

## **OVERVIEW AND SCRUTINY BOARD**

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

**Wednesday, 9 August 2017**

commencing at **5.30 pm**

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

### **Members of the Board**

Councillor Lewis (C) (Chairman)

Councillor Barnby  
Councillor Bent  
Councillor Bye  
Councillor Darling (S)

Councillor Stockman (Vice-Chair)  
Councillor Stocks  
Councillor Tolchard  
Councillor Tyerman

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

Penny Burnside, Diocese of Exeter

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**A prosperous and healthy Torbay**

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

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# OVERVIEW AND SCRUTINY BOARD AGENDA

## 1. Apologies

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

## 2. Declarations of Interest

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

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

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

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

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

## 3. Urgent Items

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

## 4. HIV Advocacy and Social Care Support Contract

(Pages 3 - 5)

The above Key Decision of the Director of Public Health was called in by Councillors Darling (S), Stocks, Darling (M), Pentney and Doggett.

The reasons for the call-in are attached together with the Record of Decision.

## 5. Disposal of Land Adjacent to the Inn on the Quay, Tanners Road, Goodrington, Paignton

(Pages 6 - 9)

The above decision of the Mayor was called in by Councillors Barnby, Tyerman, O'Dwyer, Robson and Morey.

The reasons for the call-in are attached together with the Record of Decision.

## Reasons for call

Reasons for call in of the decision by Director of Public Health Torbay to cease the Torbay Public Health funding of local provision of advocacy, care and support for people who have been diagnosed with HIV and their carers and family members on 30 September 2017. To redirect people to nationally available digital provision, websites and helplines as appropriate.

The call in promoters welcome the fact that recent advances in medicine have resulted in HIV sufferer's life span being considerably improved however due to the residual stigma of the disease this client group should be seen as a particularly vulnerable one. We note that the AIDS support grant has now been incorporated into the public health grant so it is difficult to pin point the level of funding but this funding still remains part of public health core funding. The local cessation of this service will inevitably result in cost shunting on to other health and social care services. We fear that this proposal will further marginalise some of the most vulnerable in our society.

1. What were the findings of the "in-depth review" of the needs of people living with a diagnosis of HIV?
2. What consultation was carried out and how were the results of the consultation taken into account in reaching the decision?
3. What are the consequences of this decision on other health and social care services in Torbay?
4. How does this service fit with other services provided in Torbay for those living with a diagnosis of HIV?
5. What are the impacts of this decision and how will they be mitigated?

In short we wish the Director of Public Health to make her case for withdrawing this service which seem to be lacking in the information that is provided on the Record of Decision.

Record of Decisions

**HIV advocacy and social care support contract decision**

**Decision Taker**

Director of Public Health on 24 July 2017, in consultation with the Executive Lead for Health and Wellbeing and Corporate Services.

**Decision**

To cease the Torbay Public Health funding of local provision of advocacy, care and support for people who have been diagnosed with HIV and their carers and family members on 30 September 2017. To redirect people to nationally available digital provision, websites and helplines as appropriate.

**Reason for the Decision**

There is no consistency of HIV advocacy and social care provision across the region, by Local Authority Public Health Teams. HIV advocacy and social care support services are not required as part of the ring fenced Public Health Grant.

Torbay has undertaken a collaborative and thorough exploration of existing service provision. Torbay is not an area of high HIV prevalence.

Upon investigation, there are pre-existing digital, telephone and web provision of support available free of charge for people who live with a diagnosis of HIV.

Money could be reinvested to improve wider preventative sexual health services, to reduce the demand on the mandated sexual health element of the Public Health ring fenced Grant.

**Implementation**

This decision will come into force and may be implemented on 1 August 2017 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

**Information**

This is part of the Devon County Council contract held with The Eddystone Trust who have provided HIV advocacy and social care support for Devon and Torbay. On behalf of both Local Authority areas, Torbay led on an in depth review of the needs of people living with a diagnosis of HIV and heard direct from them as to their needs. This report was written for Devon County Council and Torbay Council commissioners. Torbay commissioners distilled three options in an options appraisal paper, for decision-makers. Torbay has taken the decision, through due process, to cease the funding for the provision of HIV advocacy and social care support.

Part of the investigation highlighted that with the emergence of an effective anti-retroviral drug regime for HIV in the mid-1990s, people with a diagnosis of HIV can now live a near-normal life expectancy if they adhere to their prescribed medication. Their advocacy needs can be met by mandated social care services, where they meet the criteria for care. Those needs more specific to a HIV diagnosis can be met by national digital, telephone and web provision.

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

Having investigated the issues that people living with a diagnosis of HIV face, three options were presented to key decision-makers:

1. Public health continues to fund both the Public Health and Adult Social Care functions
2. Public Health funds only the prevention component and Adult Social Care fund the social care component
3. Public health fund only prevention (neither Public Health nor Adult Social Care fund the social care component part of the contract). If this is the favoured option then the outcome would be that savings are made and re-invested back into the wider public health budget OR Savings are invested back into the service for prevention.

**Is this a Key Decision?**

Yes

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

Yes

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

None

**Published**

24 July 2017

Signed: \_\_\_\_\_  
Director of Public Health

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

## Reasons for Call in

1 At the P.D.D.G. meeting held on 18 May 2017 the mayor made a decision regarding the disposal of land adjacent to the Inn on The Quay at Goodrington. Part of that decision reads as follows:

(ii) That the results from public consultation in (i) above be considered at a future meeting of the Policy Development and Decision Group (Joint Operations Team) together with the proposed details for the new lease.

By taking the decision on the disposal of land without the action above being undertaken or the decision made on May 18<sup>th</sup> being rescinded the Mayor has failed to act in accordance with his own decision and has denied the public the opportunity to make representation either directly or through their elected ward representatives in support of their concerns over this disposal. It is also not transparent that the details of the new lease have been considered, as required under the decision of May 18<sup>th</sup>, prior to the current decision being taken.

2 That the decision regarding the re-provision of toilet facilities is not sufficiently robust to ensure that adequate facilities are retained in the central area of Goodrington and that the decision should specifically refer to the central area of the beach which is the area frequented by visitors to the beach and its leisure facilities.

3 That no reference is made to the need for the area around the Inn on The Quay to be enhanced and for discussions to take place with Whitbread regarding the part they could be playing to improve the quality of the tourist offer at Goodrington. The community partnership considered this to be an important factor that should be considered as part of the agreement to allow Whitbread to have a greater presence in Goodrington, and this would have formed an important part of representation to the Mayor had the promised P.D.D.G taken place.

Record of Decision

**Disposal of Land Adjacent to the Inn on the Quay, Tanners Road, Goodrington, Paignton**

**Decision Taker**

Mayor on 19 July 2017

**Decision**

- (i) that the granting of a Lease to the Inn on the Quay Tenant for a term to be co-terminus to the existing Lease for Inn on the Quay (around 78 years) of the area edged red on the Plan number EM 2923 be approved, with the authority being delegated to the Assistant Director Corporate and Business Services in consultation with the Executive Head of Business Services and the Torbay Developments Agency to approve the detailed terms of the Lease;
- (ii) that prior to the closure and demolition of the existing public toilets, alternative toilets are provided and that adequate toilet facilities are retained in the area of Goodrington beach that are accessible to the public, with suitable provision for disabled users; and
- (iii) that the Chief Financial Officer be recommended to allocate part of the funding received as part of the revised Lease arrangement, towards the provision of alternative toilets in the area, unless or until the wider corporate review into the provision and delivery of public toilets determines that the funds are no longer required and report the outcome of this to Council as part of the normal budget monitoring arrangements.

**Reason for the Decision**

To increase the tourist accommodation offer in the area and to increase the Council's rental income for the site. A larger hotel in this area will contribute towards a prosperous Bay.

The Minute from the Policy Development and Decision Group (Joint Operations Team) of 18 May 2017 stated that the results from the Public Open Space consultation be considered at a future meeting of the Policy Development and Decision Group (Joint Operations Team) together with the proposed details for a new lease.

The Decision is requested to be taken earlier than the next Policy Development and Decision Group (Joint Operations Team) Meeting on 24 July 2017 as the Tenant of Inn on the Quay has very tight delivery timeframes to be able to minimise the disruption of the delivery of the project during the 2018 season.

The Disposal of Open Space procedure closed for public comments on 23 June 2017. Officers attended the Steering Group meeting of the Goodrington, Roselands and Hookhills Community Partnership on 19 June 2017 and, as requested, representatives from Whitbread Plc attended a special meeting of the Steering Group on 10 July 2017.

**Implementation**

This decision will come into force and may be implemented on 27 July 2017 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

## Information

The Report and Minutes from the Policy Development and Decision Group (Joint Operations Team) of 18 May 2017 are available at <http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=656&MId=7460&Ver=4>

The Disposal of Open Space procedure closed for public comments on 23 June 2017. A number of letters were received. The letters were mainly concerned with the possible loss of the toilet facilities. One specifically stated that they had no objections to the Premier Inn expansion, with another saying that the expansion of the hotel accommodation accords with the objectives of The Paignton Neighbourhood Plan.

Representatives from Whitbread Plc attended the Steering Group meeting of the Goodrington, Roselands and Hookhills Community Partnership on 10 July 2017.

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

Alternative options were set out in the submitted report to the Policy Development and Decision Group (Joint Operations Team) of 18 May 2017.

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

Yes – Reference Number: I030793

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

Yes

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

None

### **Published**

19 July 2017

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

Date: 19 July 2017



