



Tuesday, 10 January 2017

**POLICY DEVELOPMENT AND DECISION GROUP (JOINT OPERATIONS TEAM)**

A meeting of **Policy Development and Decision Group (Joint Operations Team)** will be held on

**Wednesday, 18 January 2017**

commencing at **10.00 am**

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

**Members of the Committee**

Councillor Haddock (Chairman)

Councillor Amil

Councillor Excell

Councillor King

Councillor Manning

Councillor Mills

Councillor Parrott

Mayor Oliver

---

**A prosperous and healthy Torbay**

---

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

**Teresa Buckley, Town Hall, Castle Circus, Torquay, TQ1 3DR  
(01803) 207013**

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

[www.torbay.gov.uk](http://www.torbay.gov.uk)

# POLICY DEVELOPMENT AND DECISION GROUP (JOINT OPERATIONS TEAM) AGENDA

## 1. Apologies

To receive apologies for absence.

## 2. Disclosure 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.)

## 3. Minutes

To confirm as a correct record the Minutes of the meeting of the Policy Development and Decision Group held on 23 November 2016.

(Pages 4 - 14)

## 4. Communications

To receive any communications or announcements from the Chairman or the Mayor.

## 5. Urgent Items

To consider any other items the Chairman decides are urgent.

### Part A - Policy Development

## 6. Notice of Motion - King George V Memorial Playing Fields - Fields in Trust

To consider the submitted report and receive oral representations from interested parties regarding a motion submitted to the Council meeting on 27 October 2016 which the Mayor referred to the Policy

(Pages 15 - 17)

Development Group (Joint Operations Team) for public consultation.

**Part B - Mayoral Decisions**

- 7. Transformation Project - Trading Standards Shared Service** (Pages 18 - 25)  
To consider the submitted report on a proposal to transfer the Trading Standards Service to Devon County Council to join the existing Devon and Somerset Trading Standards Partnership.
- 8. Transformation Project - Building Control Shared Service** (Pages 26 - 34)  
To consider the submitted report on a proposal to join the Devon Building Control Partnership.



## **Minutes of the Policy Development and Decision Group (Joint Operations Team)**

**23 November 2016**

**-: Present :-**

Haddock (Chairman)

Mayor Oliver and Councillors Excell and King

(Also in attendance: Councillors Brooks, Bye, Darling (S), Doggett, Lewis, Morey, Robson, Tolchard and Tyerman)

---

### **12. Apologies**

Apologies for absence were received from Councillors Amil, Manning, Mills and Parrott.

### **13. Minutes**

The Minutes of the meeting of the Policy Development and Decision Group (Joint Operations Team) held on 14 September 2016 were confirmed as a correct record and signed by the Chairman.

### **14. Bylaws Homeless People and Begging and Traffic Regulation Orders Preventing Motor Homes Parking in Residential Areas**

The Policy Development and Decision Group (Joint Operations Team) made the following recommendation to the Mayor:

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

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

The Mayor considered the recommendation of the Policy Development and Decision Group (Joint Operations Team) set out above at the meeting and the record of decision, together with further information is attached to these Minutes.

**15. Traffic Regulation Orders Preventing Motor Homes Parking in Residential Areas**

This item was considered as part of the item in Minute 14 above.

**16. Transformation Project - Creation of a Local Lottery**

The Policy Development and Decision Group (Joint Operations Team) made the following recommendations to the Mayor:

- (i) that the establishment of a local lottery as outlined in Exempt Appendix 2 to the submitted report be approved;
- (ii) that the preferred option to appoint an External Lottery Management (ELM) be approved and the appointment of Gatherwell Ltd be progressed by the Assistant Director of Corporate and Business Services;
- (iii) that the Assistant Director of Corporate and Business Services and Assistant Director of Community and Customer Services be appointed to hold the licence for the local lottery and submit the necessary application to the Gambling Commission; and
- (iv) that the Assistant Director of Corporate and Business Services and Assistant Director of Community and Customer Services, in consultation with the Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services, be authorised to make any necessary changes to the proposed local lottery to meet the requirements of the Gambling Commission and Gatherwell Ltd.

The Mayor considered the recommendations of the Policy Development and Decision Group (Joint Operations Team) set out above at the meeting and the record of decision, together with further information is attached to these Minutes.

**17. Potential Helipad and Light Rail System for Torbay**

The Policy Development and Decision Group (Joint Operations Team) made the following recommendations to the Mayor:

- (i) that the Assistant Director of Corporate and Business Services be requested to consult the private sector and businesses in the aviation sector for their views on the principle of establishing a helipad facility for Torbay and that this should give the opportunity for the private sector undertaking feasibility work and to put forward proposals;

- (ii) that an informal working group comprising the Mayor and business leaders be established to investigate the economic benefits to Torbay of having a helipad facility;
- (iii) that further discussions be held between the Spatial Planning Department and Devon Air Ambulance in respect of their needs for adequate facilities; and
- (iv) that due to the economic growth in Brixham in the fishing and tourism industry there is a need to improve transport links in and out of Brixham and the surrounding area to cope with this growth and the Assistant Director of Corporate and Business Services be requested to consult with the fishing industry, Brixham Town Council, rail user groups and existing rail owners to establish, in principle, if the formation of a light railway system will benefit the long term economic prospects of Brixham and the surrounding area.

The Mayor considered the recommendations of the Policy Development and Decision Group (Joint Operations Team) set out above at the meeting and the record of decision, together with further information is attached to these Minutes.

#### **18. Modern Slavery Statement**

The Policy Development and Decision Group (Joint Operations Team) made the following recommendation to the Mayor:

That the Modern Slavery Statement set out in Appendix 2 to the submitted report be approved.

The Mayor considered the recommendation of the Policy Development and Decision Group (Joint Operations Team) set out above at the meeting and the record of decision, together with further information is attached to these Minutes.

---

Chairman

## **Record of Decision**

### **Bylaws Homeless People and Begging and Traffic Regulation Orders Preventing Motor Homes Parking in Residential Areas**

#### **Decision Taker**

Mayor on 23 November 2016

#### **Decision**

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

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

#### **Reason for the Decision**

To explore options to address the concerns of Members raised at the meeting.

#### **Implementation**

This decision will come into force and may be implemented on Tuesday, 6 December 2016 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### **Information**

The submitted report set out potential sanctions available to address concerns in connection with the increase in the number of rough sleepers, beggars, street drinking and people parking motor homes in residential areas (such as bylaws, Public Spaces Protection Orders (PSPOs) and Traffic Regulation Orders). Fran Hughes, Assistant Director of Community and Customer Services, Dave Parsons, Antisocial Behaviour Manager and Vicky Booty, Community Safety Partnership Lead Manager attended the meeting and presented the submitted report, provided an overview of the work already being undertaken by the Council and Safer Communities Partnership and responded to questions.

Chief Inspector Costin, Inspector Dawe and Sergeant Desborough attended the meeting and outlined the work and operations being carried out by the Police to address issues in connection with rough sleepers, beggars and antisocial behaviour and responded to questions. Inspector Dawe stated that the Police already had sufficient legal powers to deal with the issues raised under current legislation and that bylaws or PSPOs would not solve the problems of rough sleeping, begging and antisocial behaviour unless suitable wrap around support is available to assist the individuals to change their lifestyles.

Steve Bullman (from WBW Solicitors) and Karen Jemmett also made oral representations at the meeting.

The Mayor considered the recommendation of the Policy Development and Decision Group (Joint Operations Team) made on 23 November 2016 and his decision is set out above.

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

Alternative options were discussed at the meeting and set out in the submitted report.

**Is this a Key Decision?**

No

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

Yes

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

None

**Published**

28 November 2016

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

Date: 28 November 2016



## **Record of Decision**

### **Transformation Project - Creation of a Local Lottery**

#### **Decision Taker**

Mayor on 23 November 2016

#### **Decision**

- (i) that the establishment of a local lottery as outlined in Exempt Appendix 2 to the submitted report be approved;
- (ii) that the preferred option to appoint an External Lottery Management (ELM) be approved and the appointment of Gatherwell Ltd be progressed by the Assistant Director of Corporate and Business Services;
- (iii) that the Assistant Director of Corporate and Business Services and Assistant Director of Community and Customer Services be appointed to hold the licence for the local lottery and submit the necessary application to the Gambling Commission; and
- (iv) that the Assistant Director of Corporate and Business Services and Assistant Director of Community and Customer Services, in consultation with the Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services, be authorised to make any necessary changes to the proposed local lottery to meet the requirements of the Gambling Commission and Gatherwell Ltd.

#### **Reason for the Decision**

To enable the Council to establish a local lottery.

#### **Implementation**

This decision will come into force and may be implemented on Tuesday, 6 December 2016, unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### **Information**

The submitted report set out a proposal to establish a local lottery, managed on behalf of the Council by an external lottery management operator, to benefit local community groups and charities that are able to contribute towards the Council's ambitions and targeted actions set out in the Corporate Plan and are likely to be impacted by further reductions in local authority funding.

The Council will be the licence holder and will be responsible for all licence related activities, the structure, form and control of the lottery and good cause membership. Gatherwell Limited, the external lottery management operator, will be responsible for all development and day to day running of the lottery on behalf of the Council, including player management, financial management, website management and ticket sales.

The Mayor considered the recommendations of the Policy Development and Decision Group (Joint Operations Team) made on 23 November 2016 and his decision is set out above.

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

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

**Is this a Key Decision?**

Yes – Reference Number: I027020

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

Yes

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

None

**Published**

28 November 2016

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

Date: 28 November 2016

## **Record of Decision**

### **Potential Helipad and Light Rail System for Torbay**

#### **Decision Taker**

Mayor on 23 November 2016

#### **Decision**

- (i) that the Assistant Director of Corporate and Business Services be requested to consult the private sector and businesses in the aviation sector for their views on the principle of establishing a helipad facility for Torbay and that this should give the opportunity for the private sector undertaking feasibility work and to put forward proposals;
- (ii) that an informal working group comprising the Mayor and business leaders be established to investigate the economic benefits to Torbay of having a helipad facility;
- (iii) that further discussions be held between the Spatial Planning Department and Devon Air Ambulance in respect of their needs for adequate facilities; and
- (iv) that due to the economic growth in Brixham in the fishing and tourism industry there is a need to improve transport links in and out of Brixham and the surrounding area to cope with this growth and the Assistant Director of Corporate and Business Services be requested to consult with the fishing industry, Brixham Town Council, rail user groups and existing rail owners to establish, in principle, if the formation of a light railway system will benefit the long term economic prospects of Brixham and the surrounding area.

#### **Reason for the Decision**

To enable further exploration of options for a potential helipad and light rail system for Brixham.

#### **Implementation**

This decision will come into force and may be implemented on Tuesday, 6 December 2016 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### **Information**

The submitted report provided an update in respect of two Mayoral pledges, namely a helipad for Torbay and a light rail system to Brixham. The Council does not have any funding to progress either of these projects and the report proposed that no further work be undertaken by the Council on feasibility studies but that the private sector could undertake feasibility work themselves and put forward their own proposals in the future for a helipad or light rail system to Brixham.

The Mayor considered the recommendations of the Policy Development and Decision Group (Joint Operations Team) made on 23 November 2016 and his decision is set out above.

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

Alternative options were set out in the submitted report and were discussed at the meeting.

**Is this a Key Decision?**

No

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

Yes

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

None

**Published**

28 November 2016

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

Date: 28 November 2016

**Record of Decision**  
**Modern Slavery Statement**

**Decision Taker**

Mayor on 23 November 2016

**Decision**

That the Modern Slavery Statement set out in Appendix 2 to the submitted report be approved.

**Reason for the Decision**

The Council is legally required to publish a statement under the Modern Slavery Act 2015.

**Implementation**

This decision will come into force and may be implemented on Tuesday, 6 December 2016, unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

**Information**

The Modern Slavery Act 2015 places a duty and obligation on certain organisations to produce a public statement setting out the steps they have taken to ensure there is no modern slavery in their own business and their supply chains. The submitted report set out the Council's proposed statement.

Organisations are required to comply if they:-

- Are a body corporate or a partnership;
- Carry on a business, or part of a business in the UK;
- Supply goods or services; and
- Have an annual turnover of £36m or more.

The Mayor considered the recommendation of the Policy Development and Decision Group (Joint Operations Team) made on 23 November 2016 and his decision is set out above.

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

None

**Is this a Key Decision?**

No

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

Yes

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

None

**Published**

28 November 2016

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

Date: 28 November 2016



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

**Date:** 18 January 2017

**Wards Affected:** St Marychurch Ward

**Report Title:** King George V Memorial Playing Field – Fields in Trust

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

**When does the decision need to be implemented?** n/a

**Executive Lead Contact Details:** Robert Excell, Executive Lead for Community Services, 01803 212377, [robert.excell@torbay.gov.uk](mailto:robert.excell@torbay.gov.uk)

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

---

## 1. Proposal and Introduction

1.1 A Notice of Motion asking the Mayor to instruct officers to investigate the logistics and process to undertake a Deed of Dedication with the Fields in Trust to protect the King George V Playing Fields, Watcombe was presented to Full Council on 27 October 2016. The full motion is set out below:

“This Council notes the following extract taken from Torquay Council minutes and extracts from the local press of the time - from 1936-7. At that time land was purchased with funds from the Department of Health amounting to £19,000. At the time that the King George V (KGV) Foundation was set up, the Council decided to set aside 2 of the purchased acres specifically as part of the memorial.

Extract from Council meeting 6 October 1936:

6. Subject to Minute no 2580 (King George Memorial Fund Playing Fields, Watcombe) being amended to read as follows:-

NATIONAL TORQUAY MEMORIAL TO HIS LATE  
MAJESTY KING GEORGE V  
PROVISION OF PLAYING FIELDS AT WATCOMBE

The Mayor stated that out of the sum subscribed locally to the National Memorial to His Late Majesty King George V Fund, an amount of £500 is available for a Torquay National Memorial which he desired should take the form of Playing Fields for young children as

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

well as for organised games. His Worship, therefore, suggested the setting aside of the two fields adjoining Easterfield Lane, numbered 162 and 163 on the Ordnance Map (consisting of about 12 ½ acres and forming part of the land at Watcombe now being acquired by the Corporation) in addition to the erection of a pair of ornamental iron gates at the entrance to such playing fields as per design now submitted.

Resolved – (1) That the proposal of the Mayor be adopted and that the two fields in question be allocated and dedicated for ever as playing fields for young children and organised games, as a Torquay National Memorial to his late Majesty King George V., it being understood that the sum above referred to will be expended in purchasing and erecting the gates and in laying out the grounds as playing fields.

(2) That the design of the gates is approved.

Research has also found newspaper articles, with pictures, covering the dedication of the gates at the entrance to the KGV memorial playing fields, plus the tree planting.

The article goes on to mention that £660 was raised from residents of Torquay, £100 of which was sent to the Mansion House in London so that Torquay might contribute towards the National Memorial in London.

*Extract from Torquay Times, Friday, 8 October 1937*

“Col. Ward then handed over a cheque for the amount to Mr Johns. The Town Clerk in exchange, gave Col. Ward a receipt and undertaking containing the terms under which the Corporation accept the donation”.

The Mayoress then formally unveiled the tablet. The Mayor’s Chaplain followed with the dedication. The party then entered the playing fields for other formal ceremonies. Mrs Ward and Mrs E Field (Vice-Chairman of the Parks Committee) each planted a fir tree.

This Council notes that these memorial fields were never registered as such with the national body.

This motion asks the Mayor to instruct officers to investigate the logistics and process to undertake a Deed of Dedication with the Fields in Trust to protect the King George V Playing Fields from development which will achieve the same level of protection as if they had originally been registered in 1936. That upon investigation the findings be reported to Council on 8 December 2016.”

- 1.2 The Mayor referred the matter to the Policy Development and Decision Group (Joint Operations Team) for consideration with public consultation (to include Torbay Sports Council and Torquay Golf Club).
- 1.3 The Notice of Motion set out that in 1936 land was purchased adjoining Easterfield Lane with funds from the Department of Health amounting to £19,000. At the time the King George V (KGV) Foundation was set up, the Council decided to set aside two of the purchased acres specifically as part of the Torquay National Memorial to his late Majesty King George V. It was the intention the land was to be adopted and that the two fields in question be allocated and dedicated for ever as playing fields for young children and organised games.



- 1.4 The land in question is not currently protected by the Fields in Trust charity and was therefore never properly “allocated and dedicated for ever as playing fields for young children and organised games”.
- 1.5 The Notice of Motion asked the Mayor to instruct officers to investigate the logistics and process to undertake a Deed of Dedication with the Fields in Trust to protect the King George V Playing Fields from development which would achieve the same level of protection as if they had originally been registered in 1936.

## **2. Reason for Proposal**

- 2.1 On 25 February 2016 the Council approved the Corporate Asset Management Plan for 2015 ~ 2019. The Corporate Asset Management Plan sets out a number of ‘Asset Management Principles’ that ensures the Council will manage its assets strategically, look to continuously maintain and improve assets, release value and minimise cost and provide accurate data for informed decision making.
- 2.2 The Corporate Asset Management Plan is explicit and states that due to the current financial challenges facing the Council that unless there is specific approval at Full Council to the contrary, the Council will not restrict or reduce the current or future value of its assets through the use of contractual restrictions, covenants or peppercorn rents.
- 2.3 Placing a Deed of Dedication on King George V Playing Fields, Watcombe with Fields in Trust would therefore be contrary to the Council’s Policy Framework. i.e. the Corporate Asset Management Plan 2015 ~ 2019.
- 2.4 It is important that the Council retains an asset base that, as far as possible, is unfettered and unencumbered, so that more choices are available with maximum flexibility preserved. It is highly unlikely that the decision made by the Council in 1936/37 would have been made today, especially in light of the Council’s existing asset management policy and its ongoing budgetary pressures.

## **3. Recommendation / Proposed Decision**

- 3.1 That the Council should not, at this time, pursue a Deed of Dedication with the Fields in Trust to protect the King George V Playing Fields from development as it would be contrary to existing Council policy (namely the Corporate Asset Management Plan) by restricting and/or reducing the current or future value of the asset.

## **Appendices**

None

## **Background Documents**

Corporate Asset Management Plan 2015 – 2019.



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

**Date:** 18 January 2017

**Wards Affected:** All

**Report Title:** Transformation Project - Trading Standards Shared Service

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

**When does the decision need to be implemented?** 1 April 2017

**Executive Lead Contact Details:** Terry Manning, Executive Lead for Environment, 01803 207064, [terry.manning@torbay.gov.uk](mailto:terry.manning@torbay.gov.uk)

**Supporting Officer Contact Details:** Steve Cox, Environmental Health Manager (Commercial), 01803 208029, [steve.cox@torbay.gov.uk](mailto:steve.cox@torbay.gov.uk)

## 1. Proposal and Introduction

- 1.1 The proposal is to transfer the current Torbay Council Trading Standards service to Devon County Council to join the existing Devon and Somerset Trading Standards partnership, run by Devon County Council.
- 1.2 The current service consists of 4.4 FTE, and undertakes many statutory functions on behalf of Torbay Council.

## 2. Reason for Proposal

- 2.1 There is no resilience with the current team; therefore it is becoming increasingly difficult for the service to meet Torbay Council's statutory obligations. In light of continuing austerity, as with all services, there is the potential that it may reduce further in the future, therefore amplifying the current situation and making it even more important that a long term solution is identified.
- 2.3 Transferring the service to Devon County Council, will give the service resilience and consistency so providing the residents of Torbay with better and future proofed services.
- 2.4 The current size of the Devon and Somerset Trading Standards Partnership allows innovation and prevention to form part of their work, so in time reducing the demands on the service. They already achieve 12% of their budget through income and this will increase in time, supported by the new market of Torbay.

- 2.5 The work of the Devon and Somerset Trading Standards Partnership is managed by a Board of the representative authorities. Becoming a part of the partnership means that the Council will receive two spaces on the Board. It is recommended that there be dual Member and Officer representation, with the Executive Lead for Environments and the Assistant Director of Community and Customer Services, being the Council's representatives.
- 2.6 Although there is no net financial savings and some limited one off costs to the Council, this will achieve service resilience and enable scarce management resources to be targeted elsewhere.

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

- 3.1 That the Trading Standards service be transferred to Devon County Council from the 1 April 2017 (or as soon as practicable afterwards) with the Assistant Director (Community and Customer Services) being given delegated authority to give effect to the transfer.
- 3.2 That the Chief Executive be recommended to appoint the Assistant Director and the Executive Lead for Environment as the Councils representative on the Devon and Somerset Trading Standards Partnership Board in accordance with paragraph 1.21 of the Officer Scheme of Delegation.

### **Appendices**

Appendix 1: Supporting Information and Impact Assessment

### **Background Documents**

None

### Supporting Information and Impact Assessment

Service / Policy:		Trading Standards Transfer	
Executive Lead:		Terry Manning	
Director / Assistant Director:		Frances Hughes	
Version:	1.0	Date:	21 <sup>st</sup> Dec 16
Author:	Steve Cox		

<b>Section 1: Background Information</b>	
<b>1.</b>	<p><b>What is the proposal / issue?</b></p> <p>To transfer Torbay Trading Standards to Devon County Council, to join the existing Devon and Somerset Trading Standards Partnership, managed by Devon CC.</p>
<b>2.</b>	<p><b>What is the current situation?</b></p> <p>Currently 4.4 FTE Senior Trading Standards Officers are employed by Torbay Council to carry out the statutory duties required. The main services provided are to ensure fair trading, which is to protect the consumer against fraudulent, dangerous and misleading sales; to prevent door step and scam crimes, which particularly target the most vulnerable members of society; to target premises that sale illicit food, tobacco and alcohol or try to sell to those underage; to protect the public against animal health matters and to give business advice.</p> <p>The current services have been reduced significantly over the past ten years and are increasingly under pressure to further budget reductions. The team already lacks any resilience and if further reductions in staffing were implemented, this would mean that Torbay Council could no longer meet its required statutory obligations. Furthermore, with a reduced management structure the current service manager now has 8 service leads, which is not sustainable. There is an opportunity for the small team to join the current Devon and Somerset Trading Standards Partnership, which will give the people of Torbay and the service much greater resilience. It will give dedicated Trading Standards management and allow for greater consistency on the delivery of service across the sub region. The partnership, due to its size is also able to target income raising opportunities in a way that Torbay cannot. It current raises 12% of its budget through income, compared to Torbay which remains less than 1%. Although there are no savings to Torbay, there are equally no significant costs, and Torbay will be in receipt of pro-rata savings as they are realised from the partnership, from 2018-19 onwards. There is also a small management benefit as the current manager could allocate the saved time to other equally pressing challenges.</p>
<b>3.</b>	<p><b>What options have been considered?</b></p> <p>There are only two realistic options, those are to continue to manage the service</p>

	<p>at Torbay, or for it to join the partnership. These two options are covered in section 2 above.</p>
<p><b>4.</b></p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p> <p>This proposal meets all three of the principles covered in the Corporate Plan. Combining the services meets a need for consistency across Devon, Somerset and Torbay, and reduces Torbay Councils management responsibility. The new service will be an integrated service, with significant resources compared to Torbay along, so allowing an approach to reduce demand through prevention and innovation. An example of this is Buy with Confidence, which allows members of the public, particularly those more vulnerable, to pick contractors from a unique database of Trading Standards approved contractors. It will also allow the expansion of No Cold Calling Homes to prevent door step crime.</p> <p>All the targeted actions fall within this remit of Trading Standards work, by protecting children against alcohol, tobacco and unsafe products; working with businesses and the LEP to make Torbay more prosperous through business advice and support; targeting underage sales promotes a healthy lifestyle; protecting the public against the worse excesses of business by preventing unsafe products and prosecuting where these are sold. i.e. unroadworthy cars and finally as described above protecting and supporting vulnerable adults.</p> <p>All of these can be achieved more effectively as a combined partnership with the increased resources and consistency this will bring, as this will allow resources to be used to best effect, as laid out in the Corporate Plan.</p>
<p><b>5.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>The staff and the three authorities are affected by this proposal, so consultation will take place with the staff, Unions, Somerset and Devon County Councils. Although officers may well see both positive and negative impacts, overall they will not lose their current terms and conditions unless they wish to do so and being part of a larger organisation arguably give them many positive opportunities if they are minded to work for those.</p> <p>The stakeholders are mostly national organisations that work currently with Trading Standards services i.e. Business, Energy and Industrial Strategy (BEIS), Food Standards Agency (FSA), Citizen Advice Bureau (CAB).</p> <p>There is no intention to consult with the public as the service won't obviously change.</p>
<p><b>6.</b></p>	<p><b>How will you propose to consult?</b></p> <p>Staff will be consulted through the Human Resources Change paper mechanism and TUPE, as required by statute. Devon and Somerset County Councils are being consulted through the Joint Service Review Panel that Torbay will join, should this transfer be agreed. Other stakeholders will be consulted by letter.</p>

## Section 2: Implications and Impact Assessment

7.	<p><b>What are the financial and legal implications?</b></p> <p>There are no significant financial implications annually, though there may be a one off set up cost of up to £30K, this has been secured as part of the transformation projects. The current budget will be transferred to Devon County Council. Torbay will be responsible for pay rises, and redundancy costs on a pro-rata basis, about 6.5% of total costs but will equally benefit from savings on a prorated basis. There will be anticipated annual savings from 2018-19.</p> <p>Devon will appoint the statutory appointment of Chief Inspector of Weights and Measures.</p> <p>There are no significant legal implications, though Torbay Council will remain the client authority.</p>
8.	<p><b>What are the risks?</b></p> <p>There are risks associated with both options. If the service stays with Torbay Council, its resources will no doubt decline further and without resilience Torbay is likely to fail to meet its statutory duty.</p> <p>If the service is transferred, those risks are mitigated, but there is a risk, all be a small one, that the partnership might fail and the services be returned to each of the three authorities. To counter this, the Joint Service Review Panel represents each authority and it is incumbent on them to agree service plans, receive reports and agree savings collectively. The current partnership already has a track record of doing this over the past 4 years.</p>
9.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>There is no procurement process as the Local Government legislations allows a direct transfer of services between Local Authorities.</p>
10.	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>Torbay Council already works in partnership with Devon, and through SWERCOTs the other 14 West Country Trading Standards Authorities. This already gives Torbay added value. Devon already provides Torbay with the metrology lab, animal health expertise and delivers Buy with Confidence on our behalf, most this has continued since Unitary status in 1998. Devon has a proven track record to providing the current partnership and has the capacity to build a future based in part upon income generation. They already raise 12% of their budget needs from income compared to Torbay's less than 1%.</p>

<b>11.</b>	<b>What are key findings from the consultation you have carried out?</b> Consultation not completed undertaken.
<b>12.</b>	<b>Amendments to Proposal / Mitigating Actions</b> Consultation not completed so no proposed changes currently.

## 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	X			
People with caring Responsibilities			X	
People with a disability			X	
Women or men			X	
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			X	
Religion or belief (including lack of belief)			X	
People who are lesbian, gay or bisexual			X	
People who are transgendered			X	
People who are in a marriage or civil partnership			X	
Women who are pregnant / on maternity leave			X	



	Socio-economic impacts (Including impact on child poverty issues and deprivation)		X
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		X
14	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A	
15	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A	



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

**Date:** 18 January 2017

**Wards Affected:** All

**Report Title:** Transformation Project - Building Control Shared Service

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

**When does the decision need to be implemented?** 1 April 2017

**Executive Lead Contact Details:** Mark King, Executive Lead for Planning, Transport and Housing, [mark.king@torbay.gov.uk](mailto:mark.king@torbay.gov.uk), (01803) 207114

**Supporting Officer Contact Details:** Matthew Hunt, Building Control Manager, (01803) 208083, [matthew.hunt@torbay.gov.uk](mailto:matthew.hunt@torbay.gov.uk)

## 1. Proposal and Introduction

- 1.1 The proposal is to join and form part of an existing shared Building Control Service known as the Devon Building Control Partnership with neighbouring Local Authorities. This partnership will deliver Torbay Council's statutory responsibilities for Building Control.
- 1.2 The Current Building Control Service consists of 6.12 FTE staff who will TUPE transfer to Teignbridge District Council, (the host Council). The Building Control service provides a Building Regulation statutory function on behalf of the Council and other related services.
- 1.3 The overarching aim of the proposal is to maintain effective and efficient Building Control Services meeting statutory requirements whilst satisfying customers' needs.
- 1.4 The shared service arrangement is cost neutral. The Council will enter in to a contractual arrangement supported with a Service Level Agreement with Teignbridge District Council for the provision of a Building Control Service.

## 2. Reason for Proposal

- 2.1 Over the past 5 years, the service has experienced a 46% reduction in staffing numbers to meet financial pressures.

- 2.2 With further budget pressures forecast until 2020 the joining and transfer to the Devon Building Control Partnership, will provide the Council with a sustainable and resilient service for the residents of Torbay.
- 2.3 Unusually for Council services Building Control is also in competition with the private sector for some elements of its functions. Where the Building Regulation function exists in direct competition with the private sector, a stronger and more robust and enlarged Local Authority service will continue to be publicly accountable and transparent, protecting Torbay's built environment.
- 2.4 The Devon Building Control Partnership has been in existence since for the past 12 years and presents a low risk option for the service.

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

- 3.1 That Torbay Council's Building Control Service join and become part of the Devon Building Control Partnership with staff TUPE transferred to the host Authority, Teignbridge District Council from the 1 April 2017.
- 3.2 That the Assistant Director (Communities and Customer Services), in consultation with the Executive Lead for Planning, Transport and Housing, be give delegated authority to finalise the arrangements of the transfer of the Building Control Service.

### **Appendices**

Appendix 1: Supporting Information and Impact Assessment

### **Background Documents**

None

### Supporting Information and Impact Assessment

Service / Policy:	Building Control
Executive Lead:	Mark King
Director / Assistant Director:	Frances Hughes

Version:	1	Date:	6 January 2017	Author:	Matthew Hunt
----------	---	-------	----------------	---------	--------------

Section 1: Background Information	
<b>1.</b>	<p><b>What is the proposal / issue?</b></p> <p>The proposal is for Torbay Building Control Service to join and form part of an enlarged shared Building Control service working in partnership with Teignbridge, South Hams and West Devon to offer a more resilient and sustainable service.</p> <p>The proposal is cost neutral but provides a more effective and flexible operating model meeting the needs of customers and interested neighbouring Councils. All current Torbay Council Building Control staff will TUPE transfer to Teignbridge Council, (the host Authority).</p>
<b>2.</b>	<p><b>What is the current situation?</b></p> <p>The Building Control Service within Torbay Council operates as:</p> <ul style="list-style-type: none"> <li>• A <b>commercial provider</b> - building control services earns fees from client organisations, against competition from Approved Inspectors (AI's).</li> <li>• A <b>supplier of last resort</b> of building control services, for clients where AI's have not been approached or have no interest in acting.</li> <li>• As the <b>enforcer</b> of building regulations as AI's cannot take enforcement action.</li> </ul> <p>Building Control is a cost recovery fee earning service which sets charges to recover the actual costs for carrying out the main building regulation function. This primarily consists of the plan checking of Building Regulation applications and subsequent site inspections when work commences to ensure that the requirements of the Building Regulations are met.</p> <p>The service also manages and carries out a series of other functions for the Council, for example, dealing with dangerous structures, demolitions and providing advice to the public on Building Regulation matters.</p> <p>Over the past 5 years the service has experienced a 46% reduction in its staff resource to meet the financial challenges presented to the Authority. To meet future challenges, partnership working provides the most appropriate</p>

	<p>arrangement for service delivery to satisfy the demand and needs of the customer and Torbay Council.</p>
<p>3.</p>	<p><b>What options have been considered?</b></p> <p><b>Option 1: Retain the status quo</b></p> <p><b>Continue to make our own-</b> The Building Control Service in its current form maintains its role as an enforcing authority and as a supplier of last resort. Well regarded and not for profit services are provided but duplicated within each Local Authority with additional savings becoming ever harder to find. The service is currently operating at a deminimus level and further reductions would destabilise the service and reduce their potential to maintain their income stream.</p> <p><b>Option 2: Outsource some elements of the service</b></p> <p><b>Buy in-</b> The outsourcing of services to the private sector would effectively create an Approved Inspector which would remove choice, introduce an element of profit taking and result in a loss of local control over decision making for the Council. There is a long term contractual obligation which reduces flexibility and exit costs could be prohibitive. This would also have a negative impact on the existing Partnership and national Local Authority Building Control. The whole of the service cannot operate in this way as the Council would still need a client function to discharge its statutory duties.</p> <p><b>Operational Sharing-</b> This model would primarily involve the sharing of plan checking, inspection, and the response to public safety concerns across boundaries but may prove difficult to manage creating inefficiency in the function. There are no long term contractual obligations however support costs remain high.</p> <p><b>Option 3: Shared Services</b></p> <p><b>Hosted Shared Services-</b> This option has all of the benefits of Torbay Councils' own existing service providing greater resilience through a larger group, access to specialist expertise and as the proposal is to join an existing partnership, the opportunity to provide additional services to customers, creating new income streams. There is a pre-existing partnership in South Devon which has a good track record which Torbay can join which will provide long term sustainability and continuity of service for the residents of Torbay.</p>
<p>4.</p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p>

	<p><i>Ambitions: Prosperous and Healthy Torbay</i></p> <p>Joining the existing partnership as an equal partner is a low risk solution that provides a sustainable and resilient Building Control service for Torbay Council. As a Local Authority income generating service, the opportunities afforded through partnership provides a business advantage over our private competitors whilst maintaining a strong Local Authority service helping to protect the health and safety of people in and about buildings.</p> <p><i>Principles:</i></p> <ul style="list-style-type: none"> <li>• <i>Use reducing resources to best effect</i></li> <li>• <i>Reduce demand through prevention and innovation</i></li> <li>• <i>Integrated and joined up approach</i></li> </ul> <p><i>Targeted actions:</i></p> <ul style="list-style-type: none"> <li>• <i>Ensuring Torbay remains an attractive and safe place to live and visit</i></li> </ul>
<p><b>5.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>The proposal has been through due process with the neighbouring Authorities, (Teignbridge, South Hams and West Devon), who currently make up the existing Devon Building Control Partnership with a favourable outcome to the arrangement.</p> <p>As Part of the TUPE process, staff consultation will take place and Council policies and legal requirements and arrangements will be observed.</p> <p>Key stakeholders include agents, developers, builders and the public. There is no intention to consult with the public as the service provision will not change. Stakeholders involved in the building industry are already aware of and engaged with the current Devon Building Control Partnership so any perceived impact is negligible.</p>
<p><b>6.</b></p>	<p><b>How will you propose to consult?</b></p> <p>Staff briefings and joint meetings with the existing Partnership. All appropriate Human Resource policy led engagement arrangements.</p> <p>Staff consultation will take place as part of the TUPE process. General updates are provided at team meetings and regular 1 to1 meetings with the team.</p> <p>Letters will be sent to all business stakeholders to explain the new arrangement prior to the date of implementation.</p>

## Section 2: Implications and Impact Assessment

<b>7.</b>	<b>What are the financial and legal implications?</b>  The proposal is cost neutral with no significant financial implications. There is a “one off” cost for the transfer of data onto the host Council’s system which is part met through transformation project funding agreed by that board.  There are no significant legal implications; Torbay Council will retain a client function with the Assistant Director (Communities and Customer Services) or nominated deputy appointed through the scheme of delegation.  A contractual arrangement will set the parameters for the proposal, under provisions contained in the Local Government Act 1972 and the Local Government Act 2000. This will be supported by a service level agreement detailing the services provided. The constitutional and legal framework for the agreement is currently being decided with legal services.
<b>8.</b>	<b>What are the risks?</b>  The decision to join the existing Partnership presents little risk to the Council. The existing shared service has been in existence for 12 years demonstrating a track record of service delivery through partnership.
<b>9.</b>	<b>Public Services Value (Social Value) Act 2012</b>  No procurement process is required. Section 101 of the Local Government Act allows for an Authority to arrange with another Authority to discharge any of their functions.
<b>10.</b>	<b>What evidence / data / research have you gathered in relation to this proposal?</b>  By the very nature of its Business, Local Authority Building Control has been at the forefront of developing partnerships across the Country. This has primarily been borne out of the reasons set out above. The joining of the service across Councils has helped to promote consistency in decision making and create opportunity and flexibility to offer additional services to customers as they are often shared across neighbouring boundaries. This has helped to meet both the needs of the customer and Councils in a demand led, competitive environment.
<b>11.</b>	<b>What are key findings from the consultation you have carried out?</b>  This has not yet commenced until the TUPE consultation is triggered. Consultation and discussion has been undertaken with the Building Control

	shared service existing partners over many months to reach this current decision point.
<b>12.</b>	<b>Amendments to Proposal / Mitigating Actions</b> Not yet required.



## Equality Impacts

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

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