and Visitor Information Services from 1 January 2017 and wind up the English Riviera Tourism Company (ERTC).

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

(Note: Prior to consideration of Minute 150, Mayor Oliver declared his pecuniary interest and withdrew from the meeting.)

151 Duration of Meeting

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

The Chairman advised:

- (a) a written response to the Members' Questions (with the exception of Question 17 which had been dealt with earlier in the meeting) would be provided to all members; and
- (b) the remaining business on the agenda would be considered at the Extraordinary Meeting of the Council on 7 April 2016.

Chairman

Public Question – Council 7 April 2016

To Mayor Oliver:

What, if any, consultation took place with the tourism industry, nearby residents and businesses, given that there was no consultation with the Community Partnerships, in regard to the suitability of the Parkfield site to be the location for Torbay School?

Do you accept that members were unable to fulfil their fiduciary responsibilities due to the absence of a business plan or budget for Parkfield and what has changed from February 2015 when the council agreed for Torbay School to be located at Barton?

Submitted by Darren Cowell and Colin Hurst

Agenda Item 7

Meeting of the Council

Thursday, 7 April 2016

Questions Under Standing Order A13

Question (1) by Councillor Darling (M) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	Can you please update the Council on the recovery of the debt from the high flyer balloon formerly on Torre Abbey Gardens? Can you please advise what has been paid, any sums written off and what is the balance of any debt, since this matter was last raised at Full Council.
Question (2) by Councillor Darling (S) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	I think it has been around 18 months since the Council stopped the Torbay Community Development Trust using the former gas works site on temperance street as a car park. What was the rationale behind this?
Questions (3) by Councillor Stringer to the Executive Lead for Planning, Transport and Housing (Councillor King)	Street pastors advise me that the public Toilets at the entrance to the marina car park are in a very poor state of cleanliness. The street pastors open them for the public on occasions in the winter evenings. Is it possible to ensure that there is an improved cleansing regime from TOR2?

Council Meeting, 7 April 2016

Notice of Motion – Town Councils for Torquay and Paignton

This Council instructs the Assistant Director for Corporate and Business Services to investigate the benefits of creating Town Councils for Torquay and Paignton.

The proposals for Devolution are being considered by Government, but in the light of potential changes that will take place in the next 3 to 4 years; we should be looking at bringing and keeping local government close to the people.

Proposed: Mayor Gordon Oliver

Seconder: Cllr Derek Mills

Agenda Item 8b

Council Meeting, 7 April 2016

Notice of Motion Constitution Amendment – A13 Questions by Members

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

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

A13.8 **Responses**

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

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

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

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

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

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

Proposed: Councillor Sanders
Seconder: Councillor Darling (S)

Council Meeting, 7 April 2016

Notice of Motion – Appointment of Overview and Scrutiny Lead Members

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

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

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

Proposed by Councillor Lewis

Seconded by Councillor Darling (S)

Agenda Item 9



Meeting: Council

Date: 7 April 2016

Wards Affected: All Wards

Report Title: Appropriation of Land adjacent to South Devon College

Is the decision a key decision? Yes

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, (01803) 843412, derek.mills@torbay.gov.uk

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

1. Proposal and Introduction

1.1 To consider appropriating land adjacent to the South Devon College campus at Long Road, Paignton known as the Syntech site to cleanse the site of the current restrictions and enable it to be redeveloped for education and ancillary use to support the College's extension plans and support the delivery of the Council's Corporate Plan.

2. Reason for Proposal

2.1 To support South Devon College to develop the site to improve the education, skills and training offer for the local community and wider area.

3. Recommendation(s) / Proposed Decision

3.1 That Torbay Council appropriate the land known as the Syntech site, Long Road, Paignton under Section 237 of the Town and Country Planning Act 1990 to override the easements and restrictive covenants, to allow the South Devon College development plans to proceed. The Assistant Director of Corporate and Business Services be authorised to give effect to this decision.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Background Documents

None

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

Supporting Information and Impact Assessment

Service / Policy:	Corporate and Business Support
Executive Lead:	Councillor Mills
Director / Assistant Director:	Anne-Marie Bond

Version:	1	Date:	2 March 2016	Author:	Anne-Marie Bond
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>For the Council to appropriate the land known as the Syntech site, Long Road, Paignton to override the easements and restrictive covenants, to allow South Devon College to develop the site to improve the education, skills and training offer for the local community and wider area.</p>
2.	<p>What is the current situation?</p> <p>South Devon College purchased a 5-acre site immediately adjacent to its main campus at Long Road, Paignton, known as the Syntech site, in December 2013. The land is subject to a number of historic restrictive covenants and easements, the majority of which benefit the current adjoining landowner, Devonshire Park. These include restrictive covenants that preclude development of the site for educational purposes.</p> <p>The College is embarking on an ambitious and exciting plan to extend and significantly enhance its buildings and facilities over the next 15 years to improve the education, skills and training offer for the local community and wider area. The expansion strategy relies on redevelopment of the Syntech site to replace existing leased accommodation and parking on the adjacent Devonshire Park site. The College has submitted an application for a Local Development Order for development on the main campus and Syntech sites over the next fifteen years which is being considered by the Development Management Committee and the Mayor.</p>
3.	<p>What options have been considered?</p> <p>The College has sought to secure the release of the restrictive covenants and entered into negotiations with Devonshire Park but have been unable to realise a suitable outcome which would not compromise the viability of their proposals for the site.</p>

	<p>The College will continue with their negotiations with Devonshire Park. This decision will ensure matters are able to be progressed, alongside those negotiations, in order that the College can comply with Grant Funding timescales which are facilitating the extension and enhancement of the College.</p>
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>South Devon College plans to develop its campus over the next 15 years will directly support the Council with the delivery of its Corporate Plan for “A Prosperous Torbay” providing local citizens with access to a good education and the acquisition of the skills they need to join South Devon’s workforce.</p>
5.	<p>Who will be affected by this proposal?</p> <p>South Devon College, Devonshire Park, the Mayor and Councillors.</p>
6.	<p>How will you propose to consult?</p> <p>Meetings have been held with South Devon College, who in turn have had discussions with Devonshire Park. The Mayor and Councillors have been given briefings on the proposals and discussed the issues in connection with the site.</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>The proposal will be carried out in accordance with Section 237 of the Town and Country Planning Act 1990. South Devon College will provide the Council with an indemnity in respect of any financial or legal implications, including the compensation that will be payable to Devonshire Park, and will meet any legal costs associated with effecting this decision.</p>
8.	<p>What are the risks?</p> <p>If the proposal does not go ahead there is a risk that South Devon College will lose the opportunity to develop the site and funding from the Heart of the South West Local Enterprise Partnership to improve the education, skills and training offer for the local community and wider area.</p>

9.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable.</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Not applicable.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>Not applicable</p>
12.	<p>Amendments to Proposal / Mitigating Actions</p> <p>The College will continue with their negotiations with Devonshire Park, in the hope that they are able to reach agreement. This decision will ensure matters are able to be progressed, alongside those negotiations, in order that the College can comply with Grant Funding timescales which are facilitating the extension and enhancement of the College.</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	The proposal will have a positive impact on older and younger people as it will offer wider opportunities for education and development than is currently available in Torbay.		
	People with caring Responsibilities			The proposals are not specifically aimed at people with caring responsibilities - there is no differential impact
	People with a disability	The proposal will have a positive impact on people with a disability as they will be developed to a modern standard to meet all access requirements.		
	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)	The creation of new jobs and education opportunities will have a positive socio-economic impact.		

	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The creation of new jobs and education opportunities will have a positive impact on the health and wellbeing of residents and people living in the wider area.		
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	None		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None		



Meeting: Council Meeting

Date: 7 April 2016

Wards Affected: All Wards

Report Title: New Primary School in Paignton

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Cllr Julien Parrott, Executive Lead for Adults and Children, Tel. 207113, julien.parrott@torbay.gov.uk,

Supporting Officer Contact Details: Richard Williams, Director of Children's Services, Tel. 208949, richard.williams@torbay.gov.uk

1. Proposal and Introduction

- 1.1 Subject to consultation, in September 2017 the Council intends to relocate Torbay School from its existing site at Torquay Road, Paignton. This will leave the Council with a vacant school site in the centre of Paignton.
- 1.2 In Children's Services Capital Programme, approved by Council in September 2015, £4.5m of Basic Need funding was ring fenced to enable the provision of a new primary school in Paignton. To date no monies have been spent on developing the site as primary school. Children Services propose to use this site to open a new one form of entry primary school with early year's provision.
- 1.3 The preferred opening date of the new school would be September 2018.

2 Reason for Proposal

- 2.1 Primary numbers in Paignton and Torquay have been increasing over the last few years as a result of a rising birth rate, new housing and net in-migration. The Council has responded to the increase in demand by expanding schools across Torbay.
- 2.2 However, there are now no longer any viable and affordable options for future expansions of existing schools so if numbers continue to rise then the only way the Council will meet its statutory duty is by opening a new school.
- 2.3 This is timely because the Department of Education is strongly promoting the opening of new schools across the country. Torbay has not opened a new primary

school since becoming a unitary authority in 1998 and is one of only a small number of Council's not to do so.

3 Recommendation(s) / Proposed Decision

- 3.1 That the identified need for a new school in Paignton as outlined in the submitted report be noted.
- 3.2 That, subject to consultation the proposal to open a new primary school on the Torbay School Site at Torquay Road from September 2018 be approved.

Appendices

- Appendix 1: Supporting Information and Impact Assessment
- Appendix 2: Map of Torbay Schools
- Appendix 3: Data from September 2015 Census

Appendix 1

Supporting Information and Impact Assessment

Service / Policy:	Children's Services
Executive Lead:	Councillor Julian Parrott
Director / Assistant Director:	Richard Williams

Version: 1	Date: March 2016	Author: Samantha Poston
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>The proposal is as follows:</p> <p>That the identified need for a new school in Paignton as outlined in the submitted report be noted; and that, subject to consultation the proposal to open a new primary school on the Torbay School Site at Torquay Road from September 2018 be approved.</p>
2.	<p>What is the current situation?</p> <p>Following the Council meeting in February it has been agreed:</p> <ul style="list-style-type: none"> • that in the event that a decision is made to transfer Torbay School to the MyPlace facility, the Executive Director for Operations and Finance and the Director of Children's Services, in consultation with the Executive Lead for Children and Adults, be requested to bring forward a further report detailing the expansion of primary school places in Paignton to the Council meeting on 7 April 2016. <p>If this decision is taken (subject to consultation) this will leave a vacant school site in the centre of Paignton from September 2017.</p> <p>Torbay Council sees this as an opportunity to open a new primary school in Paignton in September 2018.</p> <p>Whilst the Council's recent programme of expansions has ensured that there is capacity within all 3 planning areas with current projected surpluses of 3% in Torquay, 4% in Paignton and 8% in Brixham until 2020, this remains far from the Audit Commission recommendation of between 5% - 10%.</p> <p>The tight capacity in Paignton and Torquay does present problems for the Council when placing those children moving into the area during the school year and means that there is little capacity to meet parental preference. In addition there is no capacity for any unforeseen growth following completion of South Devon link road or any increases in housing targets as set by regional</p>

	<p>government.</p> <p>Torbay Council therefore recommends that the Council takes this opportunity to open a new primary school in a location that would serve both Paignton and Torquay. By doing so the new school has the potential to alleviate existing pressures in the area due to high levels of demand and ensure that the Council can respond to in year migration, parental preference and any new growth from developments not already factored into the Council's projections.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>The Council has responded to increases in the demand for primary school places by expanding schools across Torbay. Since 2012, the Council has created 854 additional places to meet this demand. .</p> <p>Officers have spent 18 months trying to identify a suitable site in Paignton for a new school. Other than the Torbay School site, no other site has been identified in Paignton that is big enough and offers a viable and affordable solution.</p> <p>Officers have also considered the option of expanding an existing school. Many schools in Paignton occupy small, landlocked sites that will not support additional numbers. These include Curledge Street Academy and Sacred Heart. White Rock Primary and Oldway Primary are already 3 form entry primary schools which is the maximum size recommended for a primary school. Roselands and Kings Ash could be expanded further but additional capacity at these schools would have little impact on alleviating pressure for Torquay schools.</p> <p>Collaton St Mary Primary School has a large site and is adjacent to proposed new housing but previous and recent discussions with Planners and the Environment Agency have highlighted that the school sits directly on a flood plain. When the school was originally constructed various flood alleviation works were carried out as part of the development and these were agreed with the Environment Agency. The main provision was that the playing field was designed as a flood storage area. As a result no development would be allowed on the playing fields. This means any new build would have to be as a second storey which would be costly and very disruptive to the school.</p> <p>The Torbay Council Service Manager for Engineering has confirmed that the proposed new housing development further up Totnes Road is located on land which has a ground level significantly higher than the flooding level identified within the primary school boundary. The drainage for this housing development is being designed as a sustainable drainage system and is being designed in order that there is no increased risk of flooding to land or properties adjacent to the development site. In addition Torbay Council are investigating a new flood alleviation scheme in this area of Collaton St Mary and any future development in the area is expected to provide a contribution towards the new flood alleviation scheme.</p> <p>Preston Primary has previously been considered for expansion however there is little room for additional growth, as part of the last building project the</p>

	<p>Council built on the playground and part of the playing field.</p> <p>The Torbay School site was developed as a special school for children with emotional, behavioural and social difficulties with new buildings in 2003. Since then the site has been expanded to include additional external space and remodelled to provide a new, safer access off Brookfield Close. Officers believe that a minimal amount of refurbishment work would be required to make it suitable as a primary school thereby making the proposal value for money. The Torbay School Site will also have the ability to both serve Torquay and Paignton.</p>
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>This proposal supports the ambition of the Corporate Plan 2015-19 for a Prosperous and Healthy Torbay.</p>
5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Children’s Services will be consulting with:</p> <ul style="list-style-type: none"> • All Torbay Schools • Local Councillors • All Ward Partnerships • Free School’s Network • Regional Commissioners Office • Department of Education
6.	<p>How will you propose to consult?</p> <p>The consultation will be in the form questionnaires which will be made available online; paper copies will also be made available.</p>

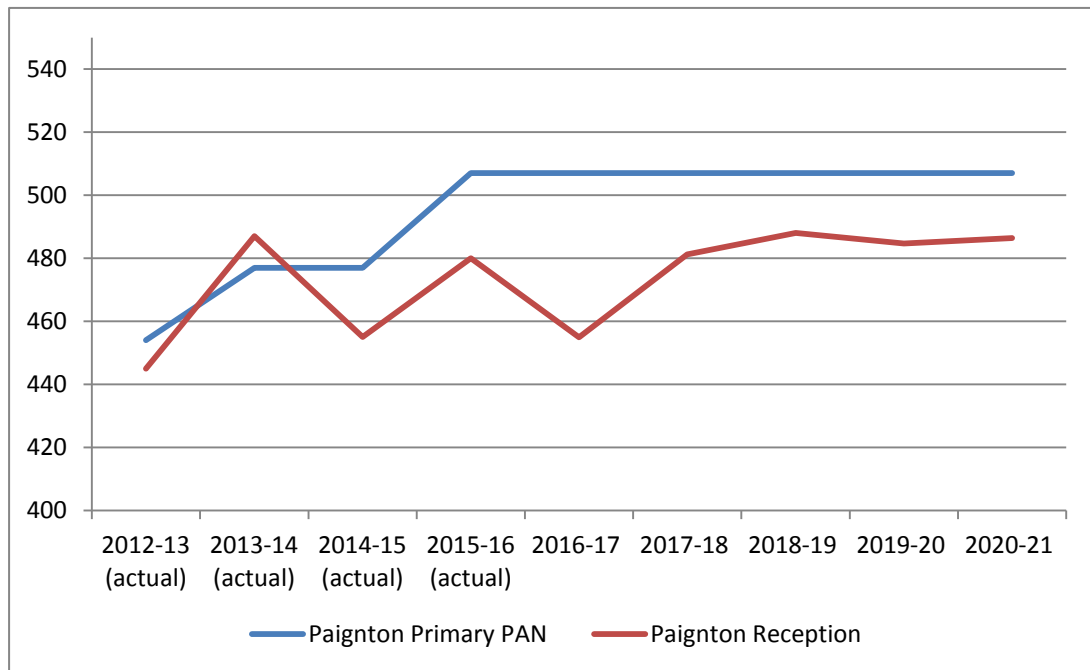
Section 2: Implications and Impact Assessment	
7.	<p>What are the financial and legal implications?</p> <p>The Department of Education has recognised the Council’s need for additional places and has allocated Basic Need funding of £7m over the next 4 years to address this. In Children’s Services Capital Programme, approved by Council in September 2015, £4.5m of Basic Need funding was ring fenced to enable the provision of a new primary school in Paignton. To date no monies have been spent on developing the site as a primary school.</p> <p>Discussions are also underway with the Regional Commissioners Office (RCO)</p>

	<p>to see whether the new school could be opened as part of their programme of free schools for the area. If this is possible then there could be additional funding from the Education Funding Agency to support the proposal.</p> <p>In accordance with legislation the new school would be opened as a free school and run by an academy trust. This means that the school site would be leased to the trust on a 125 year lease, as is the case for other academy schools. The freehold would remain with the Council.</p>
<p>8.</p>	<p>What are the risks?</p> <p>If this proposal is not implemented then the risks are:</p> <ul style="list-style-type: none"> • The loss of a viable location for a new primary school in Paignton: <p>As stated above other than the Torbay school site, no other site has been identified in Paignton that is big enough and offers a viable and affordable solution</p> • The expected increase in costs for any new provision <p>Torbay School site only requires a minimal amount of capital investment to make it appropriate for a one form of entry primary school. This offers value for money for the Council.</p> • That demand for places would exceed capacity <p>The provision of a new school has the potential to 'future proof' the Council against further growth in the area from increases in birth rates, migration and housing. It would also give the Council sufficient surplus to accommodate in-year transfers and parental preference.</p>
<p>9.</p>	<p>Public Services Value (Social Value) Act 2012</p> <p>All services and/or works procured by Officers in the implementation of this proposal will be done in so in accordance with the Public services Value (Social Value) Act 2012.</p>
<p>10.</p>	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The Council's primary pupil projections were updated in November 2015; they continue to demonstrate that a new primary school is required to ensure that the Council are able to meet future need.</p> <p>By 2020 the Council will have an estimated 45 space surplus (22 Torquay and 23 in Paignton) falling significantly short of the Audit Commission recommendation of a 65 - 129 space surplus (between 5% - 10%). This has the potential to result in the Council not being able to meet parental</p>

preferences and unforeseen demand.

The graph below shows the difference between the places available, the actual reception numbers and the forecast numbers of children expected to apply for a place over the next 5 years in Paignton. The Planned Admission Number (PAN) for the Primary school is the total number of places available for children starting school in reception and is indicated by the blue line. The Reception forecast is the number of children expected and is indicated by the red line.

Paignton



Whilst the projections show that there is limited capacity in Paignton to meet demand for the next few years, there is less than 4% (23 places) surplus in Paignton leaving little room for flexibility or unforeseen growth. As the graph demonstrates actual numbers can fluctuate significantly from year to year and do not necessarily increase at a steady rate. The Council needs to be able to accommodate these peaks and troughs and the current level of capacity does not provide any safety net should numbers spike in the same way as they have done before.

Data from the Council's admissions team shows that there is a high demand for places in the area of Paignton where we are proposing to open the new school. Table 1 below shows the number of first preferences for Paignton schools over the last 3 years and a map is attached in Appendix 2 to show their position in relation to the proposed new school:

Table 1

School	Number of reception places	1 st Preferences received		
		2015	2014	Average over last 3 years

	available			
Collaton St Mary	30	35	32	30
Curlledge Street	60	46	40	44
Hayes	57	44	45	42
Kings Ash Academy	60	30	37	30
Oldway Academy	90	149	99	126
Preston Academy	45	34	28	32
Roselands	45	41	47	52
Sacred Heart	30	27	29	32
White Rock	90*	55	57	62

*School expanded from 2015, prior to this PAN was 60

In 2016 the 2 closest primary schools to the proposed new school were significantly oversubscribed. Oldway Primary received 130 first preferences against an admission number of 90 and Sacred Heart received 39 first preferences against an admission number of 30. This means that a substantial number of parents from this part of Paignton are not getting a place at their preferred local school. In 2015 a total of 78 pupils were on the waiting list for a place at these schools.

These schools are oversubscribed for a number of reasons. Oldway in particular is very popular with parents and first preferences nearly always exceed the number of places available. The number of first preferences for these schools reflects parental choice but preferences are also rising because of demographic growth and demand in this part of Paignton is forecast to continue to rise for the foreseeable future. Table 2 below shows how the birth rate is expected to continue to rise.

Table 2

Year	Live Births	Year of entry into Primary School	Live births in the Preston Ward
2011/12 (actual)	464	2016/17	135
2012/13 (actual)	491	2017/18	136
2013/14 (actual)	498	2018/19	139
2014/15 (forecast)	515	2019/20	145
2015/16 (forecast)	532	2020/21	150
2016/17 (forecast)	549	2021/22	155

A programme of expansions has ensured the Council has met this demand and the demand from new housing but as stated above the Council is working with only a small amount of surplus capacity; the majority of Paignton primary schools being full in some year groups or full throughout with a waiting list for a place. The current capacity available and the issues facing the admissions team placing pupils is illustrated by Table 3:

Table 3

School	Reception Places available				Pupils on waiting list	
	April 2015	July 2015	April 2014	July 2014	July 2015	July 2014

Collaton St Mary	Full	Full	Full	Full	11	4
Curledge Street	4	Full	18	2	0	0
Hayes	3	Full	8	4	0	0
Kings Ash Academy	6	9	21	8	0	0
Oldway Academy	Full	Full	Full	Full	65	12
Preston Academy	Full	Full	8	3	13	0
Roselands	Full	Full	Full	Full	8	8
Sacred Heart	Full	Full	Full	Full	12	6
White Rock	30	16	Full	Full	0	4

From the schools that were full in 2014 and 2015 the Council can confirm that six of them (Curledge Street, Kings Ash, Oldway, Preston, Roselands & White Rock) filled from their catchment area; *the data on the remaining schools is not available*. Thirty four children from the catchment area of Oldway did not succeed in getting a place at the school.

Torquay faces a similar pressure and another reason for choosing the Torbay School site for the new school is the expectation it will admit pupils from both towns. Although a catchment area for the new school has not been defined and would be determined by the trust managing the new school, Officers expect a new school in this location to provide places for children coming from the outskirts of Torquay as well as provide places for those pupils from Paignton that are currently going to schools in Torquay. It is possible that the knock on effect of this would be that more capacity may become available in Torquay primary schools. The data in Table 4 shows the amount of movement between the two towns and the high number of Paignton pupils currently attending Torquay primary schools:

Table 4

		HOME LOCATION			
		2015	PAIGNTON	TORQUAY	OUT OF AREA
SCHOOL LOCATION	PAIGNTON	4273	173	93	
	Primary	3073	58	33	
	Secondary	1167	67	52	
	Special	33	48	8	
	TORQUAY	941	8940	1350	
	Primary	126	5257	109	
	Secondary	444	3499	1199	
	Special	143	184	42	

The following is a breakdown of which schools in Torquay those 126 pupils from Paignton currently attend:

Table 5

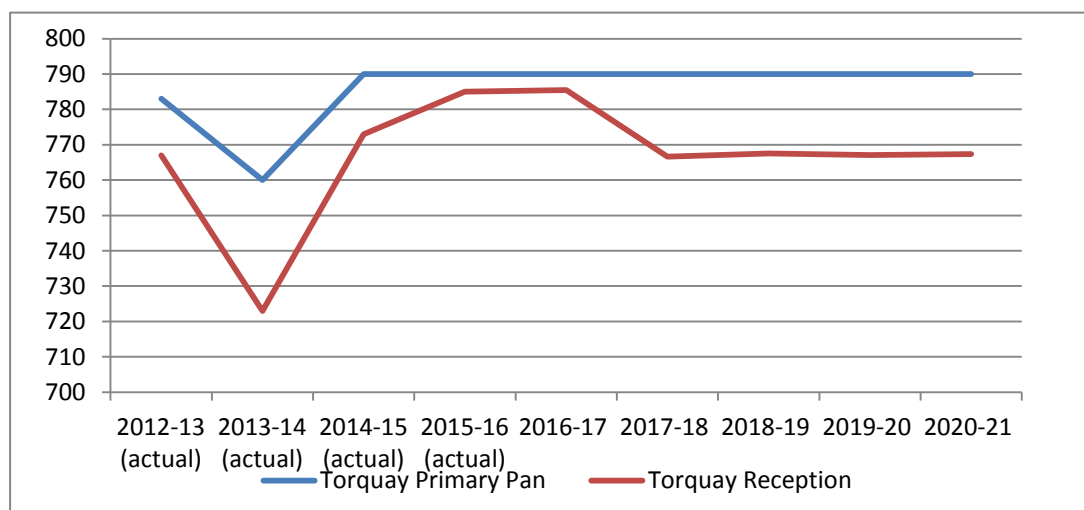
School	Number of pupils from Paignton
--------	--------------------------------

All Saints	1
Babbacombe	13
Barton	15
Cockington	6
Ellacombe	10
Ilsham	4
Priory	6
Queensway	7
Sherwell Valley	20
Shiphay	12
St Margarets	5
St Marychurch	5
Torre	8
Upton	6
Warberry	5
Watcombe	3
Total	126

As in Paignton whilst there is capacity in Torquay to meet the forecast demand – there is only 3% (22 places) surplus capacity across the area which again places significant pressures on the Council when trying to meet parental preference or when placing children that move into area mid-year.

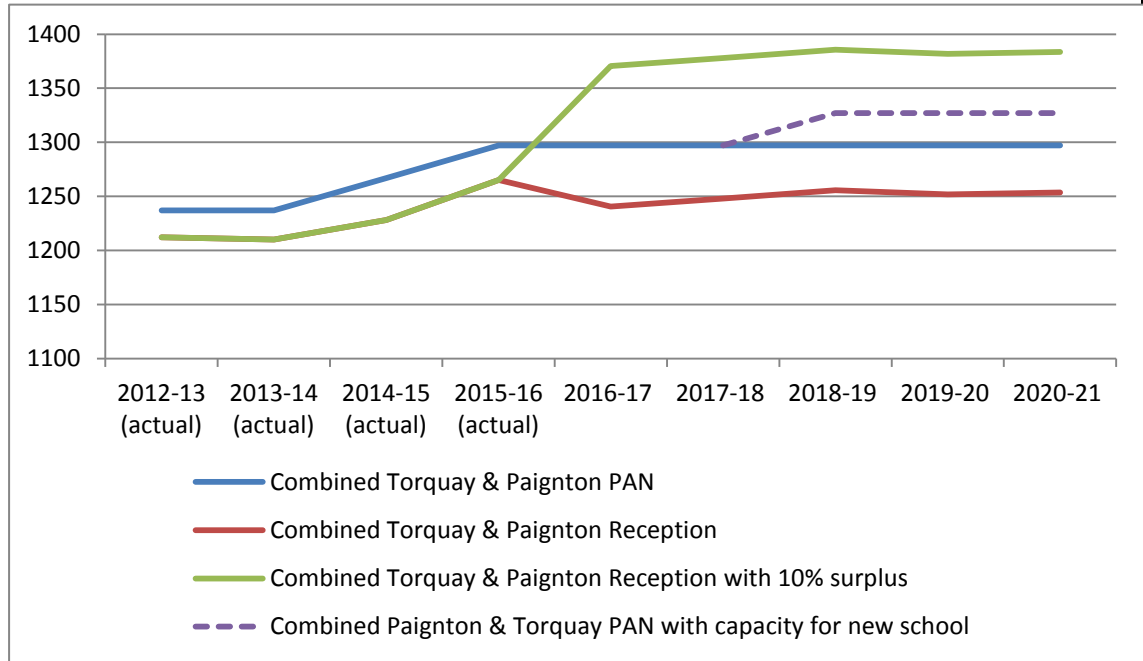
The following graph shows the current PAN in Torquay Primary schools alongside the actual reception intake and the number expected to apply for a reception place over the next 5 years in Torquay.

Torquay



The Audit Commission recommends a surplus of between 5% and 10% of places to allow for parental preference and choice. Historically this has been a recommendation that the Council has aimed for; this proposal is an opportunity to work towards it. The graph below shows the combined PAN for Torquay and Paignton alongside the combined projections for the areas with and without the 10% surplus capacity and the additional capacity from the new

primary school.



The proposal to build the new primary school on the Torbay Road site has the potential to address the shortfall in both towns raising the combined PAN capacity for Paignton and Torquay from 1297 to 1327; this would result in a projected surplus of 5.5% across the 2 towns.

As well as considering the need and impact of the tight capacity in the admitting year group i.e. the reception intake; Officers also need to consider the impact of such tight capacity across all year groups.

Historical data in Table 5 shows how Key Stage 2 classes have grown over the last 3 years placing pressures on schools as they admit pupils above their PAN capacity once they are outside of the Key Stage 1 legislation. This is often through necessity because of an appeal or to avoid splitting siblings – although this cannot always be avoided.

Table 6

	TOTAL KEY STAGE 2			
	2015	2014	2013	Increase 2013-2015
Paignton	1700	1695	1642	58
Torquay	2915	2809	2743	172

The proposal for the new school provides some flexibility to the Council to better manage in year admissions. ; this is a significant factor when considering place planning as for 2017-18 the Local Authority has removed the designated areas for community and voluntary controlled schools and the majority of non-faith academies have removed their designated areas too. As before all schools will have to admit pupils with a Statement of Special Educational Needs or an Education, Health and Care Plan that names the

	<p>school and they will also have to prioritise children in care and children adopted from care or subject to a child arrangements or special guardianship order. But most importantly this change means that most non-faith schools will be prioritising all siblings next, followed by other children prioritised according to distance from the school. So there will be an even greater need for more surplus capacity to ensure the Council can place siblings together.</p> <p>Appendix 3 demonstrates the lack of capacity throughout all year groups across both Torquay and Paignton schools. In September 2015 there were only 177 surplus placements for all year groups against a total planned number of 9353. This also includes some schools going over the planned admission number to accommodate in year admissions.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>To be updated once consultation has been undertaken.</p>
12.	<p>Amendments to Proposal / Mitigating Actions</p> <p>To be updated once consultation has been undertaken.</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups Please note: This section will be updated further once consultation is complete.			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	More capacity in the centre of Paignton; providing more opportunity for children to access a place at their local school; more opportunity to meet parental preference;		
	People with caring Responsibilities	More capacity in the centre of Paignton; providing more opportunity for children to access a place at their local school; more opportunity to meet parental preference;		
	People with a disability	Any new school would be made DDA compliant		
	Women or men			Neutral Impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			Neutral Impact
	Religion or belief (including lack of belief)			Neutral Impact
	People who are lesbian, gay or bisexual			Neutral Impact
	People who are transgendered			Neutral Impact

	People who are in a marriage or civil partnership			Neutral Impact
	Women who are pregnant / on maternity leave			Neutral Impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			Neutral Impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			Neutral Impact
14	Cumulative Impacts - Council wide (proposed changes elsewhere which might worsen the impacts identified above)			
15	Cumulative Impacts - Other public services (proposed changes elsewhere which might worsen the impacts identified above)			

Schools in Torbay

SPECIAL SCHOOLS

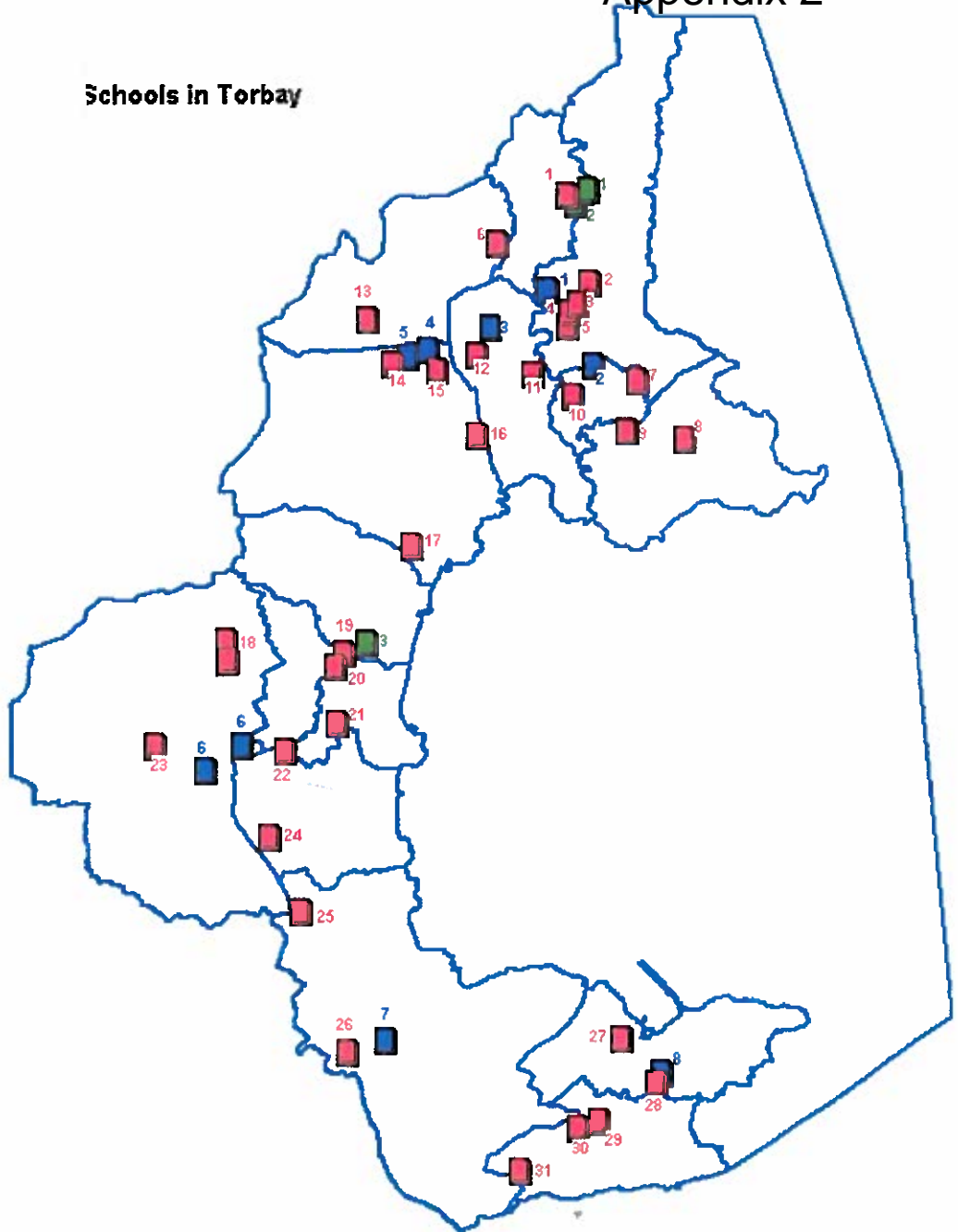
- 1 Mayfield
- 2 Combe Pafford
- 3 Torbay School

PRIMARY SCHOOLS

- 1 Watcombe
- 2 St Marychurch
- 3 Priory
- 4 St Margarets
- 5 Homelands
- 6 Barton Hill
- 7 All Saints Babbacombe
- 8 Ilsham
- 9 Warberry
- 10 Ellacombe
- 11 Upton St James
- 12 Torre CofE
- 13 Shiphay
- 14 Sherwell Valley
- 15 Queensway
- 16 Cockington
- 17 Preston
- 18 Kings Ash
- 19 Oldway
- 20 Sacred Heart
- 21 Curledge Stree
- 22 Hayes
- 23 Collaton ST Mary
- 24 Roselands
- 25 White Rock
- 26 Galmpton
- 27 Furzeham
- 28 Brixham CofE
- 29 Eden Park
- 30 St Margaret Clitherow
- 31 Chestnut Centre

SECONDARY SCHOOLS

- 1 St Cuthbert Mayne
- 2 The Spires
- 3 Torquay Academy
- 4 Torquay Grammar School for Girls
- 5 Torquay Boy's Grammar School
- 6 Paignton Academy
- 7 Churston Ferrers Grammar
- 8 Brixham College



APPENDIX 3

School	Rec PAN	Rec NOR	Places available	Yr 1 PAN	Year 1 NOR	Places available	Yr 2 PAN	Year 2 NOR	Places available	Yr 3 PAN	Year 3 NOR	Places available	Yr 4 PAN	Year 4 NOR	Places available	Yr 5 PAN	Year 5 NOR	Places available	Yr 6 PAN	Year 6 NOR	Places available
All Saints Babbacombe	30	30	0	30	30	0	30	30	0	30	29	1	30	31	-1	30	30	0	30	30	0
Barton Hill Academy	90	89	1	90	87	3	90	85	5	90	89	1	90	83	7	90	73	17	90	89	
Cockington Primary	90	90	0	90	89	1	60	59	1	90	89	1	60	61	-1	60	55	5	60	58	
Ellacombe Primary	60	56	4	60	56	4	60	53	7	45	40	5	45	44	1	45	36	9	45	45	
Homelands Primary	30	31	-1	30	30	0	30	30	0	30	28	2	30	29	1	30	28	2	30	29	
Tilsham Primary	25	25	0	25	25	0	25	25	0	25	25	0	25	24	1	25	26	-1	25	26	
o Priory Primary	30	30	0	30	31	-1	30	29	1	30	27	3	30	32	-2	30	25	5	30	28	
r Queensway Primary	30	30	0	30	29	1	30	30	0	30	27	3	30	31	-1	30	22	8	30	28	
q Sherwell Valley Primary	90	91	-1	90	90	0	90	90	0	90	91	-1	90	92	-2	90	90	0	90	90	
u Shiphay Primary	60	59	1	60	60	0	60	60	0	60	62	-2	60	64	-4	60	58	2	60	63	
a St Margarets Primary	60	62	-2	60	59	1	60	60	0	60	58	2	60	60	0	60	56	4	60	58	2
y St Marychurch Primary	45	43	2	45	43	2	45	42	3	45	43	2	45	43	2	45	39	6	45	44	1
Torre Primary	45	45	0	45	45	0	45	45	0	45	42	3	30	31	-1	30	32	-2	30	31	-1
Upton St James Primary	15	14	1	15	15	0	15	14	1	15	14	1	15	15	0	15	12	3	15	15	0
Warberry Primary	60	60	0	60	56	4	60	60	0	60	58	2	45	56	-11	45	41	4	45	49	-4
Watcombe Primary	30	30	0	30	29	1	30	23	7	30	30	0	30	29	1	30	30	0	30	29	1
Totals	790	785	5	790	774	16	760	735	25	775	752	23	715	725	-10	715	653	62	715	712	3
Colyton St Mary Primary	30	30	0	30	30	0	30	29	1	30	30	0	30	28	2	30	31	-1	30	31	-1
P Cudge Street	60	58	2	60	57	3	60	60	0	60	61	-1	60	59	1	60	60	0	60	60	0
a Hailes Primary	57	57	0	57	57	0	57	60	-3	57	58	-1	57	55	2	57	60	-3	57	59	-2
i Kings Ash	60	47	13	60	46	14	60	60	0	60	49	11	60	52	8	60	57	3	60	54	6
g Oldway Primary	90	92	-2	90	90	0	90	91	-1	90	89	1	90	90	0	90	86	4	90	92	-2
n Preston Primary	45	45	0	45	44	1	45	43	2	45	42	3	45	42	3	45	46	-1	45	44	1
t Roselands Primary	45	45	0	45	45	0	45	46	-1	45	44	1	38	47	-9	38	44	-6	38	46	-8
o Sacred Heart Primary	30	30	0	30	30	0	30	30	0	30	30	0	30	31	-1	30	30	0	30	31	-1
n White Rock Primary	90	76	14	60	61	-1	90	78	12	60	62	-2	60	61	-1	60	63	-3	60	64	-4
Totals	507	480	27	477	460	17	507	497	10	477	465	12	470	465	5	470	477	-7	470	481	-11

Agenda Item 10 Appendix 3

Data from September 2015 Census

PAN - Planned Admission Number for that year group

NOR - Numbers on Roll



Meeting: Council

Date: 7 April 2016

Wards Affected: All

Report Title: Local Government Association Corporate Peer Challenge Action Plan

Is the decision a key decision? Yes

When does the decision need to be implemented? Ongoing implementation of action plan

Chairman of LGA Corporate Peer Challenge Action Plan Working Party: Councillor David Thomas

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

1. Proposal and Introduction

- 1.1 At its meeting on 3 February 2016, the Council received the Local Government Association's (LGA) Corporate Peer Challenge feedback report on Torbay Council and an outline action plan.
- 1.2 Following that meeting, a detailed action plan has been prepared by a Working Party following a series of workshops with partners, members and officers to enable them to contribute towards the action plan. This report sets out the final action plan, which will assist the Council to embrace the opportunities and improvements identified by the Corporate Peer Challenge.

2. Reason for Proposal

- 2.1 To enable the Council to respond to the recommendations of the LGA Corporate Peer Challenge Feedback Report and make improvements.

3. Recommendation(s) / Proposed Decision

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

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

4. Background

- 4.1 The LGA provide councils with support through corporate peer challenges. Peer challenge is a tool for assisting councils in identifying areas for improvement. The process involves a small team of local government peers spending time with the Council to provide challenge and share learning. Peer challenges are not a formal inspection and are designed to complement and add value to the Council's own performance and improvement.
- 4.2 The LGA undertook the peer challenge review of the Council during an on-site visit (30 November to 3 December 2015).
- 4.3 During the visit, the Peer Challenge Team engaged with a wide range of people connected with the Council.
- 4.4 The Peer Challenge Team considered the following questions which form the core components looked at by all corporate peer challenges:
1. Understanding of the local place and priority setting: Does the council understand its local context and place and use that to inform a clear vision and set of priorities?
 2. Leadership of Place: Does the council provide effective leadership of place through its elected members, officers and constructive relationships and partnerships with external stakeholders?
 3. Financial planning and viability: Does the council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
 4. Organisational leadership and governance: Is there effective political and managerial leadership supported by good governance and decision-making arrangements that respond to key challenges and enable change and transformation to be implemented?
 5. Capacity to deliver: Is organisational capacity aligned with priorities and does the council influence, enable and leverage external capacity to focus on agreed outcomes?
- 4.5 At the end of their review, the Peer Challenge Team made a number of recommendations and provided feedback. A detailed action plan to respond to the LGA's recommendations has been developed and is attached at Appendix 1.

5. Approach to development of Action Plan

- 5.1 A series of workshops have been held with partners (primarily those interviewed by the LGA Peer Team), members and senior officers to provide an opportunity for them to contribute and be involved in the preparation of the detailed action plan.
- 5.2 This was followed by a joint member and officer working group (politically balanced) to further refine the action plan and gather the feedback from the workshops. The resulting action plan is set out at Appendix 1 and is recommended for approval.

6. Outline of significant key risks

- 6.1 The main risk associated with the report is the failure to respond to the recommendations of the LGA Peer Challenge Team. This may result in the Council not responding adequately to the challenges it faces. The resulting action plan addresses the recommendations by the LGA Corporate Peer Challenge.

7. Other options

- 7.1 Not to endorse the Local Government Association Corporate Peer Challenge action plan – this is not recommended as the action plan will mitigate the risks outlined above.

8. Summary of resource implications

- 8.1 The action plan will be delivered within identified resources and any additional resources will be incorporated in the budget setting process for 2016/2017.

9. Consultation

- 9.1 Key partners, stakeholders, elected members, and officers contributed towards the development of the LGA Corporate Peer Challenge action plan. The action plan will assist the Council in making improvements which will ultimately lead to better outcomes for the community.

Appendices

Appendix 1: LGA Corporate Peer Challenge Detailed Action Plan

Background Documents

Local Government Association Corporate Peer Challenge Torbay Council Feedback Report



LGA Corporate Peer Challenge – December 2015

Detailed Action Plan

Purpose:

The Council undertook a corporate peer challenge with the Local Government Association (LGA) in December 2015. The main focus of the challenge was to review the strength of Torbay’s financial planning and viability, along with governance, leadership and organisational capacity. The LGA Peer Team explored the core components underpinning the features of good performance, including how well the Council

as:

1. Understanding of the local place and priority setting
2. Leadership of place
3. Financial planning and viability
4. Organisational leadership and governance
5. Capacity to deliver

This action plan sets out the Council’s proposed response to the LGA Peer Challenge’s recommendations.

No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
Understanding of the local place and priority setting/ Leadership of Place				
1.	Facilitate an effective Strategic Partnership Forum	Work with stakeholders to develop proposals	<p>Explore different models, learning from best practice elsewhere, which will bring partners and communities together to get ownership for the future of Torbay as a place.</p> <p>In establishing such a Forum, ensure a review of existing partnership bodies is undertaken, establish clear aims and objectives, avoid duplication, and ensure membership is appropriate.</p> <p>Establish governance for the Forum to include transparency of decision-making and clear communication paths.</p> <p>A Strategic Partnership Forum Working Party to be established to take forward these actions in consultation with key strategic partners.</p>	End of May 2016, with first meeting of Strategic Partnership Forum meeting at the beginning of June 2016

No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
2.	<p>Work with the Strategic Partnership Forum to develop a clear long term, high level plan for Torbay, with a compelling narrative which articulates ambitions and is agreed with key stakeholders.</p> <p>Develop a clear communication and engagement strategy for the plan to embed it with partners and the community</p>	<p>Creation of a plan for Torbay (what Torbay will look like in the future)</p> <p>Created, owned and promoted by political and managerial leadership and key partners.</p> <p>Underpinned by robust evidence base and community/business buy-in.</p> <p>Creation of communication and engagement strategy</p> <p>The Council will have been successful in its endeavours in this respect if shows system leadership and is considered by others to be working more effectively, valuing, embracing and empowering them.</p>	<p>The Strategic Forum as detailed in 1 above, to formulate the Plan, to be adopted as a single agreed plan with partners, providing a consistent message as to Torbay's aspirations for the future.</p> <p>Build on work already in place with a focus on bringing outcomes/actions across partners closer together.</p> <p>Leaders on Forum to agree the plan and be responsible for embedding it within their organisations and within the community.</p> <p>Engagement strategy to include enabling environment so people can start making a proactive contribution.</p>	<p>No later than end August 2016, with report to Council in September (to coincide with Efficiency and Transformation Plan)</p>
3.	<p>Develop and understand Torbay's place in the national and regional context, and then champion Torbay.</p>	<p>Understand what Torbay's USP(s) are. Identify where we sit regionally and develop proposal/plan for championing Torbay, regionally and nationally.</p>	<p>Council to identify appropriate resources to promote Torbay, regionally and nationally.</p> <p>Strategic Forum to use links to champion Torbay.</p>	<p>Resources to be identified by November 2016.</p> <p>On-going once plan has been created.</p>

No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
Financial Planning and Viability				
4.	<p>Urgently develop a Medium Term Financial Plan, covering period of Corporate Plan (four year). The MTFP to demonstrate how Torbay will meet the budget challenges it faces, including;</p> <ul style="list-style-type: none"> - Asset sales and associated developments - Working with partners Solutions inside and outside of Torbay 	<p>Develop four year plan for saving and investment.</p> <p>Develop efficiency plan.</p>	<p>Develop Efficiency Plan, for approval by October 2016.</p> <p>Efficiency Plan to include how the Council will meet the financial challenges over the following three years, so as to inform normal budget setting processes.</p>	<p>Efficiency Plan to be presented to Full Council meeting in September 2016.</p>
5.	<p>Creation of a single Transformation Programme to deliver savings and change.</p> <p>SLT should be the Programme Board for the Transformation Programme. The Children's 5 year plan should be one key element of the Programme to ensure it creates a stable financial platform for the future.</p>	<p>Project Mandate and Project Initiation Document to be developed with lead manager and resources to support.</p> <p>Budget to be allocated to deliver transformation projects.</p> <p>Transformation Board to be established.</p>	<p>Establish Transformation Board to meet on a monthly basis with clear objectives as to delivery.</p> <p>Transformation Board objectives and outcomes appended to this action plan at Annex 1 for reference.</p>	<p>Transformation Board established from 1 March 2016, now ongoing.</p>

No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
6.	<p>Children's budget – need to urgently stabilise spending, but at a sustainable level.</p> <p>Ensure robust due diligence to the decision and timing of the transfer of Children's Services to the Integrated Care Organisation (ICO)</p>	<p>Sustainable budget to be identified including monitoring of thresholds, gate keeping, care planning and levels of risk.</p>	<p>Children's Services Five Year Plan to deliver savings, in line with appropriate bench-marking.</p> <p>The 5 year plan to be incorporated into the Transformation Programme (as per 5 above).</p> <p>The proposed transfer of Children's Services to ICO to be incorporated into Transformation Programme (as per 5 above).</p>	<p>Delivery of Children's Services Five Year Plan to be presented to Council meeting in July 2016.</p>
7.	<p>Review Asset Management and disposal plan</p>	<p>Identify proactive programme to dispose of assets or alternatively maximize future revenue from such, at a greater scale and pace</p> <p>Review Asset Management Strategy</p>	<p>To include working with partners to map other public service assets and to consider a collective approach to asset management.</p> <p>To consider all assets in respect of –</p> <ul style="list-style-type: none"> a) opportunities for future revenue generation b) disposal. <p>Plus linkage to Medium Term Financial Plan and Efficiency Plan (as per 4 above) and Transformation Programme (as per 5 above).</p>	<p>Overarching statement to be presented to Council meeting in September 2016 alongside Efficiency and Transformation Plan, with detailed plan presented through the budget setting process.</p>

No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
8.	Develop a coherent economic vision and plan that will drive business rate growth aligned to Housing Strategy to deliver homes for council tax growth and New Homes Bonus	Draft new economic strategy Including housing growth	Commission TDA to develop new economic strategy to include emphasis on benefits to the Council as well as the community. Plus linkage to Transformation Programme (link to 5 above).	Overarching position to be presented to Council meeting in September 2016 alongside Efficiency and Transformation Plan. Economic Strategy to be presented to Council once prepared.
9.	Develop a commercially driven Tourism Strategy	Draft new Tourism Strategy and identify opportunities to drive revenue benefits for the Council	Prepare draft strategy for approval.	To be presented to Council meeting in July 2016.
10.	Ensure portfolio for Finance has sufficient capacity to provide greater focus and capacity for the future	Mayor to review Executive Lead arrangements	For the Mayor to consider his approach.	Annual Council Meeting - May 2016.
11.	Review structures for financial management, to incorporate Children's finance staff and provide sufficient Council financial expertise on key partnership and commissioning bodies	Review structures with Financial Services	Assistant Director of Corporate and Business Services to progress.	To be completed by summer 2016.

No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
12.	Produce summarised and straight forward document for budget savings to ensure accessibility	Review budget documentation	<p>Benchmark against good practice by other authorities.</p> <p>Evaluate 2016/17 approach with members.</p> <p>Focus on Council spending rather than savings as outlined in LGA recommendation.</p>	New documentation to be in place for 2017/18 budget.

No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
Organisational Leadership and Governance				
Page 61	13. Undertake training on the constitution and the roles and responsibilities of Officers and Members	Delivery of training	<p>To include the commissioning of Devon and Somerset Shared Member Development Service to: undertake a review of development requirements recommended by LGA Peer Challenge; establish clear aims and objectives for development needs and delivering of training; and identify a prioritised programme for delivery. Programme will cover:</p> <ul style="list-style-type: none"> • Peer mentoring • Constitutional knowledge • Member and officer roles and responsibilities • Member and officer relations • Leadership practice <p>The member development programme to identify key training to be mandatory for all members.</p> <p>Devon and Somerset Shared Member Development Service and LGA to assist with identifying appropriate training providers.</p> <p>Evaluate members and officers learning once training has been delivered, and ensure continued development occurs.</p> <p>LGA to identify member peer support.</p>	Immediately and on-going.

No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
14.	<p>Undertake a review of the decision making process, including;</p> <ul style="list-style-type: none"> - Review adequacy and effectiveness of the Policy Framework - The role of Overview and Scrutiny and the CFPS recommendations - Member and Officer roles and responsibilities - Member and officer relations - The presentation of issues to members without fear, favour or agenda - Transparency - Records of Decision - Consider effective reporting back to full council from members on representative boards 	<p>Review to be undertaken, and members and officers trained appropriately.</p>	<p>See 13 above for delivery of training/development.</p> <p>Re-establish clear governance practice and procedures with roles and responsibilities mapped out.</p> <p>Peer support to assist (as per 19 below).</p>	<p>Alongside training as per 13 above.</p>

No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
15.	<p>Embed core values adopted for staff and reinforce them through actions of senior officers</p> <p>Encourage members to demonstrate same values and behaviours</p>	<p>Review work undertaken to date and plan programme to ensure values are embedded throughout the Council.</p> <p>Governance Support to work with Members to share staff core values and develop proposals for members.</p>	<p>Core values to be included on all reports and documentation.</p> <p>Appraisals and staff supervision to include performance against core values.</p> <p>Staff communications to include best practice examples where staff have met core values.</p> <p>Also links to 13 above for delivery of training/development for members.</p>	Ongoing
16.	<p>Plan and prepare for Governance Referendum. Ensure outcome does not impact on functioning of the Council.</p>	<p>Plan for Referendum. Engage with all members and the community post referendum.</p>	<p>Peer support for Mayor and Group Leaders to establish positive response, regardless of the outcome of referendum.</p>	Post 5 May 2016
17.	<p>Review approach to managing perceived conflict of interests</p>	<p>Members to individually review their interests and potential for perceived conflicts of interests.</p>	<p>Link to 13 above so as to ensure members have all necessary knowledge.</p> <p>Ensure staff are briefed on requirements for members interests and including channels to report any concerns.</p>	Ongoing
18.	<p>Risk and Performance framework – ensure it is effectively rolled out, and adding to the ‘business’ of the authority.</p>	<p>Review Framework</p>	<p>SLT and Audit Committee to continue to review and refine.</p>	Ongoing

No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
19	Provide peer support and mentoring for chief officers and elected members to support their capacity and provide guidance as the key changes that are required are made. Officers and members to engage in wider peer networks to support and expand knowledge and ideas	Identify members and officers to receive peer support. Identify wider peer networks and opportunities to support and expand knowledge and ideas.	In respect of Members, link to 13 above. LGA to assist in identification of peer support. SLT to review peer networks and provide capacity for staff to actively engage where appropriate. Encourage staff to share best practice gained from peer networks. Utilise SLT and Manager's Forum as a channel for feedback.	Ongoing
20.	Continue to develop and deliver an Organisational Development and Workforce Plan. Develop and deliver an organisational succession plan	Continue with preparation of Workforce and Organisational Development plan. Succession plan to be formulated following completion of Workforce plan	SLT, supported by Human Resources, to deliver Organisational Development and Workforce Plans. Mayor and Group Leaders to consider approach to member succession planning – also links to 13 above.	Ongoing
Capacity to Deliver				
21.	The Council needs to communicate as to the need to urgently prepare an efficiency plan and make difficult decisions, whilst being clear that the Council is sustainable in such circumstances	Need to ensure appropriate messages are communicated.	Link to 2 and 4 above Communications team to develop communication plan, internally and externally. Include staff and actively encourage them to present innovative ideas.	Ongoing
22.	Invest in capacity to deliver organisational and business transformation at a pace	Review structure	Link to 5 above - Transformation Board to identify need. Head of Paid Service to determine.	Ongoing

No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
23.	Review and invest in the training and development needs of members with an emphasis on leadership, practice as well as learning	Review Member Training and Development Programme	Link to 13 above.	Ongoing
24.	Review and invest in the training and development needs of senior officers	Review training and development needs of Senior Officers	<p>Head of Paid Service to consider, and plan appropriately.</p> <p>Link to members training and development (see 13 above) and identify joint training where appropriate.</p> <p>Also link to 19 above</p>	Ongoing
25.	Appraisals for all staff, Chief Executive down.	Undertake appraisals	<p>Mandatory for all staff.</p> <p>External facilitation for appraisal Chief Executive.</p> <p>Establish performance management for members following trial undertaken in 2009 – link to 13 above</p>	<p>On-going on a rolling programme.</p> <p>Chief Executive's appraisal scheduled.</p>
26.	Ensure HR systems are up-to-date and provide effective reporting on key elements for effective people management	HR system currently being built to ensure it provides effective systems and reporting – review to ensure it will provide necessary reporting	HR system already in development. Review of reporting undertaken.	To be fully operational by summer 2016.

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No.	Recommendation	Overall Response	Detailed Action	Indicative Timescale
27.	Establish plans with key targets and milestones for the delivery of the Corporate Plan	Corporate Plan Delivery Plans to be approved by Full Council Effective Performance and Risk monitoring against the delivery plans.	Corporate Plan Delivery Plans to be considered by Council in May 2016. Audit Committee to undertake performance and risk monitoring on an ongoing basis – link to 18 above.	Annual Council May 2016 Ongoing

Endorsement by: Council Meeting on 7 April 2016

Implementation monitoring by Audit Committee with six monthly progress reports to full Council.

Following the recent Corporate Peer Challenge undertaken by the Local Government Association Torbay Council is establishing a ‘Transformation Board’ – this is a direct response to the following recommendation:

“It is crucial you now have a sustained focus on the council’s finances and we believe you would benefit from a single transformation programme to deliver the savings and change initiatives.”

Our Principles:

In order to address the significant financial challenge the Council will face over the next few years, we need to think of new ways of working. The Councils Corporate Plan requires us to base everything we do on three main principles:



Our Transformation Board Objectives:

The Councils Transformation Board will work towards meeting the ambitions of the Corporate Plan by delivering 3 key objectives:



Our Transformation Board Outcomes:

The table below sets out some examples of the types of projects the Transformation Programme will undertake, and how these support the principles from the Councils Corporate Plan:

Project	Using resources to best effect	Reducing demand through Prevention and Innovation	Integrated and Joined up approach
1. Children’s Services 5 Year Plan	X	X	
Integrated Care Organisation – Phase 2	X		X
2.TOR2 – Review of waste recycling and streetscene efficiencies.	X		
3.Accelerated growth - housing including increase in Council Tax Receipts	X	X	
4.Revenue Income Optimisation & commercialisation including increasing income through consolidated beach assets and growth	X		
5.Shared arrangements with community and other providers			X
6.Adults (Sustainability Transformation Plan) - Joint transformation programme for adults and health with ICO and CCG			X



Meeting: Council

Date: 7 April 2016

Wards Affected: All

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

Is the decision a key decision? Yes

When does the decision need to be implemented?

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

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

1. Proposal and Introduction

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

2. Reason for Proposal

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

3. Recommendation(s) / Proposed Decision

- 3.1 That the Capital Projects scoring matrix as set out at Appendix 1, be approved;
- 3.2 That the matrix be applied by the Chief Finance Officer, in consultation with the Executive Director and Senior Leadership Team, to score and prioritise capital projects within the current approved Capital Plan (where schemes have not yet commenced), the Capital Reserve List and any new Capital schemes, any resulting revisions to the Council's Capital Plan will be presented to the Council for approval.

4. Supporting Information and Impact Assessment

- 4.1 The Council meeting on 25 February 2016 considered the latest (Quarter 3 2015/16) Capital Plan monitoring update report which also set out the Mayor's proposals for revisions to the Capital Plan and the Capital Strategy as part of the 2016/17 budget setting process.
- 4.2 At the meeting Council approved an amendment to request the preparation of a scoring matrix to set prioritisation scores for capital schemes.
- 4.3 A proposed matrix has been prepared and is attached at Appendix 1 to this report.
- 4.4 The matrix comprises of a number of questions to assist in determining the prioritisation of capital projects against a number of criteria which measure the importance of the schemes within the framework of Council priorities, statutory importance and scheme benefits.
- 4.5 The matrix criteria assess each project's capacity to deliver benefits with regard to potential future income generation, service aspirations, target groups and requires that potential schemes are supported by a sound business case and options appraisal.
- 4.6 The brief summary of the considerations for the proposed scoring criteria is as follows:

Assessment Criteria	Explanation and Considerations
Statutory Status	Does the project contribute to fulfilling a genuine statutory function? Is there a legislative requirement which underlies the project?
Corporate Plan Priorities	How does this project fit within the priorities of the Council as set out in the Corporate Plan and Corporate Delivery Plans?
Mayoral Promises	Has the scheme been identified as a priority in the Mayor's election manifesto?
Equality, Diversity and Deprivation	Whether the delivery of the scheme will assist in addressing equality, diversity and deprivation within Torbay?
Condition	Will the scheme improve and add value to an existing asset? Does the project deal with a Health and Safety issue? Is the asset regarded as strategically important and therefore needs to be improved?
Outcomes and benefits	Are the outcomes of the project likely to benefit more than one service and does the scheme beneficially impact a large number of people or support target groups within the Bay's population?

Risk of not doing	What are the risks to the Council associated with failure to do the scheme? Have these risks been formally identified in the Council's Risk Register? If the scheme is not pursued or is delayed, is there likely to be a failure of a Council service?
Risks of doing (Deliverability)	Consideration of issues and factors which could affect the deliverability of the project in terms of both time and budget. Are there actions in place or available to help mitigate against the perceived risks?
Quality of Business Plan	Is there clear evidence that other options have been considered and is the proposal regarded as the most suitable solution? In this context does the scheme represent best value for money?
Potential investment return	Does the completion of the project provide future income generation for the Council? How significant is the potential income and to what extent does it assist the Council's financial position, in comparison to the investment.
Whole life costs	Need to consider the cost implications of the project on a 'whole life' basis – not just initial cost of construction/works – but also ongoing revenue costs associated with the development. Are the future costs sustainable? Does the scheme produce any long term savings for the Council e.g. reduced repairs and maintenance/energy costs?
External funding	Consideration of the funding resources available to finance the project. Is a substantial proportion of the cost covered by external funding whether Govt. grants or Regional funds, or does the Council need to fund the scheme from its own resources (e.g. borrowing, capital receipts, contributions)?
Deprivation factor	Recent national indices show that Torbay continues to suffer with areas of deprivation and so schemes which address this issue and/or help reverse the trend will attract additional points.

4.7 Capital Scheme Prioritisation Scoring

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

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

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

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

Appendices:

Appendix 1 – Proposed scoring matrix for Capital Projects

Capital Projects Assessment Criteria

Possible Weightings

Pre Classification:

Ring Fenced Funding - when allocated to council
Ring fenced funding - post council application
Self funding prudential borrowing
Scheme contracted
Land not capital funding

1 Statutory Status: includes support of a statutory Service requirement

3 points	Meets a specific immediate or forthcoming legislative requirement	factor = x addl max	3 6
2 points	Meets an underlying statutory duty or infrastructure need		
1 point	Meets a discretionary requirement		
0 points	no indication of status		

2 Corporate Plan Priorities

3 points	Specifically identified in Corporate Plan	factor = x addl max	3 6
2 points	Identified as a key Project/Activity in the Corporate Plan or directly supports a number of specific outcomes		
1 point	Generally supports specific Actions or outcomes		
0 points	Will not deliver any identified outcomes		

3 Mayoral Promises (per Manifesto)

3 points	Identified as a specific Action or directly supports a number of specific outcomes	factor = x addl max	1 0
2 points	Generally supports specific Actions or outcomes		
1 point	Broadly related to achieving outcomes		
0 points	Will not deliver any identified outcomes		

4 Equality , Diversity & Deprivation

3 points	Will achieve improvement in at least 3 issues	factor = x addl max	1 0
2 points	Will achieve improvement in at least 1 issue		
1 point	Possibility of improvement in at least 1 issue		
0 points	No demonstrated improvement in any issues		

5 Condition, H&S risk and Strategic Importance of Asset

3 points	Expenditure on asset will reduce impact of at least 3 issues - risk to life etc	factor = x addl max	1 0
2 points	Expenditure on asset will reduce impact of at least 1 issue		
1 point	Expenditure will have a possibility of reduced impact in at least 1 issue		
0 points	No demonstrated impact on any issues		

6 Outcomes, Added Value, Cross-service benefit

3 points	Good - Large no of beneficiaries / target groups (>10,000)	factor = x addl max	1 0
2 points	Satisfactory - Significant number of beneficiaries / target groups (5,000-10,000)		
1 point	Fair - Reasonable number of beneficiaries / target groups (1,000-5,000)		
0 points	Poor - Few beneficiaries / target groups (<1,000)		

Capital Projects Assessment Criteria

Possible Weightings

7 Risk of NOT doing such as service failure (i.e. identified in Risk Register)

3 points	High Risk (9-16)
2 points	Medium Risk (5-8)
1 point	Low Risk (1-4)
0 points	no Risk identified

factor = x	2
addl max	3

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

3 points	Low Risk (1-4)
2 points	Medium Risk (5-8)
1 point	High Risk (9-16) with Mitigation
0 points	High Risk (9-16) with no Mitigation

factor = x	1
addl max	0

9 Quality of Business Plan - i.e. includes Options Appraisal and Value for Money.

3 points	Option proposed demonstrates best value
2 points	Good value compared with alternatives offered
1 point	Fair value compared with other options
0 points	no evidence that alternative solutions have been considered

factor = x	2
addl max	3

10 Potential to generate future investment return (over costs) within 4 years

3 points	Considerable additional revenue income stream (greater of - £100k pa or > 25% of project cost)
2 points	Moderate additional revenue income stream (greater of £50k - £100k pa or 10-25% of project cost)
1 point	Small additional revenue income stream (greater of <£50k pa or < 10% of project cost)
0 points	No potential revenue income

factor = x	5
addl max	12

11 Whole-Life Cost and Sustainability Implications for the Council

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

factor = x	2
addl max	4

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

3 points	Specific (ring fenced) funding requires no additional Council funds
2 points	Specific (ring fenced) funding and requires Council funds up to £250k
1 point	Specific (ring fenced) funding and requires Council funds - between £250-500k
0 points	Specific (ring fenced) funding but requires Council funds > £500k

factor = x	4
addl max	9

13 Deprivation Critical Factor

1 points	Project reduces deprivation within Bay
0 points	Project does not impact or has minimal impact on reducing deprivation within Bay

factor = x	10
addl max	9

36 Normal Maximum points available = 11 x 3 = 33+1+2 = 36

52 Additional Weightings points = 52

88 TOTAL MAXIMUM = 36+52 = 88

52



Meeting: Council

Date: 7 April 2016

Wards Affected: All wards

Report Title: Members' Allowances – Recommendations of the Independent Remuneration Panel

Is the decision a key decision? No

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

Executive Lead Contact Details: Councillor Derek Mills, Executive Lead for Health and Wellbeing and Corporate Services, telephone: 07769369651 and email: derek.mills@torbay.gov.uk

Supporting Officer Contact Details: Amanda Coote, Governance Team Leader, 01803 207012 and amanda.coote@torbay.gov.uk

1. Proposal and Introduction

1.1 To ensure that Members receive allowances which reflect the level and time commitment required to fulfil their roles and that the scheme complies with relevant legislation and guidance.

2. Reason for Proposal

2.1 To ensure the Members' Allowances Scheme is up to date.

3. Recommendation(s) / Proposed Decision

3.1 That the Council considers and endorse the recommendations of the Independent Remuneration Panel which are set out in paragraphs 7(a) to (v) of Appendix 1; and

3.2 That, in light of the decision made in respect of 3.1 above, the Governance Support Manager be requested to bring the Members' Allowances Scheme up to date.

4. Background Documents

4.1 The Independent Remuneration Panel met on 16 October and 5 November 2015 to review the Members' Allowances Scheme. The Panel resolved to:

- (a) review the level of basic allowance payable to all members;
- (b) review the responsibilities and duties that should lead to the payment of a Special Responsibility Allowance and the level of any such allowance;
- (c) review the level of allowance payable to co-opted members;
- (d) review the duties for which travelling and subsistence allowances should be payable, the level of any such allowances and the method for payment;

- (e) review the level of allowance payable for childcare and dependent care; and
- (f) review the method adopted for the up-rating of allowances on an annual basis.

- 4.2 The Independent Remuneration Panel last undertook a review of the Members' Allowances Scheme in 2011 following the local elections. It is recommended that Panel's should meet at least once every four years to review members' allowances schemes to ensure that they are fit for purpose and continue to reflect the needs of the Authority.
- 4.3 The Panel's report was published on the Council's website on 19 January 2016. The Council is now required to consider the report of the Independent Remuneration Panel.
- 4.4 Members can decide to accept all of the recommendations of the Panel or approve particular ones.
- 4.5 The Panel's report set outs their methodology to their report and the reasoning behind their recommendations.

Appendices

Appendix 1: A Review of Members' Allowances for Torbay Council – The Seventh Report by the Torbay Independent Remuneration Panel.

Appendix 2: The SRA's from the current Members' Allowances Scheme.

A Review of Members' Allowances for Torbay Council

The Seventh Report by the Torbay Independent Remuneration Panel

Members:

Bryony Houlden, Chairwoman
Linda Lear
Debbie Franklin

November 2015

Report of the Independent Remuneration Panel to Torbay Council – November 2015

Introduction

1. The Panel was asked to undertake a fundamental review of the Members' Allowances Scheme ('the Scheme') and to report to the Council to enable Members to consider their recommendations as part of the budget setting process for 2016/2017.
2. The Panel is aware that elected Members will be making brave and challenging decisions about funding over the next few years. While affordability of the outcome of the Panel's review is an issue for the Council to consider, the Panel appreciated the sensitivity of making any changes to the members' allowances in the current economic climate and balanced this with the need to propose a scheme which is both fair and easy to understand.
3. The Panel had particular regard to cross party working amongst Members. They noted how much this style of working is valued across the authority. This has particularly been taken into account when the Panel was forming its recommendations.
4. The Panel has been concerned to ensure that, as far as possible, the Scheme does not create barriers to candidates standing for elected office. In this context the Panel are recommending an allowances regime that they believe is fair and reflects the right balance, and which fits the present economic climate.
5. The overall cost of the Panel's proposals in relation to the Basic Allowance is £302,179. The cost of the proposals for the Special Responsibility Allowances (referred to as SRA) is £156,976. Therefore, the total cost of the proposed Scheme is £459,155 compared to the current year's Scheme of £476,958. If the Panel's recommendations are implemented there will be a saving of £17,803.

Recommendations

6. **The recommendations will be presented to the Council on 3 February 2016 for consideration (a full explanation of the Panel's conclusions leading to these recommendations is set out in the body of this report):**
 - (a) **that the Basic Allowance for all Members should remain unchanged at £8,167 (this is set at a level to include covering costs such as telephone charges, broadband, stationery, postage and travel on non-approved duties etc.);**
 - (b) **that the rates for travel be the same as those set in the Torbay Council Expenses Policy and be paid for all approved duties (e.g. 40p for car, electric car, motorbike or bicycle per mile);**
 - (c) **that subsistence is only paid for the approved duties listed in (d) and the following must apply:**
 - **breakfast – depart from home before 8.00 a.m. £6.22;**

- lunch – absent from normal place of work between 12.00 noon and 2.00 p.m. £7.35; and
 - evening meal – not home before 6.00 p.m. £10.17;
- (d) that the following are identified as approved duties for the purpose of travel, subsistence and childcare/dependent carers' allowances:
- (i) attendance at meetings as a duly appointed member of:
 - (a) the Council and any committee of the Council;
 - (b) any sub-committee appointed by a committee;
 - (c) the Executive or committee of the Executive (if appointed);
 - (d) working parties;
 - (e) scrutiny review panels;
 - (f) policy development groups;
 - (g) any outside organisation and their sub-groups appointed by the Council or the Mayor, provided that the organisation does not pay any such expenses (these are listed on each Councillor's details page on the Council's website at www.torbay.gov.uk/DemocraticServices/mgMemberIndex)
 - (ii) attendance at site visits for planning or licensing purposes or as part of overview and scrutiny;
 - (iii) attendance at member development sessions;
 - (iv) attendance at seminars and all member briefings organised by Torbay Council, except for those held immediately prior to a meeting of Council;
- (e) that the co-optees allowance is frozen at £114 and that this will include expenses for travel and subsistence;
- (f) that the Special Responsibility Allowances (SRA) be set as a multiple of the basic allowance (as shown in (g) to (s) below) and that Members may claim only one SRA in addition to their basic allowance;
- (g) that the SRA for the Elected Mayor be set at £53,085 (6.5 x basic allowance);
- (h) that the SRA for the Deputy Mayor with Portfolio be set at £12,250 (1.5 x basic allowance);
- (i) that the SRA for the Deputy Mayor without Portfolio be set at £6,533 (0.8 x basic allowance);
- (j) that the SRA for the Executive Lead for Adults and Children (combined role) be set at £12,500 (1.5 x basic allowance);
- (k) that the SRA for Executive Leads who have one of the following service areas within their portfolio: Adults; Children; Community Services; Planning and Transport; Finance and Regeneration be set at £8,167 (1 x basic allowance);

- (l) that the SRA for Executive Leads who have one of the following service areas within their portfolio: Corporate Services; Health and Wellbeing; Customer Services; Business Services; and Tourism, Culture and Harbours be set at £6,533 (0.8 x basic allowance);
- (m) that the SRA for the Overview and Scrutiny Co-ordinator be set at £6,533 (0.8 x basic allowance);
- (n) that the SRA for the other Scrutiny Leads be removed;
- (o) that the SRA for the Chairman/woman of the Development Management Committee be set at £6,533 (0.8 x basic allowance);
- (p) that the SRA for all other Chairmen/women of all remaining Committees be set at £3,267 (0.4 x basic allowance) with the Chairman/woman of Licensing being expected to Chair at least 15 meetings of the Licensing Sub-Committees per year;
- (q) that if any members of the Licensing Committee, other than the Chairman or Vice Chairman, are required to Chair Licensing Sub-Committees the SRA for those members be as follows:

20 - 40 meetings	£2,042 (0.25 x basic allowance);
15 - 19 meetings	£1,633 (0.2 x basic allowance);
10 - 14 meetings	£817 (0.1 x basic allowance);
5 - 9 meetings	£408 (0.05 x basic allowance);
- (r) that the SRA for the Chairman/woman of the Council be £3,267 (0.4 x basic allowance);
- (s) that the SRA for the Leaders of Political Groups remains unchanged as £327 per member of the group(excluding the Group Leader in the calculations);
- (t) that the Basic Allowances, Special Responsibility Allowances and Co-optees Allowances be indexed from 1 April 2016 to the annual local government pay percentage increase as agreed by the National Joint Committee for Local Government Services. The travel and subsistence allowances will be up-rated as and when the Council's Expenses Policy is adjusted and the whole allowances Scheme will be reviewed by no later than 2019;
- (u) that the Council is recommended to consider introducing performance management arrangements for the Group Leaders/Mayor to assess the performance of all Members and in particular those in receipt of an SRA, except political group leaders who will be held to account by their group;
- (v) that the rates for childcare and dependent carers' allowances remains the same, namely equal to the cost incurred when a carer has been engaged to enable a Member or Co-opted Member to carry out an approved duty;
- (w) that the Mayor is not part of the Council's pension scheme; and

- (x) that the recommendations set out in (a) to (w) above are implemented from 1 April 2016.**

Report of the Independent Remuneration Panel to Torbay Council – November 2015

Introduction

1. Under the Local Government (Members' Allowances) (England) Regulations 2003, Torbay Council, like all local authorities, has set up an Independent Remuneration Panel to make recommendations to it on members' allowances (Councillors and the Elected Mayor). All Councils are required to convene their Panel before they make any changes or amendments to their Scheme of Allowances and they must 'pay regard' to the Panel's recommendations before setting a new or amended Members' Allowances Scheme.
2. The Panel, who was appointed in 2011, comprised the following:
 - Bryony Houlden (Chairwoman), Chief Executive of South West Councils;
 - Linda Lear, from a voluntary and community background, who is an experienced panel member who was involved in the 2007 Panel ; and
 - Debbie Franklin, who is a chartered accountant.
3. The Panel would like to thank the officers for their hard work in organising the meetings; collating information and providing factual advice. In particular the Panel would like to thank Amanda Coote for her excellent support throughout the process.
4. The Panel would also like to express its appreciation to the Mayor and all the Councillors who gave evidence and submitted questionnaire returns. This has given the Panel a sound evidence base for its considerations. The Panel was impressed by the strong commitment to serving the community of Torbay expressed by the Mayor and other Members and noted the work that they were undertaking.

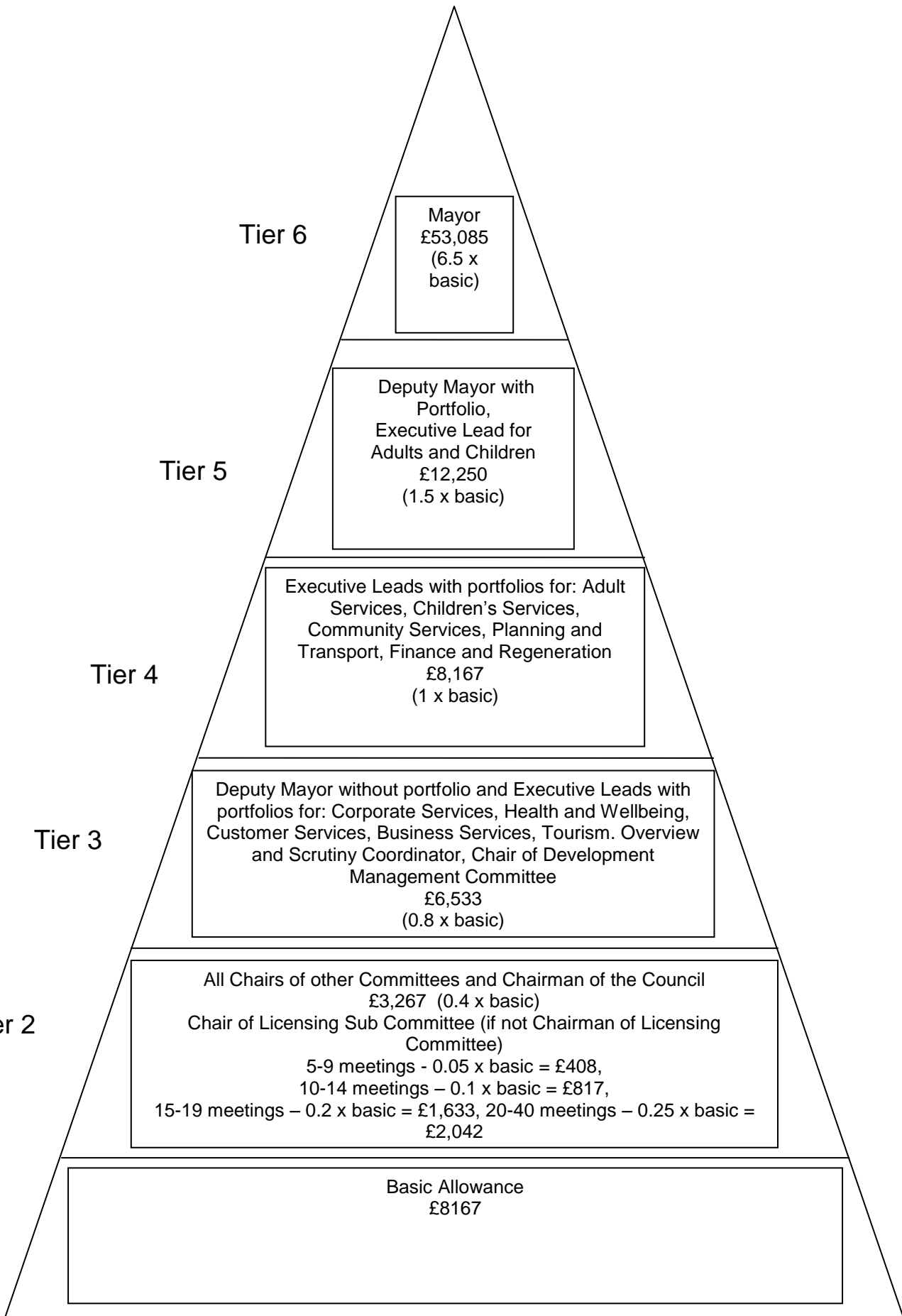
Primary Purpose of the Review

5. The primary purpose of the fundamental review of the Members' Allowances Scheme was to ensure that the Scheme remains relevant to Torbay Council in the present climate for local government and reflects the governance arrangements following the Local and Mayoral elections in May 2015. It is not however the role of the Panel to consider budgetary implications in detail although the economic pressures on Local Government have formed part of the background considerations.

Methodology

6. The Panel met on 16 October and 5 November 2015 to carry out its review of the Scheme.
7. All Members were invited to submit comments on the Members' Allowances Scheme via a questionnaire. 14 out of 37 Members initially responded and 2 additional emails were received and considered by the Panel.

8. The Panel met with the Mayor (Gordon Oliver), the Deputy Mayor (Councillor Derek Mills), Executive Lead for Tourism (Councillor Nicole Amil), Executive Lead for Community Services (Councillor Robert Excell), Executive Lead for Customer Services (Councillor David Morris), Executive Lead for Corporate Services (Councillor Andy Lang), Executive Lead for Planning, Transport and Housing (Councillor Mark King), Executive Lead for Business (Councillor Richard Haddock), Executive Lead for Adults and Children (Councillor Julien Parrott), Councillor Nick Bye and the Chairman of Audit Committee (Councillor Alan Tyerman). The Panel also invited the Overview and Scrutiny Co-ordinator for interview (Councillor Chris Lewis), but he was unavailable to meet the Panel.
9. As part of the review, the Panel considered the following background documents:
 - Current Members' Allowances Scheme;
 - 2011 Independent Remuneration Panel Report;
 - Torbay Council's Officer Structure Chart;
 - Review of Members' Allowances Scheme for 2015/16 – Background Issues for Consideration;
 - Torbay Council Expenses Policy (this is the officers expenses policy);
 - Mileage and subsistence claims for 2011/12, 2012/13, 2013/14 and 2014/15;
 - Mileage comparisons of Members living across Torbay;
 - Council report 411/2005 which was considered at Council 29 September 2005;
 - Benchmarking data for Mayoral Authorities, Local Devon Authorities and Unitary Authorities.
 - Schedule 5 of the Constitution – Delegation of Executive Functions
10. The Panel resolved that the SRA's should be tiered and set as a multiple of the basic allowance. The approach of using multiples of the Basic Allowance is a fairly common practice amongst Independent remuneration Panels and having reflected on the relationships between the various roles attracting SRA's and the Basic Allowance the Panel believed this was a transparent and simple mechanism to follow. As illustration the following diagram sets out the Panel's recommended tier structure:



Basic Allowance

11. The Panel heard from Members about the continued way the Council operates with all Mayoral decisions being taken at full Council meetings following the debate and recommendation by all Members.
12. The Panel considered whether it would be appropriate, in light of the administrative burden and therefore costs to the Council of Officers processing claim forms, to provide a lump sum to cover the cost of travel within Torbay. This was a recommendation in the previous report which was rejected by the Council. The Panel received evidence on mileage and subsistence claims for the period 2011 to 2015 and details of mileage claims from Members who travel from Torquay, Paignton and Brixham on approved duties.
13. Whilst the option to increase the basic allowance to cover all travel costs was broadly supported by Members, some Members were conscience of the public perception of increasing the basic allowance. The Panel also had concerns about the fairness of the measure. Taking into account the evidence which was presented to them, the Panel therefore felt it was appropriate to continue using the rates and range of approved duties for travel as set out in the current Members' Allowances Scheme. The Panel thought it was important to remind Members that they were justified in making these claims if travel was required, but also encouraged Members to take the time to ensure they were correctly and clearly claiming to minimise the effort required by the officers in processing them.
14. The Panel noted the current IT package available to all Members and that all Members had been provided with an iPad, keyboard, case and SIM card to access their emails at home and out and about. The Panel were advised Members were given the option to buy the iPad and associated equipment over a 4 year period, or alternatively lease the device. The Panel observed that 3 Councillors had opted to purchase the device but the Council funded all 36 Members' SIM cards. The Panel was advised that broadband had been installed at the Town Hall and the Panel recognised that most people have their own broadband connections at home.
15. In looking to set the allowance the Panel considered a range of benchmarking data including the average basic allowances across different groupings of authorities as follows:

Mayoral authorities	£9,275 (these ranged from £6,130 to £12,120)
Unitary authorities	£9,208 (these ranged from £5,392 to £13,300)
Devon County Council	£10,970
Plymouth City Council	£10,368
16. Having regard to the written and oral representations, the Panel considered that the basic allowance should remain unchanged at £8,167 and should be deemed to cover costs such as telephone charges, broadband, all stationery, postage and travel on non-approved duties etc.
17. Payment of the basic allowance, regardless whether the Member has been re-elected or not, should be received up to four calendar days after an Election. Payment of the basic allowance after an election to be paid from the fifth calendar day after the election.

Co-opted Members

18. The Panel noted that the Co-opted Members did the job on a voluntary basis and that the allowance was a token to help cover their expenses and noted that none of the members claimed any other expenses.
19. The Panel felt that whilst the two co-optees' allowances were fairly modest they did help to cover the costs of attending meetings and that they should continue to be paid at the current rate, but that they would be expected to cover the cost of travel and subsistence expenses. The co-optees would still be entitled to claim childcare and dependent carers' allowances.

Special Responsibility Allowances

20. Special Responsibility Allowances (SRA's) are payable at the Council's discretion to those Members who have significant additional responsibilities over and above the generally accepted duties of a Councillor. Members may only claim one SRA in addition to their basic allowance.
21. The Panel were of the opinion that all SRA's are in place to cover the cost of attending additional meetings within Torbay (eg meetings with officers, briefings and network meetings) as part of their role and felt the current Allowances Scheme covered this point. Where their attendance at meetings etc is required outside Torbay, this would be first agreed by the relevant Directorate and met from their service budget.
22. The Panel's 2011 report suggested that the SRA's should be based on a percentage of the Mayor's allowance as this role was seen as the most significant full-time role. The Panel formed the opinion that the SRA's should be set on a multiple of the basic allowance and applied this principal to its recommendations as referred to above.
23. Payment of all SRA's end on the last day of the term of office (four calendar days after the election). SRA's are not paid until the new/returning Councillor is formally appointed to a position which attracts a SRA.

Elected Mayor's Allowance

24. The Panel reflected on the governance arrangements where the Mayor takes all executive decisions at meetings of the full Council following a recommendation voted on by all Members. Whilst the Panel acknowledged that the Mayor was ultimately the decision maker, in such cases he was guided by the whole Council.
25. The Panel had regard to the benchmarking information which showed that the SRA for the Elected Mayor was already one the lowest of all Mayoral Authorities with the average being £64,319.24, however, they felt that this was appropriate given the size and demographics of Torbay.
26. The Panel heard powerful evidence from the Mayor himself about the austerity measures being applied to the Council and the Panel also noted that the current Mayor only claimed half of his SRA and pledged the remaining half to charitable causes, which is advertised as the Mayor's Fund. Therefore the Panel recommended that the Mayor's SRA be set at 6.5x the basic allowance which equates to £53,085. The Panel recognises that because of the different methodology used to calculate this allowance it does represent a slight reduction in the overall allowance. This should

not be taken as an indication that the Panel do not value the role and contribution of the Mayor.

27. Payment of the Mayor's Allowance ends on the last day of the term of office (four calendar days after the election). A newly elected Mayor or re-elected Mayor would be paid their SRA from the start of their term of office (five calendar days after the election).

Deputy Mayor and Executive Leads

28. The Panel noted that the Executive Members perform an advisory role to the Mayor and the scheme of delegation if the Mayor is unavailable or the Mayor has a pecuniary interest.
29. Whilst undertaking their interviews the Panel sought Members' views on the differing roles of the Deputy Mayor and Executive Leads and asked Members to weight which Portfolios they considered to have a higher level of accountability. The Panel felt that due to the statutory responsibility of the Executive Leads with Portfolios for Children, Adults and Finance and the significantly higher level of accountability and responsibility of these Portfolios they should receive a higher SRA than the other Executive Leads. They also recognised the higher level of responsibility of the Executive Lead Portfolios for Community Services and, Planning and Transport and felt these Portfolios should receive a higher SRA too.
30. The Panel noted that currently the current Executive Lead structure allows for one Executive Lead to have two statutory services areas in their Portfolio (Adults and Children). The Panel felt that this Portfolio carried a significantly higher level of accountability and responsibility and resolved that whilst the current arrangements are in place the Executive Lead should receive 1.5 x basic allowance. However, the Panel were mindful that should this Portfolio be separated the SRA set out in 31 below should be applied.
31. Therefore the Panel resolved the Executive Leads with Portfolios for Children, Adults Finance and Regeneration, Community Services and Planning and Transport should receive a higher SRA of 1 x basic allowance.
32. The Panel resolved that the Executive Leads with Portfolios for Corporate Services; Health and Wellbeing; Customer Services; Business Services; and Tourism, Culture and Harbours should receive an SRA of 0.8 x basic allowance.
33. With the Executive Members only performing an advisory role, the Panel resolved to remove the individual decision making and collective decision making SRA's for Executive Members from the current scheme.
34. They also recognised the additional responsibilities of the Deputy Mayor which could be appointed with or without a Portfolio. The benchmarking data showed the average SRA being £24,986.85. During their interviews the Panel received feedback on the relative weighting of this role and were also informed that the Deputy Mayor did not claim the full entitlement of the SRA.
35. The Panel felt that there should be different allowances for the Deputy Mayor depending on whether or not he/she had a Portfolio. The Panel felt that the SRA for the Deputy Mayor with Portfolio should be 1.5 x basic allowance and a Deputy Mayor

with no Portfolio should be 0.8 x basic allowance and in line with the other Executive Lead SRA's.

Overview and Scrutiny

36. The Overview and Scrutiny Co-ordinator currently receives an SRA of £10,114 which is the same as an Executive Member who has collective decision making powers. This was originally set when the Council had a collective decision making Executive as it was felt the role of the Overview and Scrutiny Co-ordinator was on par with that of an Executive Member.
37. The Panel felt that the SRA for the Overview and Scrutiny Co-ordinator should be the same as the Executive Lead with any other Portfolio (0.8 x basic allowance). This is closer to the average allowance paid in other Unitary authorities e.g. £7,499.60.
38. The Council has 3 Scrutiny Leads. Taking into account the written and oral representations, the Panel considered that with the current governance arrangements and the provision of Policy Development Groups, the need for the Scrutiny Leads to receive an SRA was not required. It is therefore recommended that this SRA be removed from the scheme.

Development Management Committee

39. The Panel reviewed the SRA for the Chairman/woman of the Development Management Committee and felt that the current SRA was appropriate and recommended the SRA should be 0.8 x basic allowance.

Licensing

40. The Panel reviewed the SRA for the Chairman/woman of the Licensing Committee and Licensing Sub-Committee. The Panel noted that, although the Licensing Committee only met twice a year, it was usual for the Chairman/woman of the Committee to chair approximately 50% of the meetings of the Licensing Sub-Committee with the Vice-Chairman and possibly another member of the Committee chairing the remaining meetings of the Sub-Committee. The Panel felt that the Chairman/woman of the Licensing Sub-Committee should be required to chair at least 15 meetings of the Licensing Sub-Committee per year. The SRA for the Chairman/woman should therefore be 0.4 x basic allowance.
41. The Panel felt that any other Member who Chairs meetings of the Licensing Sub-Committee should be paid an SRA depending on the number of meetings they chair as follows:

20 - 40 meetings	£2,042 (0.25 x basic allowance)
15 – 19 meetings	£1,633 (0.2 x basic allowance);
10 - 14 meetings	£817 (0.1 x basic allowance);
5 - 9 meetings	£408 (0.05 x basic allowance); and

Harbour and Audit Committee

42. The Panel noted the respective roles of the Chairman/woman of the Harbour Committee and Chairman/woman of the Audit Committee. Both Committees meet four times a year.

43. The Chairman/woman of the Harbour Committee also chairs various sub-committees and working party meetings. The Chairman/woman of the Audit Committee also represents the Council on the Devon Audit Partnership which is responsible for monitoring the contract and services provided by the Council's shared Devon Audit Partnership. The Panel felt that additional duties the Chairman of the Audit and Harbour Committee undertake are no greater burden than the other Chairman positions (excluding the Chairman of Development Management Committee) and recommended the SRA's be reduced to be brought in line with the other Chairman roles – 0.4 x basic allowance.

Chairman of the Council

44. The Panel noted that Council meets bi-monthly with additional meetings required during the budget setting process and felt the SRA in line with the other Chairman was appropriate (0.4 x basic allowance).
45. The Panel noted that outside of the Members' Allowances Scheme the Chairman/woman of the Council also receives a civic allowance of £3,096 per annum which is paid in monthly instalments, plus £1,600 which is held and administered by Community and Customer Services department. The Vice-Chairman/woman of Council also receives a civic allowance of £1,000 per annum. This is intended to cover the additional cost of outfits, purchase of raffle tickets, gifts to charity and helping with general expenses relating to the ceremonial aspect of the role.
46. The Panel confirmed that the Chairman's allowance is payable from the Adjourned Annual Council meeting date to the Annual Council meeting 12 months later. In the year of a Local Election and in the event the Chairman is not re-elected or does not re-stand, the SRA is still paid to the Chairman until, and including, the Annual Council Meeting.

Leaders of Political Groups

47. The Panel noted that the Political Groups no longer had the support of Political Assistants. The Panel felt the SRA for the position of Group Leader should remain unchanged, but this would not include the Group Leader as part of the calculation.
48. The Leaders' Allowance should be received up to four calendar days after the election. Payment of the Leaders' Allowances after an election is made once the Governance Support Manager receives written confirmation of the appointment of Group Leader.

Indexing

49. The Panel noted that the Scheme was currently up-rated using the annual local government pay settlement as agreed by the National Joint Committee for Local Government Services. The Panel felt that the current method for up-rating the Scheme should remain unchanged as it meant that staff and members will receive the same increase in pay. The method for up-rating the Scheme and the whole allowances scheme must be reviewed at least every four years (e.g. by no later than 2019).

Performance Management

50. The Panel felt that formal performance management arrangements should be introduced ideally for all Members particularly those in receipt of SRA's to be carried out by the appropriate Group Leader or the Mayor, so that there is recorded evidence as to whether or not the people appointed to these positions were carrying out their roles and responsibilities and that where development needs were identified these could be met where possible as part of the Member Development Programme.

Childcare and Dependent Care

51. The current Scheme includes provision for the payment of the actual costs incurred for childcare and dependent care to be reimbursed to enable a member to carry out an approved duty. The Panel considered that the current system was fair and should be retained.

Outside Bodies

52. Members cease being representatives on outside bodies four days after the election and are re-appointed at Annual Council or by the Executive Director under urgent powers if the outside organisation needs Councillor representation prior to the Annual Council meeting.

Significant Changes such as alterations to the Governance Arrangements, Scheme of Delegation

53. If any significant changes are made prior to the next review of Members' Allowances (for example changes to governance arrangements, the scheme of delegation or changes to warrant a review of the current Members Allowances Scheme) the Independent Review Panel should be consulted and requested to make any recommendations to Council.

SRA's from the Current Members' Allowances Scheme

Elected Mayor	£54,446
Deputy Mayor	£20,227
Executive Members:	
□ Individual decision making	£13,485
□ Collective decision making	£10,114
□ Advisory	£6,742
Overview and Scrutiny Co-ordinator	£10,114
Scrutiny Lead Members	£3,371
Chairman/woman of Development Management Committee	£6,742
Chairman/woman of Licensing Committee	£3,371
Chairmen/women of Licensing Sub-Committees:	
□ 20-40 meetings	£2,178
□ 15-19 meetings	£1,633
□ 10-14 meetings	£1,088
□ 5-9 meetings	£545
Chairman/woman of Council	£3,371
Chairman/woman of Harbour Committee	£3,371
Chairman/woman of Audit Committee	£4,058
Chairman/woman of Health and Wellbeing Board	£3,371
Leaders of Political Groups:(an allowance per member)	£327

Agenda Item 14



Meeting: Council

Date: 7 April 2016

Wards Affected: All Wards

Report Title: Environmental Enforcement Pilot

Is the decision a key decision? Yes

When does the decision need to be implemented?

Executive Lead Contact Details: Robert Excell, Executive Lead for Community Services, Robert.Excell@torbay.gov.uk

Supporting Officer Contact Details: Tara Fowler, Environmental Health Manager, Community Safety, Tara.Fowler@torbay.gov.uk

1. Proposal and Introduction

- 1.1 In July 2015, the Council made a decision to commence a 12 month environmental crime pilot project with 3GS, following the outcome of a competitive tendering process. The 12 month project is due to be completed in September 2016.
- 1.2 The current scheme provides a mechanism to tackle such environmental issues as litter and dog fouling, through the issuing of Fixed Penalty Notices (FPN's). It also has the ability to broaden its remit to tackle other environmental concerns that the local authority investigates. FPNs are a valuable addition to the enforcement toolkit to protect both the individual and community as a whole, with the benefits including:-
- Having an appropriate and proportionate means of dealing with low level offending.
 - Dealing with infringements in a swift, simple, efficient and cost effective way.
 - Reducing demand on officer time such as preparing for prosecutions when an FPN can be issued instead.
 - Reserving court cases for the more serious and / or persistent offenders, reducing demand on legal support services.
 - Inducing behaviour change through financial penalty, often similar to the fine the court might impose for minor offences.
- 1.3 The code of practice clearly states that the FPN regime is not intended as an additional source of income for authorities. Any income generated is designed to address all aspects of environmental crime. Any income will be used to offset costs

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

associated with issuing the FPN's as well increasing awareness and compliance. To this end the income should be ring fenced for this area of work.

- 1.4 In general, as the success of any FPN is advertised, the public become more compliant and fewer offences are committed and less income received. This is the main intention of the programme.

2. Reason for Proposal

- 2.1 The current pilot is due to come to an end in September 2016. A decision is required in order to progress.

3. Recommendation(s) / Proposed Decision

- 3.1 That a 2 year extension be granted to the scheme with the current provider.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Background Documents

Agenda Item 14

Appendix 1

Appendix 1

Supporting Information and Impact Assessment

Service / Policy:	Community Safety – Environmental Crime Enforcement Pilot Update
Executive Lead:	Robert Excell
Director / Assistant Director:	Fran Hughes

Version:		Date:		Author:	Tara Fowler
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Section 1: Background Information

1. What is the proposal / issue?

In July 2015, the Council made a decision to commence a 12 month environmental crime pilot project with 3GS, following the outcome of a competitive tendering process. The 12 month project is due to be completed in September 2016.

A decision is therefore required on the future of the pilot and as a result should the Local Authority pursue the project going forward and what functions should it perform?

2. What is the current situation?

The purpose of the Environmental Crime Enforcement Pilot has been to build upon, and complement the work already undertaken by Torbay Council officers in providing additional capacity to issue Fixed Penalty Notices (FPN's) for littering and dog fouling offences. This pilot also provided the opportunity to increase visibility, increase enforcement and re-educate the wider public of the negative impact of environmental crime on the community.

In the first 4 months of the project, which commenced in September 2015, 430 FPN's have been issued with a payment rate of 80%. There are currently 40 cases that are being prepared for prosecution and being progressed through the Courts.

The majority of tickets have been issued for littering with a 5 being issued for dog fouling. This compares to 54 over the same time period by the dog wardens. To put the level of tickets into perspective, 108 FPN's were issued in 2014-15 by Torbay Councils Dog Wardens for fouling. This compares favourably with Barnsley who issued 187, which was the highest in the country, but employs 13 staff to undertake this function. Some areas however, such as Sheffield and Wilshire issued none.

Although the number of tickets has been minimal for dog fouling, a strategy has been developed with 3GS to improve this area of work. It has been found that any effective enforcement needs to be targeted and hence based on community intelligence. Additional resources have been provided by 3GS to improve this area of performance. This includes a project focusing on

	<p>gathering intelligence.</p> <p>3GS have undertaken a robust approach to the staff that they have employed to ensure that a good quality service is provided. As a result staffing levels have fluctuated and the level of tickets issued has been lower than that anticipated.</p> <p>Based on the current trend of FPN's issued, it is anticipated that £51,000 will be generated by the local authority through this pilot. This however will also have to cover the legal costs associated with any non payments. The legal costs are estimated to be £6,000. As a result of surplus of £45,000 will be generated during the pilot. The service will therefore be cost neutral to the local Authority.</p> <p>The code of practice clearly states that the FPN regime is not intended as an additional source of income for authorities. Any income generated is designed to address all aspects of environmental crime. Any income will be used to offset costs associated with issuing the FPN's as well increasing awareness and compliance. To this end the income should be ring fenced for this area of work.</p> <p>In general, as the success of any FPN is advertised, the public become more compliant and fewer offences are committed and less income received. This is the main intention of the programme.</p> <p>No formal evaluation has been undertaken of the level of improvement in street cleanliness to date, as a result of the enforcement pilot. Anecdotal evidence suggested that it has improved including feedback from TOR2 operatives.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>The pilot to date has shown that it does offer future opportunities for Community Safety as an alternative method of delivering some of its regulatory activities. With budgetary restraints the availability of resources to deliver such services within the Local Authority is minimal. Without the Enforcement Project no additional enforcement activity will be undertaken. As such it provides a mechanism to deliver services that are cost neutral to the Local Authority, allowing it to focus its resources on matters that are more in depth and significant impact to the community.</p> <p>Due to the seasonality of certain types of environmental crime, such as dog fouling and littering, other enforcement activities have been reviewed to maximise the effectiveness of staff out of season. Other areas of enforcement that could be undertaken through the issuing of a FPN include:</p> <ul style="list-style-type: none"> • The presentation of domestic side waste (Section 46 CNEA) • The presentation of commercial waste (section 47 CNEA) <p>Both areas of enforcement listed above are currently undertaken by Community Safety, but would allow for additional enforcement and channel shift away from stretched services.</p> <ul style="list-style-type: none"> • Utilising Public Space Protection Orders (PSPO) for dog off lead

	<p>offences (Anti Social Behaviour, Crime and Policing Act 2014)</p> <ul style="list-style-type: none"> • The PSPO allows the Local Authority to identify a public place where activities are being carried on, which are detrimental to the quality of life of those in the locality and to subsequently prohibit or require specified things to be done in the restricted area, hence allowing it to be used for other forms of ASB. This area of work will be minimal due to the resource required to establish PSPO's and its appropriateness to resolve the issue identified. It would enable extra sources to enforce any designations that were felt appropriate and ensure its effectiveness. The Local Authority would therefore have the ability to use the range of enforcement tools at its disposal. <p>The option of bringing the service in house has been considered. It is felt however that this would not be cost effective. Resources within the Community Safety team are already stretched with no existing capacity within teams to bolt on this function, hence increasing staffing costs and not allowing for economies of scale. It would distract from current work streams removing the focus from those most vulnerable back to low level environmental crime. The infrastructure and software to enable the service to be delivered would also have to be established, with the ability to issue electronic tickets etc. The current provider takes all payments, manages all complaints and undertakes the administration process including all legal preparation. The cost of the services is therefore far more than just enforcement office. The staffing costs incurred by the local authority would also be more than that of an external provider. It is estimated that that it would cost a minimum of £88,000 to deliver the service in house not taking into account additional pressure on the call centre and complaints systems.</p>
<p>4.</p>	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>By allowing the enforcement project to have an extended remit it is expected to have a positive impact on the Environment, by allowing swift and efficient enforcement of environmental offences. It will also help to maintain a cleaner Torbay for residents, businesses and visitors. This will have an additional benefit of reducing demand elsewhere through improved levels of cleanliness. The service provision would also link in with the strategic review of waste by the local Authority.</p> <p>It allows a cost effective mechanism to enable the local authority to deliver additional services allowing it to focus resources on those most at need.</p>

5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>The range of powers discussed are already available to the Local Authority to implement, the majority of which are utilised. Any consultation would only therefore be required if the designation of land under a PSPO is undertaken. This would related to any user of that land within Torbay.</p>
6.	<p>How will you propose to consult?</p> <p>Utilising new powers under ASB legislation such as PSPO, this would require the designation of land and hence would require the authority to carry out a statutory consultation. This would require publishing the notice of its intention in a local paper and hence must consider any objections before making an order.</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>Along with all other local authorities in England, Torbay Council now has extended powers (including the issuing of Fixed Penalty Notices) to enable enforcement of legislation intended to protect both the individual and community as a whole.</p> <p>There have been changes to the legislation with the decriminalisation of such offences as the presentation of domestic side waste, to a civil offence. This was brought in by the Deregulation Act 2015 where the Local Authority has to demonstrate the impact such an offence is having on an area. There is also a right of appeal through a tribunal rather than a prosecution and can be recovered as a civil debt.</p> <p>A recommendation from the Government Select Committee in December 2015 suggested that a review of FPN fines be undertaken. The Government has supported this and has indicated that this will be completed in 2016 with the suggest level of fine for littering to increase from £80 to £150.</p> <p>If the designation of land under a PSPO is undertaken, this would require the local authority to undertake a consultation exercise which would have resource implications. If undertaken in a strategic manor the resource implication of any such action can be mitigated.</p> <p>All the current and proposed legislation changes however propose no significant legal implications.</p> <p>It has been evident throughout the pilot that there is seasonality to the issuing of FPN's, as footfall decreases and the behaviour of individuals change. Taking into account this seasonality the scheme has been found to be cost neutral to the local authority.</p>
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<p>8.</p>	<p>What are the risks?</p> <p>Financial: The Council could be exposed to a financial risk if payments for FPN's fall below 60% as the Local Authority would be responsible for paying any shortfall to the contractor. Under the pilot, payment rates have been at 80%. It is anticipated that this will increase as the first tranche of prosecutions for non payment are processed through the Courts.</p> <p>By diversifying the areas of work undertaken by the enforcement project this takes into account any seasonality and allow the local authority deliver a more comprehensive service.</p> <p>Reputational: The Council could receive negative publicity as a result of inappropriate or unreasonable enforcement action. This has been mitigated by the use of highly trained enforcement officers following rigorously outlined procedures, and a formal complaints procedure implicated by the contractor.</p> <p>Regular contract monitoring meeting have been undertaken with the current provided and as such both risks have not been realised.</p>
<p>9.</p>	<p>Public Services Value (Social Value) Act 2012</p> <p>A competitive tendering process was undertaken for the pilot. The current contract cannot be extended and as a result a new procurement process would have to be completed. Although the process would fall outside of OJ consideration, in order to have continual service from September 2016, the process would have to commence in May 2016. Hence a timely decision is required as there may also be TUPE implications.</p>
<p>10.</p>	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>FPNs are a valuable addition to the enforcement toolkit. Benefits include:-</p> <ul style="list-style-type: none"> • Having an appropriate and proportionate means of dealing with low level offending. • Dealing with infringements in a swift, simple, efficient and cost effective way. • Reducing demand on officer time such as preparing for prosecutions when an FPN can be issued instead. • Reserving court cases for the more serious and / or persistent offenders, reducing demand on legal support services. • Inducing behaviour change through financial penalty, often similar to the fine the court might impose for minor offences. <p>The need for such an intervention is required within Torbay. The proposed additional functions to be included in the project are issues that the Community Safety team receive complaints about and would hence shift demand.</p>

11.	What are key findings from the consultation you have carried out? No formal consultation has been undertaken with regards to this proposal.
12.	Amendments to Proposal / Mitigating Actions

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	The project has included educational elements going into schools hence promoting behaviour change. FPN's are not issued on minors.		No impact
	People with caring Responsibilities			No impact
	People with a disability			All individual circumstance are taken into account when issuing a FPN including vulnerability.
	Women or men			No impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			No impact
	Religion or belief (including lack of belief)			No impact
	People who are lesbian, gay or bisexual			No impact
	People who are transgendered			No impact

	People who are in a marriage or civil partnership			No impact
	Women who are pregnant / on maternity leave			No impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The scheme aims to promote a cleaner environment.		
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	The enforcement activity aims to improve the cleanliness of the environment and hence mitigate any impacts in service delivery that may occur from a street cleaning perspective or other enforcement activity.		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)			

Agenda Item 15



Meeting: Council

Date: 7 April 2016

Wards Affected: All Wards

Report Title: Change of Job Title for Executive Director of Operations and Finance

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

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, anne-marie.bond@torbay.gov.uk

1. Proposal and Introduction

- 1.1 On 18 July 2013 the Council appointed Steve Parrock as the permanent Executive Director of Operations and Finance following the departure of the previous Chief Executive.
- 1.2 The Executive Director of Operations and Finance is the Council's Head of Paid Service and most senior officer within the Council.
- 1.3 There has since been confusion with some of the Council's partners as to what the Executive Director of Operations and Finance's role is within the Council. This has not helped the Council's position and interactions with our partners, in particular during the recent interactions regarding the devolution agenda. Following consideration of the issue by the Employment Committee it is proposed to change the Executive Director's job title to Chief Executive with immediate effect. All other terms and conditions of employment will remain unchanged.

2. Reason for Proposal

- 2.1 To provide clarity as to the role of the Head of Paid Service and most senior officer within the Council by reverting back to the job title of Chief Executive.

3. Recommendation(s) / Proposed Decision

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

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

Officer Scheme of Delegation

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

Paragraph 1.19 of Schedule 6 to Part 3 (Responsibility of Functions) of the Council's Constitution

Report to the Meeting of the Council to be held on 7 April 2016

The Officer Scheme of Delegation states that the Executive Director of Operations and Finance may take an urgent decision in relation to a Council function (in consultation with the relevant member) if he/she considers it to be in the best interests of the Council or the inhabitants of the Borough and where he/she does not consider it reasonably practicable to convene a meeting of the Council.

A report detailing the action taken in accordance with the Officer Scheme of Delegation must be submitted to the Council. The table below sets out the details of the action taken:

Matter for decision	Decision taken by	Decision and Alternative Options Considered	Reasons for urgency	Date of decision
Provisional Calendar of Meetings 2016/2017	Executive Director of Operations and Finance	<p>Decision:</p> <ul style="list-style-type: none"> (i) that the provisional calendar of meetings for 2016/2017, set out in Appendix 1 to this record of decision report, be approved for final ratification at the Annual Council Meeting; (ii) that meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman; and (iii) that the Priorities and Resources meetings be determined by the Governance Support Manager in consultation with the relevant 	The decision needed to be taken urgently in order for rooms to be booked and meeting requests to be sent.	29 February 2016

Matter for decision	Decision taken by	Decision and Alternative Options Considered	Reasons for urgency	Date of decision
		<p>Chairman/woman once the budget setting process for 2017/2018 has been agreed.</p> <p>Alternative Options Considered:</p> <p>None</p>		
<p>Corporate Plan Delivery Plans 2015-2019</p>	<p>Executive Director of Operations and Finance</p>	<p>Decision:</p> <p>That, following the decision of the Council on 24 September (Minute 62 (ii) refers), the Corporate Plan delivery plans be presented to the Council meeting on 11 May 2016.</p> <p>Alternative Options Considered:</p> <p>None</p>	<p>The decision needed to be taken urgently in order for the decision to be taken at a later Council meeting to allow for a minimum six week consultation period to commence.</p>	<p>18 February 2016</p>
<p>Local Government Association (LGA) Corporate Peer Challenge 2015</p>	<p>Executive Director of Operations and Finance</p>	<p>Decision:</p> <p>That, following the decision of the Council on 3 February 2016, the final detailed action plan in response to the Local Government Association's Corporate Peer Challenge feedback report, be presented to Council meeting on 7 April 2016.</p> <p>Alternative Options Considered:</p> <p>None</p>	<p>The decision to defer consideration of the Local Government Association's Corporate Peer Challenge action plan was taken urgently in order for further time be given to the develop the action plan and to enable partners to be involved.</p>	<p>16 February 2016</p>

Connections Office Rationalisation	Assistant Director of Corporate and Business Services on behalf of the Executive Director of Operations and Finance	<p>Decision:</p> <p>That, following the decision of the Council on 25 February 2016 (Minute 42(ii) refers), the initial options appraisal for Connections be presented to the Council meeting on 11 May 2016.</p> <p>Alternative Options Considered:</p> <p>None</p>	The decision to defer consideration of the Connections Office Rationalisation was taken urgently due to the complexity of this task, it has been deemed necessary to delay consideration of the options appraisal until the Annual Council meeting on 11 May 2016	30 March 2016
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Steve Parrock
Executive Director of Operations and Finance

30 March 2016