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Tuesday, 14 July 2015

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, 23 July 2015** 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.)

Working for a healthy, prosperous and happy Bay

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 annual meeting and adjourned annual meeting of the Council held on 1 June 2015.

(Pages 1 - 8)

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. **Members' questions**

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

(Pages 9 - 10)

7. **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 - Devolution

(Page 11)

- (b) Notice of Motion - Referendum on Future Forms of Governance (Page 12)
- (c) Notice of Motion - Review of Council's Policy Framework (Page 13)
- (d) Notice of Motion - Constitution Amendment: Forward Plan Timescales (Page 14)
- (e) Notice of Motion - Right to Buy for Housing Association Tenants (Pages 15 - 16)
- (f) Notice of Motion - Fair Funding for Devon and Cornwall Police (Page 17)

Council Items

- 8. **Corporate Plan 2015-19** (Page 18)
To consider the submitted report setting out the draft Corporate Plan for 2015 to 2019 and the recommendations of the Overview and Scrutiny Board from its meeting held on 8 July 2015.
- 9. **Adult Social Care - Local Account and Multi-agency Safeguarding Report** (Pages 19 - 47)
To consider the submitted annual report on the above.
- 10. **Integrated Care Organisation Funding** (To Follow)
To consider the submitted report on the future of the Integrated Care Organisation.
- 11. **Torbay Youth Trust Guarantee** (Pages 48 - 50)
To consider the submitted report in respect of guarantees for Council staff due to transfer to the Youth Trust under TUPE regulations.
- 12. **The English Riviera Tourism Company (ERTC) and the proposed Torbay Retail and Tourism Business Improvement District (TRTBID)** (Pages 51 - 81)
To consider the attached report on the impact of the outcome of the Torbay Retail and Tourism Business Improvement District and the future of the English Riviera Tourism Company.
- 13. **Call-in Establishment of Policy Development Groups Report of the Overview and Scrutiny Board** (Pages 82 - 88)
To consider the submitted report on the above.
- 14. **Provisional Revenue Outturn 2014/2015 - Subject to External Audit** (Pages 89 - 99)
To consider the submitted revenue outturn report which provides a summary of the Council's expenditure for the financial year 2014/15 and the recommendations from the meeting of the Overview and Scrutiny Board held on 8 July 2015.

- 15. Capital Investment Plan Update (Outturn 2014/2015) - Subject to Audit** (Pages 100 - 107)
To consider the Capital Monitoring report for 2014/15 under the Council's budget monitoring procedures which provides high-level information on capital expenditure and income for the year (subject to Audit), compared with the latest budget position as at quarter three reported in February 2015.
- 16. Composition and Constitution of Executive and Delegation of Executive Functions** (Pages 108 - 113)
To receive details on the composition and constitution of the Mayor's Executive for 2015/2016, together with the record of delegations of Executive functions.
- 17. Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency** (Pages 114 - 115)
To note the schedule of Executive decisions to which the call-in procedure does not apply as set out in the submitted Report.
- 18. Urgent Decisions Taken by the Executive Director of Operations and Finance** (Pages 116 - 118)
To note the submitted report on the above.
- Mayoral Items**
- 19. Pier Point Restaurant New Lease to Allow Investment (Mayoral Decision)** (Pages 119 - 121)
To consider the attached report on the above.
- 20. Environmental Crime Enforcement Pilot (Mayoral Decision)** (Pages 122 - 124)
To consider the attached report on the above.
- 21. Care Trust Properties (Mayoral Decision)** (Pages 125 - 129)
To consider the submitted report on leases of properties to the Care Trust.
- 22. Exclusion of the Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

Note

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



Minutes of the Annual Meeting of Council

1 June 2015

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Bent, Brooks, Bye, Carter, Cunningham, Darling, Darling, Doggett, Ellery, Excell, Haddock, King, Kingscote, Lewis, Manning, Mills, Morey, Morris, Parrott, Robson, Stockman, Stocks, Stringer, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

1 Opening of meeting

The Chairwoman gave apologies from her Chaplain and opened the meeting with a minute's silence for personal reflection.

2 Apologies for absence

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

3 Minutes

The Minutes of the meeting of the Council held on 26 February 2015 were confirmed as a correct record and signed by the Chairwoman.

4 Election of Chairman/woman

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

that Councillor Ray Hill be elected Chairman of the Council of the Borough of Torbay for the Municipal Year 2015/2016.

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

(The Chairman, Councillor Hill, in the Chair)

The Chairman of the Council took the Declaration of Acceptance of Office and Oath of Allegiance and thanked the Council for the honour bestowed upon him.

The Chairman also announced that Mrs Patricia Hill would be his Consort during his term of office and his joint charities would be the Torbay Hospital League of Friends and the Rotary Club of Torquay.

5 Chairman's Chaplain and Civic Sunday

The Chairman announced that he had appointed Father Robert Ward to be his Chaplain and that the Annual Civic Church Service would be held at St Mary the Virgin Parish Church, St Marychurch, on Sunday 25 October 2015.

6 Retiring Chairwoman and Chairwoman's Escort

It was proposed by Councillor Tyerman and seconded by Councillor Morey:

that the Council express its sincere thanks and appreciation to Councillor Jane Barnby and Mr Richard Barnby for the manner in which they had carried out their duties during their term of office.

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

7 Appointment of Vice-Chairman/woman of the Council

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

that Councillor Anne Brooks be elected Vice-Chairwoman of the Council of the Borough of Torbay for the Municipal Year 2015/2016.

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

The Vice-Chairwoman of the Council took the Declaration of Acceptance of Office and thanked the Council for the honour bestowed upon her.

The Vice-Chairwoman also announced that Mr William Taylor would be her Escort during her term of office.

8 Adjournment

At this juncture the meeting was adjourned until 1.00 pm on Monday 1 June 2015.

Chairman

Minutes of the Adjourned Annual Meeting the Council

1 June 2015

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

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

9 Apologies for absence

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

10 Declarations of interests

The following non-pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Haddock	15	Owns adjoining land at Brixham
Councillor Tyerman	15	Trustee of Torbay Coast and Countryside Trust and Director of subsidiary companies

The Mayor and Councillors Excell and Lang declared a pecuniary interest in respect of Minute 13 and Councillor Thomas (D) declared pecuniary interests in respect of Minute 16.

11 Communications

The Chairman advised that his civic dinner was due to take place at The Grand Hotel, Torquay on Thursday 4 June 2015 at 7.30 pm.

The Mayor advised of the recent Government announcement that a new Psychoactive Substances Bill would be developed. The proposed change to legislation was a welcome step forward to assist with dealing with anti-social behaviour.

12 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 4 (Members Questions) to be considered after Item 15 (Composition and Constitution of Executive and Delegation of Functions).

13 Torquay and Paignton Masterplans Supplementary Planning Documents

The Council considered the submitted report on proposed masterplans for Torbay and Paignton town centres. The masterplans promoted regeneration and growth for Torquay and Paignton Town Centres and would be included as Supplementary Planning Documents for the purposes of guiding the planning process. A revised officer recommendation was circulated prior to the meeting.

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

- (i) that the masterplans for Torquay Town Centre and Paignton Town Centre (set out at Appendix 1 and Appendix 2 to the submitted report) be adopted as Supplementary Planning Documents; and
- (ii) that a Masterplan Delivery Team, Programme Board and Advisory Team (as outlined out in paragraphs 6.4 to 6.10 of the submitted report) be established to market, promote and deliver masterplan projects from within existing resources and that the Masterplan Programme Board comprises the following persons or their nominated representatives:
 - (a) Mayor;
 - (b) 2 Conservative Members;
 - (c) 1 Liberal Democrat Member;
 - (d) 1 Independent Member;
 - (e) Torbay Economic Development Company Limited (non-Councillor);
 - (f) Business Forum Representative;
 - (g) Torbay Development Agency Director of Economic Strategy;
 - (h) Head of Spatial Planning; and
 - (i) Executive Director of Operations and Finance.

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

(Note 1: Prior to consideration of Minute 13, Mayor Oliver and Councillors Excell and Lang declared pecuniary interests and withdrew from the meeting.)

(Note 2: During consideration of Minute 13, Councillor Winfield declared a pecuniary interest and withdrew from the meeting.)

(Note 3: During consideration of Minute 13, Councillor Doggett declared a non-pecuniary interest as Chairman of Paignton Shopmobility Group.)

14 Local Validation List for Planning Applications

Members considered the submitted report on a new Local List for validating planning applications which would ensure all necessary information was provided with planning applications. The list would provide applicants with greater certainty about the requirements for submitting valid applications, ensure that the Local Planning Authority received the requisite information in order to determine applications and enable quicker and robust decisions.

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

That the new Local Validation List for Planning Applications (Local List) set out at Appendix 1 to the submitted report be adopted and used to test the validity of submitted planning applications. In accordance with the Local List, applications will remain invalid until information necessary for determination is submitted. The Council will continue to take a proportionate, flexible and pragmatic approach to validation to ensure that this approach does not lead to perverse delays in the validation of applications or in applicants being asked to provide information that is not needed to determine the application.

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

15 Loan to Torbay Coast and Countryside Trust (TCCT)

The Council considered the submitted report which sought approval for the Council to provide a loan to Torbay Coast and Countryside Trust.

It was proposed by Mayor Oliver and seconded by Councillor Lewis:

- (i) that a long term loan to Torbay Coast and Countryside Trust sum of up to £900,000 be approved;
- (ii) that a new guarantee on an overdraft facility to Torbay Coast and Countryside Trust up to £100,000 be approved;
- (iii) that it be noted that (i) and (ii) above are dependent on the Council's current guarantee of £975,000 being cancelled and that the total of the loan and new guarantee combined do not exceed £900,000 in total; and
- (iv) that the negotiation of the final terms of the loan and guarantee be delegated to the Chief Financial Officer and the Assistant Director of Corporate and Business Services.

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

(Note: During consideration of Minute 15, Councillors Haddock and Tyerman declared non-pecuniary interests, details of which are contained in Minute 10 above.)

16 Commercial Team Service Plan - Community Safety (incorporating the Statutory Service Plans for Food Safety and the Council's Under Age Sales Policy for Tobacco Products and Other Age Restricted Goods)

The Council considered the submitted report on the Commercial Team Service Plan, which incorporated the Food Safety Service Plan and the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods.

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

- (i) that the Statutory Food Safety Service Plan set out in Appendix 2 to the submitted report be approved;
- (ii) that the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods set out in Appendix 3 to the submitted report be approved; and
- (iii) that the overall work plan of the Commercial Team for 2015/16 set out in Appendix 5 to the submitted report be noted.

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

(Note: Prior to consideration of Minute 16, Councillor Thomas (D) declared a pecuniary interest and withdrew from the meeting.)

17 Torbay Retail and Tourism Business Improvement District for Torbay

The Council considered the submitted report on the arrangements for a ballot in respect of the proposal to create a combined retail and tourism business improvement district for Torbay.

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

that the Executive Director of Operations and Finance, in consultation with the Mayor and Group Leaders be nominated to cast the Council's votes in the ballot for a retail and tourism business improvement district.

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

18 Overview and Scrutiny Annual Report

The Council received and noted the Overview and Scrutiny Annual Report for 2014/2015.

19 Review of Political Balance and Appointments to Committees and Other Bodies

The Council considered the submitted report on the appointment of committees and other bodies in the light of the political balance of the Council.

It was proposed by Councillor Thomas (D) and seconded by Councillor Darling:

- (i) that the overall political balance of the committees, as set out in Appendix 1 to the submitted report, be approved;
- (ii) that the committees be appointed with the terms of reference set out in Appendix 2 to the submitted report;
- (iii) that nominations be received to fill the seats on the committees;
- (iv) that the outcome of the review and proposed appointments to the outside bodies and other groups for 2015 to 2019 set out in Appendix 3 to the submitted report be approved.

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

Following the vote, the members to serve on each committee and other bodies were nominated by the Group Leaders as set out in Appendix 2 to the submitted report. Councillor Thomas (D) advised that Councillor Lang would be replaced by Councillor Tyerman on the Overview and Scrutiny Board following the Mayor's appointments to his Executive.

20 Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Leads

The Council was requested to consider the appointment of the Overview and Scrutiny Co-ordinator and the appointment of scrutiny lead members for 2015/2016.

It was proposed by Councillor Thomas (D) and seconded by Councillor Morey:

- (i) that Councillor Lewis be appointed as the Overview and Scrutiny Co-ordinator for 2015/16 municipal year;
- (ii) that the following Councillors be appointed as the Scrutiny Leads as indicated for the 2015/16 municipal year:

Joint Commissioning – Children and Adults: Councillor Barnby

Joint Commissioning – Health and Wellbeing and Public Health: Councillor Bent; and

- (iii) that the Executive Director of Operations and Finance be authorised, in consultation with the Group Leaders, to appoint a councillor nominated by the Liberal Democrat Group to the Joint Operations Scrutiny Lead role.

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

21 Calendar of Meetings 2015/2016

The Council considered the submitted report setting out the proposed calendar of meetings for 2015/2016.

It was proposed by Councillor Thomas (D) and seconded by Councillor Bent:

- (i) that the calendar of meetings for 2015/2016, set out in Appendix 1 to the submitted report, be approved;
- (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 Chairman/woman.

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

22 Scheme of Delegation for Council Functions

It was proposed by Councillor Thomas (D) and seconded by Councillor Bent:

that the Scheme of Delegation of Functions set out in part 3 of the Constitution in so far as they relate to Council functions, be confirmed.

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

23 Composition and Constitution of the Executive and Delegation of Functions

The Mayor presented his report as submitted with the agenda, on the above, which was noted.

24 Member's question - Oldway Mansion Contract

Members received a question submitted by Councillor Doggett and attached to the agenda, notice of which had been given in accordance with Standing Order A13.

A verbal response was provided at the meeting. A supplementary question was then put by Councillor Doggett and answered by the Mayor.

Chairman

Agenda Item 6

Meeting of the Council

Thursday, 23 July 2015

Questions Under Standing Order A13

Question (1) by Councillor Darling (M) to the Mayor and Executive Lead for Finance, Regeneration and Children (Mayor Oliver)	I understand that a further land valuation, as part of the Cary Green and pavilion project, is being sought. If this valuation is substantially different than the valuation obtained previously will the pavilion re-development project be brought back to Full Council for re-consideration?
Question (2) by Councillor Morey to the Mayor and Executive Lead for Finance, Regeneration and Children (Mayor Oliver)	In light of the comments made by Dr. Sarah Wollaston to the Herald Express dated 4th June 2015, regarding the Mayors refusal to pass over the Council Tax Support Grant to Brixham Town Council (currently estimated to be approximately £67,000 over the last two years) and especially considering her quote of "I do not feel this is an argument that can apply year on year". Will the Mayor now confirm that he will pass over the relevant amount of Council Tax Support Grant for the year 2016/2017?
Question (3) by Councillor Darling (M) to the Mayor and Executive Lead for Finance, Regeneration and Children (Mayor Oliver)	The former B & Q building in Torre was recently sold for 230,000 to a buyer from Newton Abbot. I had lobbied you for the Council to consider placing a bid for this site. With this site being sold for hundreds of thousands of pounds less than the previous asking price do you agree with me that this was a missed opportunity to ensure that prompt re-development took place that could have helped to meet local housing needs?
Question (4) by Councillor Darling (S) to the Chairman of the Licensing Committee (Councillor Manning)	As chair of the licensing Committee what innovative approaches do you plan to introduce to improve our night time economy in Torbay?

<p>Question (5) by Councillor Doggett to the Mayor and Executive Lead for Finance, Regeneration and Children (Mayor Oliver)</p>	<p>On June 3rd, earlier this year, the Herald Express produced an article, which was headlined, "Newly Elected Councillor suing his own Council". This referred to Councillor Richard Haddock suing Torbay Council for up to £160,000 damages in a dispute over farmland at Churston. Therefore I would like to ask the Mayor to confirm that there has been provision in the Council Finances to deal with Councillor Haddock's proposed action?</p>
<p>Question (6) by Councillor Darling (S) to the Executive Lead for Business (Councillor Haddock)</p>	<p>The grassing over of flower beds across Torbay has resulted in much adverse comment on Torbay Council. Why did the Council fail to consult with our communities before taking this drastic step?</p>

Council Meeting, 23 July 2015

Notice of Motion – Devolution

There has recently been a great deal of interest in the promise of powers and greater financial freedoms for English Local Authorities through Devolution.

Devolution can provide;

- **Fiscal Powers** – greater freedom for local authorities to share incentives and raise a greater proportion of revenue through local taxation, plus a call to establish a system of place based, multi annual financial settlements giving local authorities a stable platform on which to secure improved outcomes for residents and communities,
- **Governance Arrangements** – new models of joint governance that ensure effective accountability and the delivery of outcomes in local areas.
- **Powers and Duties** – HM Government can consider specific proposals on a range of devolution options that promote local decision making, increase local accountability and give greater funding certainty without the need for structural or organisational change.

It is known that all of the other authorities in the area have already commenced such discussions with each other, and in some circumstances with central government. Torbay Council has extreme budgetary challenges ahead, and cannot afford to be left behind. It is critical that all members are involved in progressing the devolution agenda, as any decision will ultimately be a matter for Full Council.

Therefore, this Council resolves:

- (i) That a politically balanced Devolution Working Party be established, comprising of seven members (political balance to include the Mayor and the three Group Leaders), tasked with exploring the opportunities for devolution, and report back to the Council meeting in September 2015, on their progress, and any recommendations.

Proposed by Councillor Thomas (D)

Seconded by Councillor Darling (S)

Agenda Item 7b

Council Meeting, 23 July 2015

Notice of Motion – Referendum on Future Forms of Governance

Whilst recognising that the current mayoral system of governance cannot be changed until 2019, there is a ground swell of opinion that the Council should review its current mayoral system of governance, from both the community and a number of elected members on the Council. The referendum can only specify one alternative system of governance (either a move to a Leader and Cabinet or a move to a Committee system). This motion is presented at an early stage to determine that a referendum should be held and to enable full consultation as to which alternative system should be included in the referendum, with a view to holding a referendum to coincide with the Police and Crime Commissioner Election in 2016. Holding the referendum on the same date as the Police and Crime Commissioner Election will save money and lead to a higher turnout.

Therefore, this Council resolves:

- (i) That the holding of a referendum on the Council's governance arrangements be approved and that the Council's Returning Officer be requested to seek to combine this with the Police and Crime Commissioner (PCC) elections in 2016. The matter of timings to return to Council for a decision if it is not possible to combine with the PCC election.
- (ii) That the Assistant Director (Corporate and Business Services) undertake a public consultation on the different types of governance, in consultation with the Mayor and Group Leaders, as to the form and content of the consultation.
- (iii) That the Assistant Director (Corporate and Business Services) provides a full report to Council in September 2015 on the different forms of governance, their operation elsewhere and the outcome of the consultation exercise (referred to in (ii) above) to enable the Council to determine which form of governance will be included in the referendum.

Proposed by Councillor Thomas (D)

Seconded by Councillor Morey

Council Meeting, 23 July 2015

Notice of Motion – Review of Council’s Policy Framework

The Council sets the Policy Framework which includes the major plans and strategies of the Council. It is noted that the current Policy Framework, as set out in Article 4 of the Constitution, has not be reviewed for some time and a number of the plans and strategies contained in the Framework are out of date or no longer required, plus a number of other major plans/strategies are not included in the Policy Framework.

Therefore the Council resolves:

- (i) That the Executive Director of Operations and Finance undertakes a review of the Council’s Policy Framework and presents his findings to the Council meeting in September 2015. The review to include recommendations for additional plans/strategies and removal of any plans/strategies which are no longer required, together with timescales against each policy for Council’s approval; and
- (ii) That the Executive Director of Operations and Finance be requested to give priority to reviewing the Housing Strategy to enable it to be presented to the Council meeting in October 2015.

Proposed by Councillor Bent
Seconded by Councillor Ellery

Agenda Item 7d

Council Meeting, 23 July 2015

Notice of Motion – Constitution Amendment: Forward Plan Timescales

The Mayor and the Council are required to publish forthcoming key (major) decisions in a Forward Plan. The current timescales for key decisions to be published in the Forward Plan is the statutory minimum of twenty eight days and the Forward Plan is published monthly. However it is considered that these timescales do not allow for a strategic and planned approach, which results in a reactive approach when making key decisions.

Therefore the Council resolves:

That the Monitoring Officer be requested to amend the Constitution to require Council key decisions to be included in the Forward Plan normally at least three months prior to the decision being made, with any request for a reduced period of entry to be determined by the Executive Director, in consultation with the Overview and Scrutiny Co-ordinator.

Proposed by Councillor Bent
Seconded by Councillor Tyerman

Council 23 July 2015

Notice of motion – Right to Buy for Housing Association Tenants

This Council notes:

- the new Government’s proposal to extend the Right to Buy to Housing Association tenants, to be paid for by selling off the most expensive Council Housing stock;
- with alarm the shortage of affordable rented homes in Torbay, having less than half the national average of Social housing in Torbay with 1921 households on Torbay council’s Housing register and is very concerned that the current government plans risk making matters far worse.
 - the recent LGA “First 100 Days” campaign which highlighted there are 1.7 million households on waiting lists for affordable housing across England and that more than 3.4 million adults between 20 and 34 live with their parents;
 - that a recent opinion poll showed that just 16% of the public believed that extending Right to Buy to housing association tenants would be the most useful way of tackling the affordability crisis; the public’s top choice was to help housing associations or councils to build more affordable homes, selected by 46% of the public;
 - the recent report from June 2015 which shows that there could be a funding gap of over £1 billion to pay for the scheme.

Council opposes the forced sell off of council housing to pay for this plan and is concerned that the Government also:

- Fails to address the situation for many local authorities which no longer have any housing stock to sell as they have transferred theirs to housing associations;
- Fails to address the situation in areas of high housing demand where there are often few suitable sites to build replacement social housing stock;
- Fails to recognise that this means housing associations will simply be trying to catch up with replacing homes rather than building affordable housing to give more people homes they need
- Fails to recognise that this means that housing Associations will have their financial plans under mined.
- Fails to recognise that the charity commission are likely to challenge the disposal of a charities assets at less than the market value.

Council notes that even the Conservative Mayor of London has said he did not want to see councils “deprived at a rapid rate of their housing stock” if more homes were not being built to replace them.

Council recognises the desire by many to own their own homes, and suggests that proposals put forward by the Liberal Democrats over a “Rent to Own” model and Shared Ownership housing would represent a better way of reaching this goal.

Council also notes that there are existing routes for housing association tenants to own their own properties – some Housing Association tenants already have the Right to Acquire.

Council resolves:

- to work with other neighbouring authorities and housing associations to oppose the current government proposals;

- to write to our two MPs for Torbay Unitary Authority asking to support the Council's position; to speak up in parliament for more social housing and not less and to push for a genuine "one for one" replacement but not at the cost of losing more social housing.

Proposed by Councillor Darling (S)

Seconded by Councillor Stocks

Council Meeting, 23 July 2015

Notice of Motion - Fair funding for Devon and Cornwall Police

This Council notes that:

- The current Home Office funding formula systematically disadvantages Devon and Cornwall with its inbuilt bias favoring metropolitan areas.
- Further spending cuts are inevitable over the life of this Parliament and Devon & Cornwall constabulary will continue to be hit harder than other forces if this is not addressed.
- The existing funding formula does not recognise the additional policing burdens created by:
 - Having the largest number of tourist visitors of any force area in the country.
 - The rurality and associated levels of deprivation, particularly in Cornwall, Plymouth and Torbay areas.
 - High levels of vulnerability resulting from higher levels of mental health issues, an elderly population and low income families.
 - Little account taken of our relatively high levels of violent crime, sexual offences and public order offences.
 - Additional burdens created by having the longest length of coastline with numerous ports and harbours associated with human trafficking, slavery and illegal movement of goods.

Beyond the police funding formula issues, Government only provides 61% of total funding for policing whereas the national average is 68%. If Devon and Cornwall were simply to be funded to the national average we would require an additional £12m to be added to our budget.

Devon and Cornwall Police resources are stretched to the limit and the unfairness of the national allocation of funds is creating significant additional problems.

- Community Policing is at risk if this funding crisis is not resolved.

The Home Office is due to consult on a new funding formula in the coming months.

In light of the above, this Council agrees to:

- Write to the two MP's that represent the Torbay Unitary Authority, the Secretary of State for Communities and Local Government and the Home Secretary, advising of the concerns raised in this motion.

Proposed by Councillor Doggett

Seconded by Councillor Darling (M)

Overview
& Scrutiny
Confidence in your Council



Corporate Plan

Report of the Overview and Scrutiny Board-July 2015

At its meeting on 8 July 2015, the Overview and Scrutiny Board considered the draft Corporate Plan which identified the priorities the Council intended to deliver from now until 2015.

The Board was asked to provide its comments on the Plan prior to its consideration at the meeting of the Council scheduled to take on 23 July 2015.

The Board expressed their disappointment that the current draft of the Corporate Plan does not include certain elements that it would assume such a plan should include. There is currently no delivery plan, no targets against which performance can be measured and no risk assessment, especially in relation to the current financial challenges faced by the Council.

The Board recommends that the Corporate Plan be forwarded to the Council so that all Councillors are made aware of their views on the limitations on the current draft of the Plan and the Mayor and Executive Leads consider how they can address these concerns in the meantime.



Meeting: Council **Date:** 23 July 2015

Wards Affected: All wards

Report Title: Adult Social Care – Local Account and Multi-agency Safeguarding Report

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1. Purpose

1.1 This is the fourth Local Account for Adult Social Care. It sets out what we have achieved for local people in relation to adult social care and outlines our level of performance for last financial year and our commitment to future service delivery. The Government has asked that Local Accounts are put in place to offer councils the opportunity to share a common approach to the performance of adult social care. It also outlines the details of our multi agency approach to adult safeguarding. This reflects the view of government that adults safeguarding is on a statutory basis in the same manner that children's safeguarding is a statutory responsibility.

2. Proposed Decision

2.1 That, subject to any additional recommendations from the Mayor and Group Leaders and to the inclusion of the commentary from the Overview and Scrutiny Board, the Local Account set out in Appendix 1 to the submitted report, which sets out performance for 2014-2015 and sets out intentions for the Annual Strategic Agreement for services for 2016-17 be approved and that the multi agency safeguarding annual report set out in Appendix 2 to the submitted report be approved.

Supporting Information

3. Position

3.1 In Torbay, adult social care is commissioned by the local authority and is delegated and delivered by the Torbay and Southern Devon Health and Care NHS Trust. This builds on the integrated model for health and social care services which we have been rightly proud of in the Bay. The Local Account relates to last financial year but indicates the context of adult social care delivery within a variety of

reforms in the NHS, and a considerable reduction in public service spending which will mean we need to deliver services differently in the future whilst maintaining quality for communities and individuals.

3.2 The Council and the Trust continue to use the concept of 'Mrs Smith' and her family in order to focus on the individual within their community setting and to ensure we have shared values across health and social care.

3.3 Councillors and the community are asked to comment on how this Local Account and the multi agency safeguarding report supports understanding of services we deliver as well as providing a local focus and holding to account for service delivery.

4. **Possibilities and Options**

4.1 The alternative option is not to produce a Local Account but current Government guidance expects local authorities to produce this account for the benefit of local people and then the Council would not be conforming to best practice.

5. **Preferred Solution/Option**

5.1 To publish the Local Account.

6. **Consultation**

6.1 The Local Account has been sent to Healthwatch Torbay (whose statement is included) and has been sent to members of the Experience and Engagement Group, that includes representatives from various service user groups and organisations across the Bay. It will also be discussed by members of the Overview and Scrutiny Board and the comments made will be included in the published version.

6.2 It is expected that the Local Account will be an annual publication and therefore service users and the public will be invited to comment and be involved in service feedback on a rolling programme. The more service user feedback in the future will help the Council and the Trust to identify what is most important to residents of Torbay. The positive impact on specific service users being presented should provide assurance and trust in the work of the Council and the Trust which in turn has a positive psychological effect on individuals and carers as they approach services for the first time.

7. **Risks**

7.1 There are no risks to the Authority in accepting the Local Account and the multi agency adults safeguarding report

Appendices

Appendix 1 – Your Local Account of Adult Social Care Services

Appendix 2 – Multi agency safeguarding report for adults.

Adult Social Care Local Account 2014 - 2015

A local account of how adult social care services in Torbay have been delivered and performed throughout 2014-15, with forward intentions for 2016-17



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1. Foreword by Councillor Julien Parrott – Executive Lead for Adults



This is the fourth year that we have published a 'Local Account' for Adult Social Care Services. The Annual Account reviews the year from 1 April 2014 to 31 March 2015 and looks forward to next year, 2016-17. This year the publication of the Local Account also coincides with the start of a new Council following the elections in May and a new role for myself as the Lead Councillor for Adult Social Care Services.

I am proud to be involved in this as I know that Torbay and Southern Devon Health and Care NHS Trust and Torbay Council are well known for working in partnership to ensure that high quality care services, which also offer value for money, are available to people who live and work in Torbay. This partnership has now spanned ten years and I am looking forward to playing a part in ensuring that these services continue to succeed.

Each year, an annual agreement is drawn up between the Council and the Trust. The Trust then reports to the Council on performance and financial matters on a regular basis throughout the year. This Local Account summaries our successes as well as information about how the local NHS and the Council have managed significant changes. Although difficult at times, this has led to a greater quality of life for individuals and provides us with huge learning when embarking on change in the future.

During the course of the next year we are anticipating that the Care Trust and Torbay Hospital will join forces to form a new and stronger organisation which will continue to provide these vital services into the future. The forthcoming year will undoubtedly continue to provide both the Council and the new Trust with an equal amount of challenge not only because of the financial constraints but also because of the demands on our service as our population grows older. We are, as always, committed to facing those challenges and changes by ensuring that we listen to what you have to say and including you in decision making processes.

We will continue to work to ensure that people are able to support themselves and remain living as independently as possible, for as long as possible by ensuring they have the right support, advice or services available. To achieve this, the Trust and the Council will be working ever more closely with local communities, local people and colleagues in the voluntary sector.

Delivering the right care, in the right place, at the right time and at the right cost is key and we hope that the Local Account will provide you with an insight into our work, the outcomes for local people and our priorities for delivering adult social care over the next year.

Yours faithfully,

**Councillor Julien Parrott
Executive Lead for Adults**

2. Our intentions for adult social care services in 2016-17

This section of the Local Account sets out our intentions for 2016-17



When we first embarked upon integrated health and adult social care services in 2005 we had a vision about ensuring that every person receives the right care, in the right place and at the right time. This is still something that flows through all that we do at the Trust and an ethos that all of our staff hold. In developing and planning the services we provide and arrange we refer to 'Mrs Smith and her family' to remind ourselves that what we do, and the way we do it, affects real people who live and work across Torbay.



The forthcoming year will be challenging as budgets become tighter, both within the Trust and for all our partners. However we remain committed to supporting our staff in making fair and equitable decisions to ensure that Mrs Smith and her family receive the services they need in the most effective way.

In Torbay we have a reputation for being at the forefront of developing new ways of working. As we look forward to future years we are working with colleagues at Torbay Hospital to join forces and form a new integrated care organisation. This new organisation will work closely with GPs from across the area, partners in voluntary organisations as well as Mrs Smith and her family to develop new solutions which result in better services being delivered ever closer to where people live.

As partnership organisations we only ever want to build upon and continue to improve the services we provide and the outcomes for our local population. We do have to do this within tighter financial constraints but the statement below sets our commitment for the next year to the people of Torbay.



Jon Andrewes
Chair
Torbay and Southern Devon Health and Care NHS Trust



Mandy Seymour-Hanbury
Chief Executive



Social care in Torbay the next 5 years:

Social care continues to be on a journey of transforming from the provision of a set of means tested good local services, provided by committed and caring staff to a more personalised set of solutions that are integrated to NHS and volunteer and community sector provision.

As more of us have a mixture of needs that involve medical care as well as social support that exceeds the separate responsibilities of individual organisations, it is impossible to consider how we meet these challenges in isolation from the NHS, volunteers and are own family and friends.

Financial Challenge:

Finance for social care has seen a reduction in real terms, and the discussion locally and nationally is how to bridge that funding gap and find and re-design new models of care. We know that there are future demand pressures for social care and we are working with partners locally on how to manage that demand within given resources. Part of the solution will be commissioning an integrated care organisation (ICO) , featuring local teams of professionals, primary care and volunteers as the 'new front door' to care and ensuring digital solutions and information and advice are in place whether you are self-funding your care or the state pays for it.

Care Act:

The Care Act has been one of the key changes in legislation affecting the way we provide social care. Colleagues have been working hard to ensure we were compliant with the changes which came in on 1 April 2015 and are now working to complete the next set of changes for 1 April 2016. Some resources have been found from new government grant which recognises the new pressures the care act created, but we are still in debate with government about ensuring these changes are fully funded. Our current estimates do not believe that they have been fully covered.

The Care Act in its widest sense is a welcome piece of legislation. It clarifies and updates the legal position on many areas of social care. It also puts the emphasis firmly on prevention and consideration of the well being of individual and communities. We need to nurture resilient healthily families and community to ensure that we are less likely to need support through acute episodes of physical or mental health illness. We need to build on the many community assets we already have in our communities, buildings, services and people.

Personalisation and community assets:

One of the features of the next 5 years will be more customised and personal solutions for health and care needs. People rightly want greater control over what happens to them and co-produce (i.e. decide jointly) choice over care support and treatment. 'What matters to me,' as the key question for care, not 'What is the matter with me'.

The model of care we have developed through an integrated care organisation is based on enabling people to live as long as possible in the community. The route of this is care based in localities with primary care working with local integrated teams of professionals as well as volunteers from the voluntary sector. There is work to be done to fully put in place a new model of care combined with a greater stress on integrated housing based support and the mainstream use of individual budgets (Integrated Personal Commissioning –IPC) - we are a pilot for this national agenda –but still it at an early stage. Care will be supported as now by carers who are family members and friends, and we need to find new ways to support informal arrangements in our communities and to strengthen community arrangements.

Safeguarding and quality:

Safeguarding remains a critical focus for our statutory responsibility for adults in our community, and we continue to ensure all partners are active and involved and challenge what we do in this arena. However quality and safe services go beyond formal safeguarding thresholds, and we need to improve and maintain the services people can access. We continue to work with CQC as the regular of quality provision in our area as well as the market of providers of social care on quality measures and improvements.

Workforce:

The local model of care provides fresh opportunities for economic development and workforce development. The new approach to domiciliary care- living well at home (LW@H) is taking an approach to recruit more and new types of individuals into the care workforce. Working with workforce development in the NHS we need to ensure there are less divides and more opportunities to transition between the independent sector and the local authority and the NHS- so careers can be developed in care and health with new types of job roles for the benefit of local people.

Leadership:

Local accountability through the Health and Well Being Board (HWBB) remains a key part of ensuring governance and democratic accountability and debate for the changes we will need to agree across partners and with communities over the next 5 years.

Locally relations remain good with good system leadership, and although some leaders have moved on for new opportunities and new ones have arrived- that transition and commitment to the same value base remains strong.



Caroline Taylor
Director of Adult Social Care Services
Torbay Council

3. Our performance in 2014-15

This section of the Local Account looks at how we have performed and delivered on our responsibilities for adult social care in 2014-15. It aims to provide information to local residents to enable them to determine whether the NHS and the Council have done everything possible to ensure that the best care is provided to the elderly and the most vulnerable in Torbay.

The document provides the reader with the results of the national targets and local performance targets set by the NHS and the Council and where possible indicates whether the performance has been achieved or not by using red, amber and green ratings.

Green	Exceeded, achieved or within 5% of the performance target
Amber	Narrowly missed performance target by between 5% and 10%
Red	Performance needs to improve, target missed by 10% or more

Both organisations are aware from previous feedback that this information on its own is not always helpful to the reader in determining whether things have improved for themselves, their loved ones or the people they care for. So with that in mind, the commentary that follows seeks to provide some real examples of how the work this year has made a difference to individuals or groups.

The themes for these examples will be aligned to the four performance outcomes agreed between the Council and the Trust at the start of the year, these being:

- Outcome 1 – Enhancing quality of life for people with care and support needs
- Outcome 2 – Delaying and reducing the need for care and support
- Outcome 3 – Ensuring people have a positive experience of care and support
- Outcome 4 – Safeguarding people whose circumstances make them vulnerable and protecting them from avoidable harm

A description of what you might expect under these headings is also provided so that you can judge whether this is what you told us or experienced. Torbay and Southern Devon Health and Care NHS Trust and Torbay Council are always striving to improve, develop and enhance services through lessons learnt and best practice and we have described how we plan to do that in the future. We have also included details of some things you might not be aware of which might help you or someone you know in the future; these include some of the very latest innovative solutions to providing high quality care.

As always there is the inevitable focus on the financial position and performance from 2014-15 as well as details of the budget going forward into 2015-16 and how we plan to allocate and spend the resources available to us. There will be a review of how we have used the resources available and how we have ensured best value for money at all times. We are also keen here to provide you with an open and transparent review of the risks both organisations are facing in the forthcoming year together with plans to mitigate these risks where possible.

Finally, we have asked your local Healthwatch in Torbay and Overview and Scrutiny members to review the Local Account and ensure we have provided an open and transparent view of client experience and oversight of the service provided, in line with the views of members and constituents in Torbay. We have also asked our Experts by Experience panel to review the Local Account and have made amendments to the account to improve the information, layout and look of the account.

We do hope that you will find this Local Account useful and informative and would encourage you to contact us to provide feedback on this or to ask where you can find out further information which might be of use to you or a loved one.

4. How have we performed?

i. Outcome 1 – Enhancing quality of life for people with care and support needs

What does this mean for the people of Torbay?

This is about individuals being able to live their lives to the full by maintaining their independence, not feeling isolated or lonely because they were able to receive the right level of high quality support, designed by them. It is also about carers being able to balance their role as a carer as well as maintaining their desired quality of life.

How have we performed?

Measure	2013/14			2014/15				
	Target	Actual	Rating	Target	% Target	Actual	% Achieved	Rating
Proportion of clients receiving a direct payment & contracting for their own care	490	507	✓ 3	472	10%	489	10.4%	✓ 3
Proportion of clients who know the size of their weekly care costs	3,429	3,036	✗ 1	3,306	70%	2,919	61.8%	✗ 1
Proportion of clients who have received an annual review	3,107	3,484	✓ 3	2,563	80%	2,280	71.2%	✗ 1
Proportion of clients who have a copy of their care support plan	4,673	4,580	✓ 3	4,583	95%	4,342	90.0%	! 2
Proportion of assessments completed within 28 days of referral	1,487	1,609	✓ 3	1,810	70%	1,875	72.5%	✓ 3
Proportion of clients receiving their care within 28 days of assessment	1,289	1,479	✓ 3	1,222	85%	1,362	94.7%	✓ 3
Adults with learning disabilities living in settled accommodation	268	258	✓ 3	282	69%	274	67%	✓ 3
Adults in contact with secondary mental health services in settled accommodation	218	187	✓ 3	162	77.0%	133	63.0%	✗ 1
Adults in contact with secondary mental health services in employment	16	7	✗ 1	12	5.5%	6	2.8%	✗ 1

The table above shows service users within Torbay continue to have rapid access to social care services. 73 per cent of people referred for an assessment are seen within 28 days and 95 per cent of the packages of care needed for service users start within a month of assessment.

Our performance on ensuring that service users are kept informed of the cost of their packages of care is 62 per cent, which falls short of the 70 per cent target. This is something we will be addressing through a programme of work to develop personal budgets. This is important because knowing the amount helps people take greater control in the care they receive and determine whether it provides value for money. Some of the people also opt to organise their own care and so receive what is known as a 'direct payment'.

Performance for adults supported by secondary mental health services is lower than we would like. The high unemployment rate and seasonal employment patterns within Torbay contributes to this. Improving employment opportunities for learning disability and mental health service users is a key priority and our multi-agency work will continue to ensure that this happens.

Telehealth and care

We continue to provide community or telephone alarms but these alarms are increasingly being paid for privately by individuals and their families, who are living independently but seeking the security of knowing they could contact someone in an emergency. This service is provided by a local call centre.

We received over 75,000 alarm calls in 2014-15 from our customers and 99 per cent of these were answered within 30 seconds. An average of 135 calls per month were referred to the Ambulance service; this demonstrates how effective the service is and the peace of mind that it gives to the user and their family. If you are interested in having an alarm at home for yourself or a family member, please call us on 0300 456 4861 for more information.

We pride ourselves on working to the highest telecare standards. The call centre which supports our telehealth and care services is based locally in Torquay. All such call centres have to undergo inspections known as Telecare Services Accreditation. Our call centre was subjected to this annual audit and passed with complimentary comments on the professional way that we work.

Case study

Mrs G is a very independent lady who is in her 80's and lives alone. She takes much pride in her garden. She has a gardener in twice a week but is also a very keen gardener herself. She lives in a large detached house in a remote location with the nearest neighbour one mile away.

One morning she went into the garden to do some weeding, tripped over with her walker and was unable to get herself up. Owing to her location she would not be heard if she had called out so she had no choice but to lay there until her gardener arrived some hours later. She was uninjured and subsequently made a full recovery.

However, because of her fall and the fear this may happen again, Mrs G contacted Torbay TeleHealthcare and asked if we had any equipment that could summon assistance when she was in the garden. A TeleHealthCare Development Officer (TDO) was asked to undertake an assessment on her property. The TDO took a lifeline alarm unit, a falls detector and a choice of pendants. The TDO spoke in depth with Mrs G and demonstrated the falls detector to her. It soon became apparent that the falls detector would not suffice as it would trigger every time she bent down/over to prune or weed etc. The TDO then demonstrated the pendants. The TDO took a pendant into the garden and did a range test from the furthest points of the garden but they didn't all make a call so the TDO relocated the alarm to her "music room" and did the tests again. This time every call was successful and she was happy with this. Mrs G agreed to hang her pendant by the front door and would simply put it on every time she went out to the garden. The notes that the call operators read were updated to say "uses the pendant outside only" so they know that if a call came through and they had a "no response" then they were to action the call out list instead of attempting a call back.

This has allowed Mrs G the flexibility and independence of continuing with her gardening whilst offering reassurance that in the event of a problem, help is only a button push away.

Dementia care and awareness in Torbay

It is estimated that only 43 per cent of those who have dementia have had it diagnosed. The Trust recognises the significant impact dementia can have on a person and their family life. In Torbay and South Devon, the Trust has made significant progress in providing the right kind of care for people with dementia. The Trust has adopted the national standards of best practice and has introduced a wide range of measures aimed at helping people with dementia. All of our 11 community hospitals have 95 per cent or more of staff trained in dementia awareness and can display the Purple Angel. The Purple Angel signifies recognition and understanding of dementia and has become an iconic symbol in the promotion of dementia awareness globally. We continue to work closely with carers who look after people with dementia so they can understand what to expect and know how to respond in situations.

ii. Outcome 2 – Delaying and reducing the need for care and support

What does this mean for the people of Torbay?

This is about individuals having the best opportunity possible to manage their own health and care because they have the right support and information. Early diagnosis and intervention means that dependency on intensive services is reduced and when it is required it means that individuals are helped to recover in the right setting which isn't necessarily in a hospital environment.

How have we performed?

Measure	2013/14			2014/15		
	Target	Achieved	Rating	Target	Achieved	Rating
Number of people living permanently in a care home as at 31 March	697	683	✓	644	654	✓

In order to help people live as independently as possible, for as long as possible, we are committed to reducing the reliance on nursing home and residential home care.

During the last four years the number of individuals living permanently in a care home (at the end of the year) has reduced each year and this trend continued in 2014/15. With an ever growing elderly population this enables those who most need this type of specialist care to receive it, whilst helping others to stay as independent as possible in the comfort of their own home.

We continue to work closely with the care homes within Torbay and rely heavily on the intermediate support they provide which can often avoid an emergency admission into an acute hospital. Our ability to place people at very short notice into temporary beds is part of our intermediate care service. This service is of renown nationally with many other local authority and NHS organisations looking to replicate it. The joined up (or integrated) nature of services also helps ensure patients have shorter stays at the local acute and community hospitals. The average length of stay for emergency patients at South Devon Healthcare NHS Foundation Trust (Torbay Hospital) is amongst the lowest in the country and those patients experiencing a delayed discharge are minimal. This is achieved by having streamlined communication processes between teams to ensure patients can have rapid access to the service they need when they return home.

The Trust's reablement service (the IHSS team) has been developed over the last two years to provide an enabling domiciliary care service that works with people going through a change in their health and social care needs, which has affected their abilities. The staff have received further training and are now managed and led by an Occupational Therapist, which means that they are able to approach service users with an enabling approach to their care and 'do with' rather than 'do for' the person.

This has been a very successful service with 88% of clients completing reablement needing no ongoing or the same amount of support that they previously received.

IHSS supports people who have recently come out of hospital, or those who have been supported in the community through their changed health need, and the team works very closely with Intermediate Care teams across Torbay.

Case study:

Doris, a 76 year old lady residing in Torquay with her daughter suffered a significant and rapid deterioration in her mobility. She was seen at home by her GP and diagnosed with a crush vertebral fracture. Her daughter struggled to manage and called in to the Zone via a self-referral.

CRT attended to provide immediate response as Doris was unable to get off the toilet and her daughter was unable to assist.

The Intermediate Care Occupational Therapist and Physiotherapist went out to assess Doris at home; owing to her low level of mobility and pain issues, it was advised that a short term residential placement was needed to address pain control and regain Doris' mobility with a view to returning home as soon as possible.

Whilst Doris was in the residential placement she was seen by the Intermediate Care Nurse, Occupational Therapist and Physiotherapist, as well as by her own GP. She also received visits over the weekend by Intermediate Care therapists to help improve her mobility.

Doris had a five day length of stay in a placement and then returned home with an Occupational Therapy discharge home visit to support her and a reablement package of care, provided by IHSS to start the following day. The aim is for Doris to regain independent living skills and to provide support to her daughter to help in her care to return to full independence in her home environment.

iii. Outcome 3 – Ensuring people have a positive experience of care and support

What does this mean for the people of Torbay?

This is about individuals and carers being aware of the support that is available to them and when it is accessed, that it is sensitive to their needs and provides them with a positive experience.

How have we performed?

Measure	2013/14			2014/15		
	Target	Actual	Rating	Target	Actual	Rating
Carers receiving a needs assessment, a review , information, advice, etc.	1396	1589	✓	1,502	1773	✓

As can be seen from the section below, supporting carers – both young and old - has been and remains a high priority in 2015-16.

Supporting carers

Actively supporting carers – both young and old – remains a high priority for the Trust, Torbay Council and the local NHS commissioning group. We take a whole systems approach to supporting carers, involving all relevant agencies and ensuring that advice and support is available at key points in a carer's journey, regardless of the agency they are engaging with at that time. The basis for our local priorities is 'Measure Up', Torbay's interagency carers' strategy, with the consultation about the priorities for 2015-17 having been led by Healthwatch and including the views of over 700 carers. This latest edition of Measure Up is being published and contains a detailed action plan for agencies to enable them to achieve these priorities.

Some of the priorities seek to address the changes brought into force in April 2015 with the implementation of the Care Act and the new rights for carers which it contains. Many of the aspects of the Care Act, such as early identification and support of carers, providing good quality information and advice and whole family working had already been promoted as good practice in Torbay. The current model of carers services, which combines direct access to support (our universal offer) and targeting specific groups of carers, including those with more complex needs, is well suited to the requirements in the Act. There will however be challenges such as capacity issues, particularly for carer support in primary care as more carers become aware of the support available to them and for awareness training to make sure that everyone is aware of their new responsibilities.

A further challenge is for services to adults including specialisms such as mental health, rather than carers' services, with increased responsibilities for including **all** carers in discussions about the support to the person they care for, with particular attention to young carers. Again this further develops what Torbay had highlighted as good practice and has actively been working towards with its strategy for carers under 25.

This multi-agency strategy for carers under 25 has had its own successes this year. It was developed in 2013 after four years of multi-agency working with a Memorandum of Understanding for Young Carers, ensuring that Adults and Children's Services work together with services that carers under 25 come into contact with. By the end of 2014 owing to the fact that so many of these strategy targets had been achieved a new action plan was devised in conjunction with these carers with additional targets around employability and accessibility.

Some of the issues for carers under 25, such as being identified at the first opportunity and being involved in discussions about the care of the person for whom they care, are the same for any age of carer. One of the key opportunities for improvement is at the point of a person's admission to hospital, and Carers Services has continued to address this as a priority area. Building on the success of the previous year's Commissioning for Quality and Innovation (CQUin) target about improving carer's involvement in hospital discharge, new targets were set for both the acute and community hospitals. These were about including carers in conversations, particularly around medication, improving communication and improving practical issues for carers such as parking. The community hospitals made huge strides in addressing their processes to include carers and the acute hospital is continuing its pilot to include the carers in discussions around medication. The acute hospital led the way

in agreeing free hospital parking for registered carers when supporting the person they care for and this was also agreed at the community hospitals that charge for parking. Cost reduction on meals and access to refreshments at Torbay Hospital was also agreed – small changes that can make a significant difference to a carer's life.

Another priority area is the GP practice, where in 2014 we introduced Health and Wellbeing Checks for Carers to be completed by the Carer Support Workers present in each GP practice. The data from the 2011 census showed that 8.6 per cent of carers in Torbay report very bad/bad health, significantly higher than the England average, and our local research strongly suggests that there is underreporting of health problems by carers. This 'light touch' assessment will enable early support to be put in place and systematic referral for more complex cases, whilst work will be undertaken with each GP practice to promote the early identification of carers to enable them to have the appropriate support as quickly as possible.

Again these principles of early intervention, prevention and a focus on the health and wellbeing of carers are all embodied in the Care Act. Others, such as direct access for carers to information, advice and support, encouragement of self-care, and development of community capacity and self-help networks to support carers are already in place in Torbay and will be further strengthened by the action plan within Measure Up.

- Our carers information service (Signposts) currently responds to 240 enquiries per month. The National Carers Survey shows that most carers in Torbay find it easy to find carers' information, but we will work to improve this further.
- Our partnership work with voluntary organisations to develop an enabling approach and self-assessment has been an important area of development which encourages early intervention and mutual support. This will be enhanced by the Ageing Well projects with Mencap and Crossroads managed by the Community Development Trust.
- Carers being supported by volunteers are already built into the Crossroads service and at a low level within Torbay Hospital. This should be increased with links to the Volunteers in Care Torbay (ViCTor) project.

The number of local carers identified and being supported in Torbay is currently about 4,500; just over 1 in 4 of residents of Torbay who identified themselves as carers in the 2011 census. This is good compared with many other authorities but still means that 3 in 4 carers are not getting the support to which they are entitled. As awareness of the new rights for carers in the Care Act increases this should lead to increased demand, not just for Carers Services, but on other parts of the system such as packages of care for clients which should include breaks for their carer. It will be interesting to see the actual impact of the Care Act for next year's annual report.

Transformation in learning disability services 2014/15

During 2014 a major change programme for the provision of services for people with learning disabilities has been underway. Two key documents were published in 2013 and 2014, which encapsulated the Trust's commitment to modernising services for people with learning disabilities. These reports and recommendation were based on key principles:

- Maximizing personalisation and choice from a diverse market place
- Supporting people with learning disabilities to access mainstream services, with reasonable adjustments
- Access to high quality specialist services, targeted to people who need them most when they need them most.

The Operational Commissioning Strategy for People with Learning Disabilities was approved by the Trust Board in May 2014 and before that by the Health and Well Being Board of Torbay Council in April. As part of the strategy the Trust Board supported the development of the High Needs Service for our In House day services.

The approach to the redesign process for Learning Disability Services puts access to mainstream services and community resources at the heart of the change process. It considers these two key principles as fundamental requirements to the delivery of personalisation, safe services and financial savings. The proposals also acknowledged that specialist services have a vital role in meeting the needs of the most vulnerable and complex people in our community. Our strategy is in line with the national approach to the modernisation of services that has been in place for some time.

Modernisation of in-house day services

Our strategic approach to support planning for people with learning disabilities concentrated on meeting people's outcomes by maximising the use of natural community support and providing support to enable people to make their own safe choices. The decision was made to commission services on people's behalf and co-ordinate the provision of information and support planning, rather than directly provide services ourselves.

The approach has had a strong ethos of co-production and a variety of mechanisms have been employed to ensure that future services are what people want and will use. The following activities were undertaken to ensure engagement and co-production were central to development of new services:

- The Festival of Ideas – this engagement event gathered information from users and carers about what they want from the future
- The Day Service Family Carer Group – this group has been meeting to discuss the ongoing change programme and to ensure that family carers can input into the proposals
- Service user engagement exercises – all service users were asked for their views on what their future services should be
- Presentation to the Learning Disability Partnership Board – this statutory, voluntary and user board was asked their view on the proposed changes
- Consultation/briefing with older carers and MENCAP – these two carer groups were briefed and their views incorporated into the consultation
- Community Learning Disability Teams engagement exercise – staff were consulted to gather their views on the potential impact on their clients.

High Needs Day Care

Work is now complete on the creation of a high needs service for people with profound and multiple learning disabilities. These service users need high levels of specialist care and support.

Support Planning

A Support Planning service has been in place since February 2015 which offers person centred support plans, managed budgets and is developing a network of providers. The service offer choices from the independent sector and maximises the use of free/community services – with a focus on employment. A friendship network is now in place to address social isolation and to develop a peer support network for people who do not fit National Eligibility Criteria. People self-refer to this free service and only pay for the activities they attend.

Transport

The Transport policy came into effect in April 2014, covering all care groups. The policy outlined eligibility for funded transport and emphasised person centred solutions and maximising independence. The introduction of the policy coincided with Torbay Council's removal of the taxi coordination's services. People with learning disabilities were supported to make different arrangements, delivering a social care saving of £105,000.

Redesign of the Community Learning Disability Team

The new model of integrated support for people with learning disability is split into these key aspects:

- Consultation with social care staff is now complete and their transfer to mainstream zones social care staff will have been implemented by mid May 2015. There will be corresponding changes in senior management arrangements from LD specific management to management from within the zones.
- The Learning Disability Support Unit will be created in May 2015, to be incorporated into the Single Point of Contact.
- A restructure has been agreed with Devon Partnership Trust staff based in Torbay, with LD specialist nurses based in zones offering advice to nursing and therapies to make reasonable adjustments for people with learning disabilities to TSDHCT provided services.
- Specialist clinical support will come from a DPT lead Intensive Assessment and Treatment Team (IATT), to be created in summer 2015.

Case study

“Via Shirley’s support plan it was established that she very much enjoys spending time with her friends and family and going to swimming and pottery.

She has been going to Hollacombe CRC for five days per week for many years and feels it is time to move on and do different things. A new plan has been agreed for her including weekly trips to swimming with support, walking activities, pottery and time at SPACE (Support Planning Team) and shopping with her brother and friends.

Shirley moves from Hollacombe in April and her programme of activities is funded within her personal budget.”

iv. Outcome 4 – Safeguarding people whose circumstances make them vulnerable and protecting them from avoidable harm

What does this mean for the people of Torbay?

In practice the term ‘**safeguarding**’ is used to mean both specialist responsive services where harm or abuse has or is suspected to have occurred, and other activity designed to promote the wellbeing and safeguard the rights of adults.

In its broadest sense it is everybody’s business: the public, volunteers and professionals, working together to ensure everyone is treated with dignity and respect, enable people to have choice and control in their lives and provide compassion in care.

Safeguarding adults has been placed on a statutory framework by the Care Act 2014. The local authority has specific safeguarding duties and must take a lead role in facilitating responses to adult abuse concerns and receiving assurance that responses are completed in accordance with the adults preferred outcomes.

The duties apply to adults aged 18 or over to which the local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):

- (a) has needs for care and support (whether or not the authority is meeting any of those needs)
- (b) is experiencing, or is at risk of, abuse or neglect, and
- (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

The Care Act requires that local authorities must make enquiries, or cause others to do so if the above criteria is met (s.42Care Act 2014).

How do we ensure that vulnerable adults are protected from abuse?

Torbay Safeguarding Adults Board leads the work on safeguarding adults, working with partner organisations to make sure there is a joined-up system to respond to concerns.

We have invested time and effort into training and raising awareness about safeguarding adults for both staff and the public. During 2014-15, there was a 5 per cent increase in concerns that required local safeguarding adult procedures. The continuing trend remains upward with local authorities expecting to see additional increases in response to their new Care Act Duties. In 50 per cent of cases, the investigation concluded that the alleged abuse was ‘substantiated’ or ‘partially substantiated’ which shows that abuse is being detected more reliably.

The rise in referrals continues to place pressures on the staff teams involved in safeguarding across the Safeguarding Adult Partnership. We aim to ensure that all safeguarding concerns are handled in a consistent way and acted upon in accordance with local multi-agency policies and procedures. However, it was not always possible to meet our targets for timescales during 2014/15 which resulted in some delays in holding safeguarding meetings within target. The focus on making safeguarding personal has also meant practitioners are

promoting more person centred responses rather than process driven responses to adult abuse concerns.

We have implemented a more detailed training strategy and programme which links to national core competencies and compliance frameworks for safeguarding adults, identifying clearly the right level of training required for each job role. We have increased the number of staff undertaking induction-level training; uptake has been very positive with 96% of Trust staff receiving at least an induction level training.

How did we perform?

Measure	2013/14			2014/15				
	Actual	Target	Rating	Target	% Target	Actual	% Achieved	Rating
Proportion of safeguarding meetings held within 5 days to agree a strategy for client	163	174	!	184	75%	89	36.3%	✗
Proportion of safeguarding multi-organisational case meetings held within 20 days	95	125	✗	104	70%	72	48.7%	✗
Number of repeat safeguarding referrals in last 12 months	20	16	✗	n/a	16	n/a	21	✗

In June 2014, a high level Local Government Peer Review undertook a holistic overview of Safeguarding Adult Systems in Torbay. The review found many strengths in Torbay, with a clear outcome that our integrated model of health and social care has improved safeguarding in Torbay. Safeguarding was seen as everybody's business with good leadership within the Council, Safeguarding Adults Board and Trust.

The review regarded the work of the Experts by Experience Group as extremely innovative. The service user led group undertake discovery interviews with adults at risk who have received support from safeguarding responses and asks for their feedback on this experience. Feedback has been positive with participants valuing the safeguarding response, the support of practitioners and feeling safer as a consequence. Learning from experience is also reported to the Safeguarding Adult Board, Trust Safeguarding Committee and Practitioners to ensure learning can be fully embedded into practice. Examples include consistency of people within the process and reducing recommendations to further reduce power imbalances within safeguarding meetings.

In the Autumn of 2014, the Trust utilised its internal auditors to further examine our Safeguarding Adult Systems. Auditors reported the Trust has good control and governance surrounding the identification and protection of adults at risk of abuse with a number of good practice areas highlighted. The key priority to address was the capacity and resilience of the safeguarding adult single point of contact service which is currently being reviewed by the Trust and overseen by the Safeguarding Adults Board.

Assuring the quality of care in Torbay's residential homes

The BSQT undertook comprehensive quality assessments with care homes in 2014/15 as part of the team's proactive monitoring work. This covered a greater depth of assessment to provide a comprehensive understanding of service quality and areas of potential risk. Use of the monitoring tools has already led to early intervention and support for care homes to prevent an identified area of concern becoming more serious.

During this past year the Care Quality Commission (CQC) also revised their regulatory inspection process and our local Healthwatch Torbay launched an online “feedback centre” to complement their “Enter and View” visits to care homes. To avoid unnecessary duplication and ensure that the BSQT role complements that of its partners CQC and Healthwatch, the team has reviewed all the data available in this area including Trust Datix incidents, safeguarding alerts and complaints. This has led to the team refocusing their quality assessment to concentrate their efforts in key areas for 2015/16. These include client support plans and risk assessments, medications management and staff training. The homes also complete an annual quality self-assessment developed by the team which includes myriad areas of their business. This is shared with the BSQT on a regular basis.

The team aims to carry out two pro-active visits with the homes annually. When there is a requirement to support a home following a CQC inspection, Provider of Concern Process or safeguarding Whole Home Investigation, the BSQT is likely to hold a Service Improvement Plan which underpins essential actions to raise standards.

Improving the safeguarding process

The action plans from the peer review, internal audit and feedback from the experts by experience group will inform our plan to improve safeguarding systems. In addition, the Torbay Safeguarding Adults Board has changed its structure to provide a thematic focus to its business plan. Key themes addressed so far are transitional services for young people and keeping people safe in their own home.

Future plans

The creation of the ICO is expected to provide greater opportunity for health and social care partners to work more seamlessly. In addition, the peer review highlighted that it expected the ICO to result in less bureaucracy, fewer avoidable admissions to hospital and more support for people in their community. The safeguarding governance arrangements within the ICO will play a key role to ensure that these expectations are met.

In March 2014, the Supreme Court made a ruling that has altered the way in which the Deprivation of Liberty Safeguards are considered. The new ‘acid test’ determines whether the person’s liberty is deprived:

- 1) Is the person subject to continuous supervision and control?
- 2) Is the person free to leave?

This resulted in a 2500% increase in applications during 2014 / 2015 and the number of applications will continue at the increased amount. The ability of the Trust to recruit assessors and train additional assessors to manage the increase will need to be carefully monitored to provide assurances that the Trust meets its supervisory body functions as required by law and national guidance.

5. Financial position and use of resources

The financial review provides an overview of the financial performance of adult social services in the Torbay area for 2014-15.

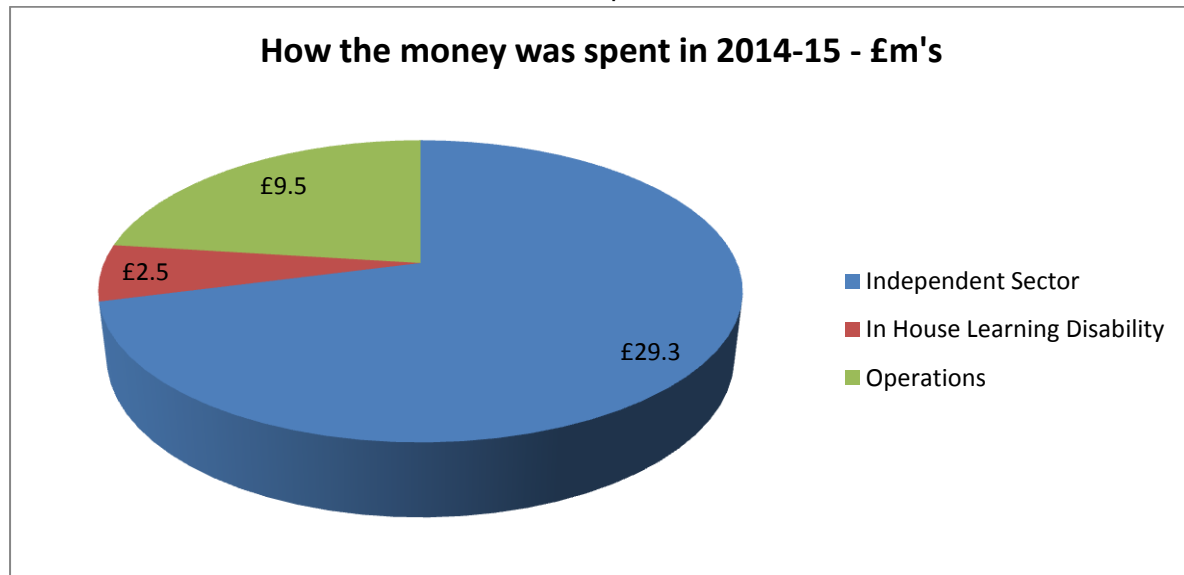
Torbay and Southern Devon Health and Care NHS Trust, provides adult social care (ASC) on behalf of Torbay Council, providing integrated health and adult social care services across Torbay. The Trust is responsible for community health services in Southern Devon and works with a range of local voluntary sector organisations, and with several NHS providers. The Trust serves a population of around 375,000 people and employs around 1,800 staff.

During 2014-15 the Trust had a turnover of £155.7m. During this financial year the Trust managed its budget within the funds available and reduced the number of clients in long-stay residential care. This is a significant achievement given the financial challenges the Trust has faced, set against a back drop of increasing demand and complexity of services needed to meet client needs. It also means we have been able to deliver more care closer to home.

In 2014-15 the budget for ASC in Torbay was £41.2m. The total net spend in 2014-15 was £41.3m resulting in a minor £0.1m overspend. Despite this minor overspend there was a £0.7m reduction on the 2013/14 total of £42.0m and in 2014-15, £2.6m of CIP savings were achieved by the Trust on ASC. The material CIP factors underpinning this are detailed below:

- There was a reduction in residential / nursing placement numbers (standard cases) during the 2014/15 financial year.
- There was a significant reduction in packages of care costing over £606 per week (13 cases). This was particularly evident within the Learning Disability Team.
- There was a significant increase in contributions from clients in receipt of Domiciliary and Day Care services.

The chart below shows how the £41.3m was spent.



Spend analysis 2014-15

The Trust spent £2.5m on its in-house learning disability services in 2014-15, including costs of £1.2m for two residential homes and £1.3m on the provision of day care.

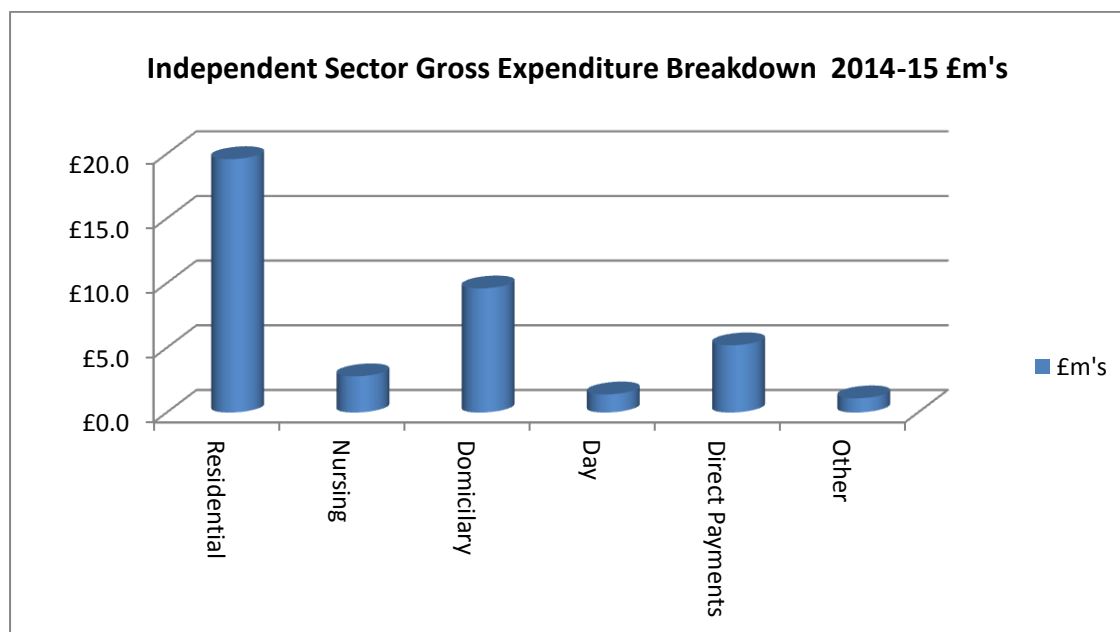
Operational costs totalled £9.5m in 2014-15. This is the cost of providing care management and social care support across Torbay and includes the cost of social workers, community care workers, occupational therapists, physiotherapists, finance and benefit assessors and commissioning and support service staff.

Over 70 per cent of the total net spend on ASC is the purchase of care (including residential, nursing, day and domiciliary) from the independent sector. The majority of this spend is with providers within Torbay but some specialist residential care is provided out of area. At any point in time there was on average around 2,200 people receiving a core service.

The age of the people receiving these ranged from 18 to 111 in 2014-15 and services were provided to clients with learning disabilities, dementia, sensory and physical disabilities, vulnerable people and the frail and elderly.

The net spend figure in the independent sector was £29.3m in 2014-15. Gross spend with the independent sector was £39.7m with income collected of £10.4m. The vast majority of income we collect is from charges made to clients. Under national legislation, all social care clients receive an individual financial assessment and this can result in a client being asked to contribute towards the cost of their care provision.

The gross expenditure within the independent sector is illustrated in the chart below.



Financial outlook for 2015-16 and beyond

At a national level funding arrangements for ASC are going through a significant change process and this will take partial effect from April 2015 and be fully implemented from April 2016. In addition to this Torbay Council in line with other local authorities have funding constraints which has led to substantial budget reductions being proposed for 2015/16.

At a local level, development work continues on the formulation of an Integrated Care Organisation (ICO - acquisition of Torbay and Southern Devon Health and Care NHS Trust by South Devon Healthcare NHS Foundation Trust). Both Trusts, Torbay Council and South Devon and Torbay Clinical Commissioning Group acknowledge the tight financial constraints and jointly believe that the ICO is best placed to continue to deliver the best possible care and support within these constraints. This will be done in consultation with the Council and where it is necessary to make changes to the way services are delivered consultation will take place with the people and carers who use the service.

The total planned net gross spending on ASC in 2015-16 is £38.8m. This is funded by Torbay Council and income received from clients who contribute toward the cost of their care.

7. Looking after information

The Trust takes the responsibility of safeguarding the information we hold very seriously. All incidences of information or data being mismanaged are classified in terms of severity on a scale of 0-2 based upon the Health and Social Care Information Centre *“Checklist Guidance for Reporting, Managing and Investigating Information Governance and Cyber Security Serious Incidents Requiring Investigation”*.

For the year 2014/15, no level 2 breaches of confidentiality or data-loss incidents were recorded by the Trust, therefore no incidents required further reporting to the Information Commissioner or other statutory bodies.

Summary of Serious Incident Requiring Investigations Involving Personal Data as Reported to the Information Commissioner’s Office in 2014-15				
Date of Incident	Nature of Incident	Nature of data involved	Number of data subjects potentially affected	Notification Steps
February	Unauthorised Access	Name, address, NHS number, date of birth, health information	1	Currently under investigation
Further action on information risk	This incident is still under investigation.			

Incidents classified at severity level 1 have been aggregated and are reported below.

Category	Breach Type	Total
A	Corruption or inability to recover electronic data	0
B	Disclosed in error	5
C	Lost in transit	2
D	Lost or stolen hardware	0
E	Lost or stolen paperwork	0
F	Non-secure disposal - hardware	0
G	Non-secure disposal - paperwork	0
H	Uploaded to website in error	0
I	Technical security failing (including hacking)	0
J	Unauthorised access/disclosure	1
K	Other	0

The incidents reported in these tables cover information in regard to both health and social care. Of these incidents those which involved social care data were 1 (out of 8) categorised as level 1 – disclosed in error.

6. Commentary from Healthwatch Torbay

Healthwatch Torbay response to Torbay and Southern Devon Health and Care NHS Trust Adult Social Care Local Account 2014/15

Healthwatch Torbay's role is to give Torbay people a stronger voice to influence and challenge how health and social care services are provided. (Department of Health. *Health and Social Care Act.2012*). Our various ways to consult with local people is providing a growing body of knowledge which informs our response to this Local Account.

In overview it is a pleasure to read a document that is written with public readership in mind. On the whole the work to keep our communities safe and cared for are explained well with only a small amount of unexplained terminology and acronyms. The case studies are a worthwhile way for the public to understand the processes of care. Perhaps future Accounts might push the Mrs Smith model further to illustrate the care provided to more of the hard to reach people and communities.

In today's financial climate no organisation can be expected to achieve perfection in all areas, much as we would want this to happen. In this context, Healthwatch Torbay would look to see honesty in the Account followed by reflection on reasons for target failure followed by plans for improvement. Section 4. Outcome 1 (*Enhancing quality of life*) is one opportunity. The performance table for 2014/15 showed failure to hit the target in over half those presented. This is a reduction in effectiveness compared to the 2013/14 table. Mental health appears within two of the failures. Healthwatch Torbay case studies include adult mental health issues, so would have appreciated more depth of explanation and a measurable improvement plan for the public to consider. We would also appreciate more detail of the Experts by Experience work. The Account includes very little on how user feedback is obtained and used to improve quality.

It is pleasing to end this comment with the knowledge that Healthwatch Torbay and the Trust have worked together successfully. The dementia awareness project for Care Home staff involving Torbay Dementia Action Alliance (TDAA) is an example of how service users, themselves, can be involved in changing attitudes.

The shift to "*what matters to me ... not what is the matter with me*" (Caroline Taylor) is an excellent mission statement to share with the local community. The Account gives examples of how this transition is taking place and Healthwatch Torbay looks forwards to working with Torbay people in their understanding of the seismic shift.

7. Commentary from Overview and Scrutiny members

Statement from Torbay Council's Health Scrutiny Board on the Adult Social Care Local Account 2014-2015

To be inserted

END

Joint Learning and Improvement Sub-Group

The primary focus of the work undertaken this year has been to revise the multi-agency training framework for safeguarding Adults across Torbay and Devon. This will ensure that there is consistency in what Safeguarding Adult Training is delivered and stronger commissioning arrangements in the delivery of training.

Members of the group also took a lead role in advising on the content of the new "If you see something say something" films which is available to view on public websites.

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- The Care Act 2014 has introduced requirements for (previously known as Serious Case Review Sub-Group) Safeguarding Adult Review Sub-Group
- The Care Act 2014 has introduced requirements for Safeguarding Adult Reviews (SAR) to be held whenever an adult dies as a result of, or has experienced, serious abuse or neglect and where there is concern that partner agencies could have worked together more effectively to protect them. The aim of these reviews is to promote learning and prevention of future occurrences. This is already our practice in Torbay but our procedures will be updated to ensure we comply with the new regulations.
- The sub-group has received four referrals for consideration of Serious Case Review. Of these, two are awaiting further information from internal investigations by the organisation concerned; one was considered not to meet criteria; the fourth was recommended for review, this has now been commissioned and a panel established.
- The findings of a Serious Case Review commissioned jointly by the Torbay Safeguarding Adults and Children's Boards have been completed and an action plan for improvement put in place. The sub-group will monitor this action plan.

Experts by Experience Sub-Group

- Safeguarding qualitative peer evaluation
- Mystery shopping in residential and nursing homes
- Maintaining regional links with other voluntary safeguarding groups

Safeguarding Evaluation

The face to face peer evaluation, which is carried out by the volunteers of the Experts by Experience group, will inform and assist in developing strategies to promote safeguarding in a personalised way for people in Torbay ensuring they are informed and at the centre of any plans made with them.

Mystery Shopping

The voluntary mystery shoppers from the Experts by Experience group have developed a standardised process when they visit care and nursing homes unannounced. National issues such as Winterbourne view has been taken into account when putting the programme together and home owners/managers are given feedback following each visit.

Maintaining Regional Links with Other Voluntary Safeguarding Groups

Experts by Experience visit and maintain links with other regional safeguarding voluntary groups for example Plymouth. We also attend various committees and boards as well producing leaflets etc for the Trust.

Strategic Plan 2014/15

Our plan set out the following four priority areas:

1. Ensuring clear governance as the statutory body responsible for safeguarding adults in torbay
2. Learning, improvement and training
3. Prevention
4. Policy, performance and practice standards

Each area became the responsibility of a sub group which completed the tasks identified for each. As each sub group has representatives across several partner's progress and co-operation has been good.

Strategic Plan 2015/16

The board has decided this year to devote each of its quarterly meetings to a particular theme, inviting a range of people from local organisations to share their knowledge and expertise to identify issues and gaps in services or practice. These issues are turned into an Action Plan which is monitored by the Executive Board.

These themes are:

1. Young people in transition
2. Keeping people safe in their own homes
3. Complex adults at risk
4. Raising awareness



The Care Act 2014

The Care Act came into force on 1 April 2015. This new law places certain duties on each Local Authority to ensure that local services work together to protect an adult's right to live in safety, free from abuse and neglect.

The main aims are:

- to stop abuse or neglect wherever possible
- to prevent harm and reduce risk of abuse or neglect to adults with care and support needs
- to safeguard adults in a way that supports choice and control and improves their lives
- to provide information and promote public awareness and learn from experience

In order to do this, a Safeguarding Board must be set up in each local authority area. Each Board must publish its strategic plan each year, with a progress report about what has been achieved the previous year. It must produce an annual report each year (You are reading our report for 2014/15!) This report must include information about Safeguarding Adults Reviews it has arranged during the previous year when something has gone wrong and there is learning to take from it.



Torbay Safeguarding Adults Board

The Board meets quarterly to oversee and develop services to protect adults at risk of abuse or neglect in Torbay. Most of the detailed work is done in sub committees which work across the whole of Devon, reporting to the Executive Board.

During 2014/15, 436 safeguarding concerns were raised, of which 235 required further actions. This is a small increase on last year and represents a continued upward trend. Whilst this puts pressure on our resources, it evidences increasing awareness of safeguarding issues and reporting them appropriately.



This Annual Report sets out Torbay's Safeguarding Adults Board's progress and aims of the coming year. The report is the first under the new Health and Social Act. The legislation places Adult Social Care onto a statutory footing, similar to children's 'No Secrets' and other publications has been replaced by the Act. One thing remains certain, working together has never been so important.

This year we have tried to further raise awareness of safeguarding through a video and other material prepared for a 'Safeguarding Awareness Week'. These sort of events go some way to enhance our community's knowledge and wider understanding of 'safeguarding'. The approach equips everyone with the knowledge they need to be proactive when they have concerns about a person who may be at risk. As the video says, 'if you see something, say something'.

We need all the support we can muster from everyone in the community. The demands being placed upon those engaged in safeguarding continue to push the boundaries of our capacity to deliver a professional, caring service.

I remain immensely proud of the positive contributions to safeguarding people's lives being made by so many people so often. Through witnessing the work undertaken by those working within safeguarding I am very aware of how the lives of carers and service users are affected each day.

The Safeguarding Adults Board Business Plan seeks to improve the lives of people that need our support most. This will be achieved by reinforcing learning from the past, building stronger partnerships, building evidence in the service being delivered and building for the future.

Bob Spencer

Bob Spencer, Chair, Torbay Safeguarding Adults Board



DEVON & SOMERSET FIRE & RESCUE SERVICE

- Sign-posting adults and children at risk to appropriate organisations making referrals as required
- Home Safety visits, including joint visits with partner agencies, Development of partnerships including partnership agreements
- Trigger-point training for partner organisations



Devon & Cornwall Police Building safer communities together

- Plans developed in Torbay to safeguard more vulnerable people effectively are being rolled across Devon and Cornwall
- Training and awareness on financial abuse, including scams, has been provided for Police at all levels, voluntary sector and other partner organisations
- A new Victim Care Unit was launched on 1st April 2015 to provide a network of support to victims of crime

Torbay and Southern Devon Health and Care NHS Trust

- TSDHCT and SDHCT are joining together to improve services for local people from August 2015
- Single Point of Contact for Safeguarding Adults has moved into Torquay Police Station
- Launch of 'Living Well At Home' provided by Mears Group PLC to provide better care and support to people living at home



- New Statutory roles under Care Act 2014 for Safeguarding Adults Boards and making inquiries about adults at risk
- Commissioning adult social care services from TSDHCT to assess and support adults and carers with a wide range of needs
- Provision of housing and support services for vulnerable adults, including those experience of domestic abuse, accommodation and resettlement of rough sleepers



“Falling down is part of life. Getting back up is living”
Anon”

healthwatch

- New online 'rate & review' system introduced to enable sharing of health and social care experiences and reporting abuse
- Campaign raise awareness and gather feedback about safeguarding by helping people identify and report different types of abuse
- Mental Health Wellbeing event at Paignton Library to provide information and raise awareness on mental health issues

Care Homes

- Torbay Quality Care Forum represents care homes and is represented on the Board
- Worked with Healthwatch and Experts by Experience to gain feedback into the care home environment
- Sharing best practice with care homes and ensuring their view is heard

“Courage is what it takes to stand up and speak; courage is also what it takes to sit down and listen”
Sir Winston Churchill”



South Devon and Torbay Clinical Commissioning Group

- Systems are in place to provide assurance that organisations commissioned to provide health care meet the quality standards set for safeguarding adults
- Partnership is a key responsibility and we have been involved in the safeguarding adult's awareness week in March and planning the Mental Capacity Act awareness week and conference to be held later in the year
- Appointment of a Primary Care Safeguarding Nurse who will start in July and work with GP practices

“Sometimes reaching out and taking someone's hand is the beginning of a journey. At other times, it is allowing another to take yours”
Vera Nazarian”

Devon Partnership NHS Trust

- Embedding safeguarding practice at all levels, adult child family and improving the persons experience of such within our organisation
- Supporting the Care Act Development and its application to safeguarding practice
- Ensuring our safeguarding training strategy meets the requirements to deliver the above

South Devon Healthcare NHS Foundation Trust

- Increasing compliance with MCA training
- Mapping safeguarding training to outcomes
- Improving transfers of care across the system

Agenda Item 11



Meeting: Council

Date: 23 July 2015

Wards Affected: All wards

Report Title: Torbay Youth Trust Guarantee

Is the decision a key decision? No

When does the decision need to be implemented? July 2015

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

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

1. Purpose and Introduction

- 1.1 Subsequent to Council approval of the creation of a Youth Trust at its 26 February 2015 meeting, Council are requested to approve two guarantees in relation to the Council staff due to transfer under TUPE regulations to the new Youth Trust.

2. Proposed Decision

- (i) that Torbay Council provides a guarantee to the Local Government Pension Fund in respect of pensions exclusively for the Torbay Youth Trust relating to the staff identified to transfer to the Trust under TUPE regulations for a period of ten years; and
- (ii) that Torbay Council funds the exit costs exclusively of any of the Torbay Council Youth Trust TUPE staff for a period of ten years where they are the direct result of Council imposed budget savings.

3. Reason for Decision

- 3.1 To save the Council having to fund the Torbay Youth Trust to the sum of £51k, the Council will act as their guarantor (for a period of ten years) to the Local Government Pension Fund. There will be no initial fee associated with providing a guarantee but the Council will be responsible for picking up any deficit liability at the end of the Youth Trust contract which can either be paid as a lump sum or added to Torbay Council's ongoing deficit liability. A guarantee also provides insurance to the Fund in the event that the Youth Trust becomes insolvent or wound up because the staff will automatically transfer back to the Council and the Council will absorb all pension liabilities.

4 Supporting Information

- 4.1 Subsequent to Council approval of the creation of a Youth Trust at its February meeting, Council are requested to approve two guarantees in relation to the Council staff due to transfer to the new Trust.
- 4.2 The relevant Council minute from that meeting is below:

Torbay Youth Services - The Way Forward

Further to Minute 71/9/13, the Council considered the submitted report and business plan on the creation of Torbay Youth Trust. It was proposed by Councillor Pritchard and seconded by Councillor Tyerman:

(i) that the creation of a Torbay Youth Trust and TUPE of existing youth service staff to the Trust from 1 June 2015 be approved;

(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; and

(iii) that up to £70,000 be allocated from the Comprehensive Spending Review Reserve

- 4.3 Work on the creation of the Youth Trust has been progressing and it has been proposed to transfer 14 members of Torbay Council staff to set up the Torbay Youth Trust from 1 October 2015.
- 4.4 In order to protect the pension provision of the staff transferring and comply with the Best Value Authorities Staff Transfers Direction 2007, Torbay Youth Trust has to become an admitted body in the Local Government Pension Fund.
- 4.5 Peninsula Pensions, as the Council's administering authority for the Pension Fund, insist on insurance being in place for any new employers in the Fund in the event that the new employer fails to fulfil its financial responsibilities, which means that the Youth Trust either have to obtain an indemnity bond or fund an "escrow" account to the value of £51k or Torbay Council can provide a guarantee.
- 4.6 To save the Council funding the Torbay Youth Trust with an initial £51k payment upfront, the Council can act as guarantor to the Local Government Pension Fund. There will be no initial fee associated with providing a guarantee but the Council will be responsible for picking up any deficit liability at the end of the Youth Trust contract which can either be paid as a lump sum or added to Torbay Council's ongoing deficit liability. A guarantee also provides insurance to the Fund in the event that the Youth Trust becomes insolvent or wound up because the staff will automatically transfer back to the Council and the Council will absorb all pension liabilities.
- 4.7 The Youth Trust will be responsible for funding ongoing employer contributions to the fund and will be liable for any decisions taken by the Trust that would incur a strain

payment or similar to the pension fund. The exception to this is where it is recommended that Torbay Council will fund the exit costs of any of the Youth Trust TUPE staff for a period of ten years where they are the direct result of Council imposed budget savings.

5. Possibilities and Options

5.1 The alternative was for Torbay Youth Trust to obtain a bond to the value of £51k and they could have covered this in one of two ways:

- (i) The Trust have the option of paying a premium per month to a bank or insurance company but would find it almost impossible to find a bank or insurance company willing to provide a bond to a new employer without any financial background; or
- (ii) The Council could have funded the £51k to the Youth Trust in order to deposit into an escrow account with a joint signing mandate with Devon County Council.

6. Fair Decision Making

6.1 Proposal discussed with Youth Trust representatives, the Mayor and Group leaders on Torbay Council.

6.2 The provision of a guarantee could impact on future revenue budgets if realised therefore this decision is deemed to form part of the Council's Policy and Budget Framework. As the value of the guarantee could be in excess of £50,000 this is assessed as a Council decision and not one within the delegations to the Chief Financial Officer.

7. Public Services (Social Value) Act 2012

7.1 Not applicable

8. Risks

8.1 The assessed value of the liability could change depending on future actuarial valuations. The guarantee is solely linked to the staff transferring and no further staff will be included in the guarantee.

Appendices

None

Additional Information

Council report on Youth Trust – 26 February 2015



Meeting: Council

Date: 23 July 2015

Wards Affected: All Wards

Report Title: The English Riviera Tourism Company (ERTC) and the proposed Torbay Retail and Tourism Business Improvement District (TRTBID)

Is the decision a key decision? Yes

When does the decision need to be implemented?

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1. Purpose and Introduction

- 1.1 The English Riviera Tourism Company (ERTC) is a wholly owned company of the Council and this paper sets out decisions that need to be made depending on the outcome of a Torbay Retail and Tourism Business Improvement District (TRTBID) being voted on and approved in October/November 2015. It also sets out further actions if eligible voters do not approve a TRTBID.
- 1.2 In September 2014, the Council agreed to fund and support the development of a TRTBID as an alternative sustainable funding model to provide ongoing retail and tourism destination marketing activity, including visitor information services. The Mosaic Partnership was commissioned to develop the TRTBID and after several months of consultation, a Summary Business Plan was issued at the end of May 2015. Comments have been received from over 150 businesses and this feedback will inform the final Business Plan, which is currently being drafted. A month long postal ballot is scheduled to commence in mid October 2015.
- 1.3 Currently the published Summary Business Plan for the proposed TRTBID makes a number of assumptions in respect of the English Riviera Tourism Company (ERTC). Consequently a number of decisions must now be taken to ensure that the TRTBID's final Business Plan clearly states the Council's intentions in respect of the future of the ERTC should there be a 'Yes' vote. All of the businesses taking part in the postal vote will want to read the final Business Plan before making their decision on which way to vote.

1.4 The Council needs to determine how it wishes to proceed with the English Riviera Tourism Company (ERTC), after 1st April 2016, if the ballot produces a 'Yes' vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID).

1.5 A number of Council decisions are required to enable a TRTBID Company to be established in the event of a 'Yes' vote following the ballot.

2. Proposed Decision

2.1 That, in the event of a 'Yes' vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID) the Executive Director of Operations and Finance, in consultation with the Executive Lead for Business, be instructed to :-

- a) decommission the provision of Destination Tourism Marketing and Visitor Information Services from 1 April 2016, wind up the English Riviera Tourism Company (ERTC) and arrange for the transfer of Destination Tourism Marketing and Visitor Information Services to the new TRTBID Company;**
- b) immediately establish a TRTBID/ERTC Project Transition Board, comprising two Senior Officers, the Executive Lead for Business and two members from the Conservative Group and one member from the Liberal Democrat and Independent Groups, so that the Council's income and assets are properly considered in respect of the ERTC and the Torbay Town Centres Company (TTCC); and that the intellectual property rights of the English Riviera brand are safeguarded;**
- c) allow the ERTC/TRTBID Project Transition Board to establish and facilitate the terms upon which the official ERTC brands and logos will transfer, under license, to the new TRTBID Company;**
- d) provide Council support to facilitate the transfer of appropriate ERTC staff (including those in the Local Government Pension Scheme) to the new TRTBID Company;**
- e) negotiate and sign the TRTBID Operating Agreement on behalf of the Council; and**
- f) make an appropriate charge to the TRTBID Company each year for the duration of the TRTBID (5 years) to cover the Council's costs associated with collection of the TRTBID levy.**

2.2 That, in the event of a 'Yes' vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID) the Council agrees to :-

- a) **allocate sufficient funds to meet the TRTBID levy liability, for any applicable Council owned properties, for the term of the TRTBID (5 years);**
- b) **provide a cash advance facility to the TRTBID Company, which will be returned once the TRTBID 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 Mayor 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 TRTBID 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 TRTBID Company will take over responsibility for operating as the official Destination Marketing Organisation (DMO) for Torbay.**

2.3 That in the event of a ‘No’ vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID) the Executive Head of Business Services, in consultation with the Executive Lead for Business, the Executive Lead for Tourism and the Board of the English Riviera Tourism Company (ERTC), be asked to provide a report to Council, on or before 10 December 2015, setting out the options for the future of the ERTC, given the expected pressure on the Council’s budget in future years.

2.4 That post ballot, the Torbay Economic Development Company Limited (TEDC), working with the Executive Head of Business Services, be instructed to prepare and consult with industry stakeholders on a new Tourism Strategy, to be approved by the Council and for this to form part of the development of the Council’s Economic Strategy.

3. Reason for Decision

3.1 The decision will provide clarity to the retail and tourism business sectors ahead of a vote in respect of the proposed Torbay Retail and Tourism Business Improvement District (TRTBID).

3.2 Transitional arrangements need to be established regarding the future licensed use of the English Riviera tourism brand, website domains, logos, etc, to ensure that these intellectual property rights are properly safeguarded and transferred at no cost. This is critical if, as is expected, the new TRTBID Company will take over responsibility for operating as the official Destination Marketing Organisation (DMO) for Torbay.

- 3.3 Employees of the English Riviera Tourism Company (ERTC) will better understand the Council's intentions regarding the future of that commissioned service.
- 3.4 The vote for the proposed TRTBID will commence in mid-October and the associated TRTBID Business Plan will inform those participating and assist them in making their decision. It is important that the Council is clear about its intentions in respect of the ERTC so that a meaningful and accurate TRTBID final Business Plan can be circulated ahead of the vote.
- 3.5 It is probable that, from 1st April 2016, the funding provided to the ERTC from the Council will need to be reviewed with the possibility that the company may not be able to deliver the existing level of service. The introduction of the TRTBID would allow the tourism destination marketing and visitor information services provision to be maintained for the English Riviera.
- 3.6 It is important to indicate to the retail and the tourism sectors that the Council's ability to continue to fund the ERTC is extremely uncertain. However, the promotion of a TRTBID acknowledges that both sectors would be more effective working in a collaborative way to increase staying and day visitors, this in turn would increase footfall within the town centres and retail areas.
- 3.7 A new TRTBID will provide a fairer funding solution for the development of tourism marketing and associated activity as it will see levy contributions from all the relevant businesses. The current levy recommendation is 1.75% of business rateable value (subject to a minimum cap of £150 and £20,000 maximum cap). This solution should be attractive to residents and visitors to Torbay and will benefit equally the retail and tourism sectors.
- 3.8 To provide arrangements to determine what happens to assets and income that currently contribute to the operation of the ERTC and the Torbay Town Centres Company (TTCC), which include the English Riviera poster sites, the lamppost mounted banner advertising and the current 'Town Diary' assets. These assets and income should be transferred back to the Council to help contribute towards the budget savings target.

Supporting Information

4. Position

- 4.1 The Council is expecting large budget cuts over the next three years and it is recognised that, after March 2016, it will need to review the level of direct funding it provides in support of tourism activity. In September 2014, the Council considered an alternative funding model that would ensure that the destination marketing and visitor information service continues to increase tourism across Torbay. Consequently a TRTBID proposal is being developed that would see the retail and tourism business

sectors working in a collaborative way to increase staying and day visitors, which in turn would increase footfall within the town centres and retail areas.

- 4.2 There are currently two retail Business Improvement Districts (BID's) operating; one in Paignton Town Centre and the other at Babbacombe. The Torquay Town Centre BID ended earlier this year. After consultation with all the existing retail BID leaders, it was agreed that a TRTBID, which combines both retail and tourism businesses, was the best option going forward. The board of the existing Torbay Town Centres Company has taken a decision, in the event of a 'Yes' vote in the ballot, to wind up their company, which will effectively bring all remaining BIDs to an end.
- 4.3 By developing a combined arrangement between both the retail and tourism sectors it was considered that the marketing of the destination and all it had to offer would have the greatest impact when Torbay is faced with increased competition from other destinations and shopping centres.
- 4.4 A new TRTBID would only proceed following a successful ballot of those businesses that would be liable to pay the annual BID levy. However, if a 'Yes' vote was secured then the levies would deliver approximately £1million per annum for the five-year period of the TRTBID. The operating budget would provide for town centre specific activities as well as national and international destination marketing. This would make Torbay the largest and most valuable Retail and Tourism BID currently operating within the UK. These details were set out in a full report that was considered by the Council in September 2014.
- 4.5 A TRTBID is an arrangement whereby businesses (retail and tourism related) get together, decide what additional improvements they want to make, how they are going to manage and deliver those improvements, and what it will cost them. This can include services like additional cleaning, infrastructure improvements, marketing activity and events like the Christmas Lights. The agreed improvements all go into a business plan to cover the whole period, which is then voted on by all those businesses within the designated geographical area and who would be required (by the defined rates categorisation and rateable value threshold) to pay the BID levy. The TRTBID period can last for a maximum of 5 years and must be able to demonstrate how it has benefited the businesses that have funded it.
- 4.6 The BID levy payment model has been developed through the consultation stage so that it is fair to all size of businesses and so that all businesses included are aware of the payment they will have to make at the time they vote on the proposed TRTBID. It is proposed that the TRTBID levy will be applied to all businesses with a rateable value of £7,500 or more, who have a rates categorisation linked to the retail and tourism sectors, as pre-determined by the TRTBID Task Group.
- 4.7 The ballot has to clear two majorities, a majority by number of those that vote (51%) and by Rateable Value (51%). This is to ensure that is it fair to both large and small businesses equally. If the vote is won; then all applicable businesses (see 4.6 above) located within the geographical area will be duty bound to pay the agreed BID levy (whether or not they voted Yes or No or not at all). Any business within an existing

BID in Paignton or Babbacombe will not pay twice, as the proposal is to form a new combined TRTBID for the next 5 years. Also, it will be possible for businesses that are exempt such as those below £7,500 in rateable value and those in sectors outside of retail and tourism, to make a voluntary investment which entitles them to all the projects and services outlined in the TRTBID Business Plan as well as full rights in the governance and management of the TRTBID Company.

- 4.8 The local authority is responsible for collecting this BID levy on behalf of the TRTBID and the recovery process is controlled by the Business Improvement District Regulations 2004, and covered by the National Non-Domestic Rates (Collection and Enforcement) Regulations 1989.
- 4.9 In the case of an existing BID being in place (e.g. Paignton and Babbacombe) this can be addressed through those organisations agreeing to close down their operations and becoming part of the new TRTBID and then the inclusion of an 'Alteration Clause' in the full TRTBID Business Plan. All eligible businesses can then vote on the new TRTBID Business Plan as normal.
- 4.10 The TRTBID would enable both sectors to benefit significantly. The retail sector would see increased footfall and income throughout the shopping areas, and the tourism sector increased staying and day visitors.
- 4.11 A new TRTBID Company for Torbay will allow businesses to have more control and be more involved with the overall marketing and strategic development of Torbay. This could be achieved by working in partnership with Torbay Council and the Torbay Development Agency. The ultimate aim is to ensure that Torbay attracts more visitors, more spend, more investment so that existing businesses prosper, and new ones choose to locate here. After the TRTBID ballot a new Tourism Strategy will be developed, which will be linked to the Council's Economic Strategy. This process, along with the recently approved master plans, will support the tourism sector as well as the town centres and it will demonstrate that the Council recognises town centre regeneration as desirable.
- 4.12 The exact projects and activities, which the TRTBID undertakes to achieve, are being decided by businesses through a consultation exercise, which will result in the development of a structured business plan. All of the businesses who will ultimately pay the BID levy will effectively sign up to this plan. Marketing and promotion are seen as a priority by businesses in both sectors. This document will be active for the life to the five-year period and will ensure that all who are participating can see the outcomes and achievements from their investment.
- 4.13 A new TRTBID Company will involve retail and tourism working more closely together. Unlike the existing and previous BIDs, the new company will include all shopping areas rather than a specific focus on the town centres. It will also provide for revenue opportunities to be maximized to support the promotion of Torbay to residents and the local catchment as well as a leading UK destination.

- 4.14 A TRTBID is seen as an exciting and sustainable way to manage a business area and this model is increasingly being used by destinations to ensure that they are competitive in both marketing and managing their offer. Recently Bournemouth, Dartmouth and Great Yarmouth have introduced TBIDs, where businesses get together and fund activities such as Retail and Destination Marketing and promotion. The Isle of Wight is also currently developing a TBID.

Prior to the set up of the ERTC, the Council was spending over a £1m each year on the promotion of tourism. The ERTC took a 30% cut on its foundation and since then the funding from the Council has been reducing steadily with the contribution in 2015/16 being £350k. If a TRTBID Company is established the Council will realise further significant savings. The tourism industry has always been an important part of the economy of Torbay and the ERTC has clearly delivered some excellent results in recent years. However, it is now necessary to move to a different funding model and a more collaborative approach to support and improve the retail and tourism sectors.

- 4.15 A TRTBID Task Group, chaired by Mo Aswat of The Mosaic Partnership, has assisted the TRTBID Project Manager to engage nearly all of the local retail and tourism businesses, and to develop the priorities identified by the potential BID levy payers. The Task Group fully represents the geographical area and is balanced to reflect the value of all sectors equally. Members of the Task Group have been drawn from the existing Town Centre BID organisations, other groups representing all retailers, tourism organisations including, hoteliers, self-catering accommodation providers and holiday parks, as well as visitor attractions. The Council is represented on the Task Group, as it will pay a significant levy for a variety of tourism related properties, including toilets, leisure facilities, visitor attractions, beach huts, the harbours and all car parks. The Council is likely to have the most votes in the ballot (circa 46) and one of the highest contributions at circa £35k p.a., which will have to be budgeted from 2016/17. However, this represents a significant saving on the previous funding allocations made to the ERTC.
- 4.16 The development of the TRTBID has had to comply with The Business Improvement Districts (England) Regulations 2004, where there are strict processes to be followed to undertake the development and the implementation of a BID.
- 4.17 If a 'Yes' vote is achieved then a TRTBID organisation (Company) will be developed. The governance of the new company will reflect the makeup of the BID levy payers. For example if 60% of businesses who are balloted are from the retail sector then this would be reflected in representation on the TRTBID Board. It is also important that all board members have the relevant skills to practice good governance and discharge their duties in an open, transparent and accountable manner.
- 4.18 Every BID levy payer would be able to nominate and vote democratically for his or her representatives and the governance would be fully transparent. Levy payers would hold the Board to account for the activities of the company and how the money is spent. It is expected that all BID levy payers will have access to the agendas and minutes of all Board meetings to ensure that all developments throughout the period are transparent and open to scrutiny.

- 4.19 The key non-executive officers of the organisation will be elected from within the Board itself. Any costs for the management and operations of the organisation will be funded from the annual TRTBID levy contributions.
- 4.20 It is recommended that the Council should decommission the provision of Destination Tourism Marketing/Visitor Information Services and transfer these functions to the new TRTBID Company in the event of a 'Yes' vote. This will mean that appropriate ERTC staff (including those in the Local Government Pension Scheme) will transfer to the new TRTBID Company. TUPE refers to the "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014". The TUPE rules apply to organisations of all sizes and protect employees' rights when the organisation or service they work for transfers to a new employer.
- TUPE has impacts for the employer who is making the transfer (also known as the 'outgoing employer' or the transferor) and the employer who is taking on the transfer (also known as the 'incoming employer', the 'new employer' or the transferee).
- Accordingly, TUPE applies to applicable ERTC staff given the transfer of service delivery to the new TRTBID Company.
- 4.21 A 'Yes' vote for the proposed TRTBID will automatically constitute an 'Alteration' for the two existing BIDS at Babbacombe and Paignton, whereby they will cease operating when the new company is formed and all applicable retail and tourism business will contribute to the new TRTBID. All businesses not captured by the TRTBID, either by definition or because of the proposed £7,500 threshold will be able to join the TRTBID on a voluntary basis. (See 4.7 above)
- 4.22 The Council owns 46 (NDR) properties within the proposed TRTBID area, which afford a rates value of over £7,500, which therefore attracts an applied levy. Based on the banding approach set out in the TRTBID proposals the Council's BID levy contribution is currently £35,000 per annum. This figure will fluctuate throughout the BID period due to Council owned property becoming either vacant (additional charge) or leased out (reduction in charge). Each hereditament that is liable to pay the levy will have a vote. In respect of the 46 council properties within the TRTBID area, the Council has delegated authority to the Executive Director of Operations and Finance to complete and return the voting papers.
- 4.23 As part of the BID process, the Council is required to produce Baseline Service Statements that set out the current level of service provision within the TRTBID area for both statutory and non-statutory provision. Statements covering services include street cleansing, highway maintenance, car parking, events, neighbourhood wardens, street lighting, CCTV, markets and Christmas decorations. These statements allow the TRTBID Company to understand the level of services currently in place so that it can provide services and projects that are additional. These statements are not legally binding but they do provide an outline of the commitment to provision of services in line with available funding.

- 4.24 Torbay Council will be the organisation responsible for collecting the TRTBID levy and will incur costs to administer the collection. It is expected that the Council will seek an annual fee of approximately £22,500 from the TRTBID Company to cover these costs. However, in reality this charge will be negotiated as part of the Operating Agreement between the Council and the company. The Agreement will allow the charge to be reviewed each year throughout the life of the TRTBID.
- 4.25 In order that the TRTBID Company can deliver projects as set out in the TRTBID Business Plan, it is expected that the Council will be asked to provide the TRTBID Company with a cash advance in April 2016 to ensure that the TRTBID projects can start being delivered effectively from the earliest stage. The Council as levy collector will recoup this advance, at source, as it receives the TRTBID levy payments. The timing of the TRTBID collection will be set out as part of the Operating Agreement and the BID levy invoice will be sent out as a separate document to the Business Rates invoice.
- 4.26 Under the Business Improvement District Regulations (2004), Torbay Council will be deemed the relevant billing/invoicing authority. Consequently, the Council will be required to sign an Operating Agreement with the TRTBID. The agreement will require the TRTBID Company to produce a report for each Financial Year, which would give details such as the following:-
- a) the total income and expenditure of the BID levy;
 - b) other income and expenditure of the BID Company not being the BID levy;
 - c) a statement of actual and pending deficits; and
 - d) the various initiatives and schemes upon which the BID levy has been expended by the BID Company.

Also, within three months after the end of each Financial Year (for the duration of the Bid Term) the Council would normally provide an Annual Report to the BID Company and within one month from the date of receipt of the Annual Report in each financial year (for the duration of the Bid Term) the BID Company shall provide a BID Company Report to the Council. These Regulations clearly imply that the Council has a degree of financial oversight for the BID Company and it can in fact instigate arrangements for the termination of a BID in line with a series of set criteria.

- 4.27 Formal notice for the TRTBID ballot should be received by 30th September 2015, which will inform the Returning Officer to organise the BID ballot in accordance with the Business Improvement District Regulations (2004). The ballot will be undertaken by the Electoral Reform Services, the cost of which has been included within The Mosaic Partnership consultancy fee.

5. Possibilities and Options

- 5.1 The Council has the option to allow the ERTC to continue to operate without providing any direct financial support. Alternatively, the Council could find funding from the 2016/17 revenue budget and beyond, but this will no doubt be challenging, as the current austerity policy is likely to see further budget cuts to local government. The

ERTC Board is currently unable to provide any clear advice to the Council, about the future of the company, without knowing what funding, if any, might be available from 1st April 2016. Furthermore, an indication of the Council's 'local government finance settlement' will not become clear until late November/early December 2015.

- 5.2 To not fund tourism and allow the private sector to fund directly through membership or partnership fees. This could result in an unequal arrangement where some businesses pay and others do not. If Destination Marketing was funded in this way all businesses would benefit but with no compulsion for every business to pay into this scheme.
- 5.3 The Council could retain the ERTC as a shell company ('mothballed or dormant') (owned and controlled by the Council either directly or as trading subsidiary of the TDA) licensing its intellectual property as appropriate. It would be necessary to amend the existing Memorandum and Articles of Association in order to change the current governance structure. This option would cause significant uncertainty as to the Council's intentions and would risk a 'No' vote at the ballot, which is not a desirable outcome as the Council has invested £100k in developing the TRTBID option.
- 5.4 Torbay Council has a current and ongoing liability for historic pension liabilities for ERTC staff (on account of the original TUPE transfer of a number of staff from Torbay Council to the ERTC). There are currently six staff (5 FTE) working for the ERTC and four of these are members of the Local Government Pension Scheme (LGPS), which is administered by Devon County Council, through Peninsula Pension Services (PPS). PPS have advised Torbay Council of the pension costs of the staff that are expected to be the subject of the TUPE transfer from the ERTC to the new TRTBID Company, which are currently estimated to be £428,000 on a "full cessation" basis. The current and ongoing Torbay Council liability will be crystallised at the time of the transfer of the staff from the ERTC to the TRTBID Company and the TRTBID Company will be responsible for future pension liabilities. The PPS advice confirms that the TRTBID Company will be required to become the new admitted body in the LGPS and follow the usual admission agreement process, as part of becoming an Admitted Body, the new TRTBID Company as the employer will be wholly responsible for any future pension liabilities.

There are several options for addressing the £428,000 liability. Options include providing a guarantee to the new company, adding the liability to the Council's overall pension liability (which will be funded from future employer contributions) or by the Council making a cash payment to the pension fund or a combination of the three. It is recommended that the funding of this liability, either by a guarantee to the new company or by adding the liability to Torbay Council's ongoing pension liabilities or a combination of the two be delegated to the Chief Financial Officer in consultation with the Mayor and the Assistant Director of Corporate and Business Services.

- 5.5 The new TRTBID could commission the existing ERTC to continue to provide tourism destination marketing and visitor information services for the English Riviera under a contractual arrangement. However, The Mosaic Partnership and the TRTBID Task Group have provided clear advice that this would not be desirable as it will continue

an arrangement, which has already come under much criticism. i.e. the existing Retail BIDs commissioning services from the Torbay Town Centres Company that is not directly accountable to those levy payers. In addition, it carries the real risk of continuing the separation of the Tourism and Retail sectors organisationally. It is the explicit aim of the new TRTBID Business Plan that these sectors are brought together both in terms of projects and organisationally to ensure cohesive and effective working and avoid factionalism.

Also, any commissioning of services by the TRTBID would have to adhere to an appropriate procurement policy to demonstrate best value. Such a policy would mean that it could not be assumed that the ERTC would be awarded any work and this could be challenged by third parties. Consequently, the continuity of the good work undertaken to date by the ERTC, could remain uncertain if this route is followed.

6. Fair Decision Making

6.1 Consultation has taken place with the following stakeholders through either face-to-face meetings or circulation of a draft version of this report :-

- The English Riviera Tourism Company (ERTC) and staff
- Torbay Town Centres Company (TTCC)
- The Chair of the multi-stakeholder Task Group set up by the Council to progress the proposed Torbay Retail & Tourism Business Improvement District (TRTBID)
- The Mayor and his associated Executive Leads
- A number of cross-party representative Councillors
- The Council's Senior Leadership Team
- The Mosaic Partnership
- Overview and Scrutiny Board

6.2 The introduction of a new TRTBID within Torbay will not have any negative equality implications. The TRTBID's aims will be to ensure that Torbay thrives as an attractive, vibrant, safe and secure destination and that the entire TRTBID area remains accessible and inclusive for all. The TRTBID Company will need to demonstrate to all retail and tourism businesses and levy payers that in delivering its services and projects that Torbay will see the benefits.

7. Public Services (Social Value) Act 2012

7.1 The proposals set out in this report do not require the procurement of services or the provision of services together with the purchase or hire of goods or the carrying out of works

8. Risks

8.1 There is a risk of failure of the TRTBID proposal at the point of the ballot (i.e. a 'No' vote) due to the lack of clarity over the TRTBID Business Plan. Uncertainty will be caused if the Council fails to make clear and sound decisions regarding the future of

the ERTC. The ERTC has been a highly successful organisation and it has enjoyed respect locally, regionally and nationally. Local tourism businesses want to safeguard this success and enable the role to be sustained. It is recognised by the ERTC Board that the best way to achieve this outcome is to wind up the ERTC if the TRTBID ballot produces a 'Yes' vote.

- 8.2 The vote for the proposed TRTBID will commence in mid-October and the associated TRTBID Business Plan will inform those participating and assist them in making their decision. It is important that the Council is clear about its intentions in respect of the ERTC so that a meaningful and reliable TRTBID Business Plan can be circulated ahead of the vote.
- 8.3 A 'No' vote for the proposed TRTBID will represent a missed opportunity to deliver additional funding in support of the retail and tourism sectors. It would also mean that a Business Improvement District would not exist to cover Torquay Town Centre. The Torquay Town Centre BID ended earlier this year.
- 8.4 Given the expected pressure on the Council's budget in future years there is a very clear risk that the Council will be unable to provide any funding to the ERTC beyond the 31st March 2016.
- 8.5 As the ERTC is wholly owned by Torbay Council, the Council will be responsible for picking up any pension deficit on the cessation of the ERTC. A cessation valuation report for the ERTC has been obtained from the Devon County Council Pension Fund (the Fund) and this indicates that the deficit would be £428,000 on a "full cessation" basis and £284,000 on a "partial cessation" basis. The Council can cover this liability in one of two ways:
- a) providing a guarantee to the new company;
 - b) adding the liability to the Council's overall pension liability (which will be funded from future employer contributions);
 - c) making a cash payment to the pension fund; or
 - d) a combination of the three options outlined above.

When the ERTC staff transfer to the TRTBID, the new BID Company will have to become an admitted body in the Local Government Pension Fund and follow the usual admission agreement process, which will have associated timescales and costs.

- 8.6 It is likely that the ERTC's lease of the Visitor Information Centre on Vaughan Parade, Torquay will be surrendered on or before the 31st March 2016. Similarly, the agreement between the ERTC and the Council for use of offices at Vaughan Parade, Torquay, will probably be terminated on or before the 31st March 2016. There is a small risk to income if new tenants cannot be found for these properties.
- 8.7 Failure to claw back assets and income that currently contribute to the operation of the ERTC and the Torbay Town Centres Company (TTCC) could put unnecessary

pressure on the Council's revenue budget. The value of these assets and income is estimated at £20k ~ £30k and allowing them to transfer would show clear Council support for the new TRTBID Company.

Appendices

Appendix 1 Torbay Retail and Tourism Business Improvement District (TRTBID) – Summary Business Plan ~ May 2015

Appendix 2 Equality Impact Assessment (EIA)

Additional Information

Report to Council on 25th September 2015 – *'Proposal to develop a Torbay Retail and Tourism Business Improvement District (TRTBID) for Torbay'*.

Report to Council on 1st June 2015 – *'Torbay Retail and Tourism Business Improvement District (TRTBID) for Torbay'*.

Devon County Council Pension Fund Report – *'English Riviera Tourism Company Indicative cessation valuation as at 31 March 2016'*.

TRTBID website - www.trtbid.co.uk

NEW!

#TRTBID

SUMMARY BUSINESS PLAN

Agenda Item 12
Appendix 1

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YOUR IDEAS
INVESTMENT
TORBAY

TORBAY RETAIL & TOURISM
BUSINESS IMPROVEMENT DISTRICT



By voting 'YES' to the new Torbay Retail and Tourism Business Improvement District (TRTBID), Torbay businesses will invest a minimum of £5 million over a 5 year period. As well as becoming the largest BID in the United Kingdom it will provide a forthright and ambitious new plan to introduce improvements and initiatives that will substantially change the landscape of Torbay for the future.

What is a BID and what will the TRTBID mean for Torbay?

A Business Improvement District is an arrangement whereby businesses get together, decide what additional improvements they want to make in their area, how they are going to manage and deliver those improvements and what it will cost them. This all goes into a Business Plan which is voted on by all those businesses who would have to contribute and pay the TRTBID levy.

BIDs cannot replace or substitute statutory services (those covered by your business rates), provided by Torbay Council by law, but can choose to enhance or add to them.

The TRTBID will demonstrate over its 5 year term, a clear return on the investment that you as a business will make. The organisation, management and governance of the TRTBID will be set up so that the progress and achievement of the TRTBID will be closely monitored and shared with all businesses.

What has been happening so far and what is next?

The TRTBID consultation process has been taking place across Torbay for several months. We have met many businesses and will continue to do so. These businesses have shared their ideas and in this document, based on this consultation, we will give an overview of the proposed projects for the TRTBID.

Once the TRTBID Team have received feedback on this document, the final Business Plan will be prepared and posted to you before the ballot which will commence in the summer of 2015. The postal vote will last for one month and is confidential. This will be carried out independently of the TRTBID.

In order for the TRTBID to come into place, over 50% of businesses that vote must vote 'Yes'. As well as this, the businesses that vote 'Yes' must in total have a greater rateable value than the businesses that vote 'No'.

How will this affect me and my business?

As a Retail or Tourism business in Torbay you will be formally included in this Business Improvement District if you have a rateable value of £7500 or over. If the TRTBID Team have not met you yet, now is your time to let us know your thoughts on the proposed projects that could be included in the final Business Plan. This is your chance to give us your feedback and have your say.

Please contact the TRTBID Team by Friday 22nd May with any comments regarding the Summary Business Plan using the contact details on the back cover.

If your business is in an existing BID in Paignton or Babbacombe you will NOT pay twice, with the plan being to form a new combined TRTBID for the next 5 years.

The final Business Plan will contain all the necessary detail and information that you will need to make a clear decision on which way you will vote. When you receive and read the final Business Plan, you as a business must decide whether or not you will get a return for the money you are being asked to invest. This might be a very obvious financial return, or the fulfilment of other broader objectives such as putting Torbay on the map nationally and internationally.



The TRTBID Company

If the TRTBID is voted in, a new, private, not for profit, independent company will be set up to manage and implement the Business Plan. This will roll in existing organisations such as the English Riviera Tourism Company (ERTC) and Torbay Town Centres Company (TTCC) to offer greater cohesion, communication and delivery.

This organisation will be led by a TRTBID board. All board positions are voluntary and unpaid. The board positions will be area and sector based and it will be a requirement that board members have all the necessary skills and knowledge to successfully drive the operational side of the TRTBID Company. TRTBID funds raised will be strictly monitored by the TRTBID board with expenditure aligning to the Business Plan.

For the first year, the TRTBID Task Group will fill the board roles in the most appropriate format. This is standard practice for BID companies as it is necessary for there to be continuity - the Task Group have been heavily involved

in the development of the TRTBID and are fully aware of the process so far and most importantly the decisions that led to the format and projects laid out in the Business Plan. From Year 2 onwards, the organisation will be led by a board that is elected directly from levy paying businesses or equivalent financial contributors. Any levy paying business is eligible to stand to be a board member from this point and the positions available will be outlined in the final Business Plan.

What About My Area?

Throughout the consultation so far, a strong message is how Retail and Tourism businesses in Torbay feel passionately about the uniqueness of their particular area, town or village. You want to see the projects and services outlined in the Businesses Plan delivered across the borough and TRTBID funds arranged accordingly. There will be more specific detail on area specific campaigns and projects outlined in the final Business Plan.

YOUR Investment

All eligible businesses within the TRTBID will directly fund the projects outlined in the final business plan. All of the funding will be ring fenced and will be only be spent on these projects and services.

If businesses vote in favour of the TRTBID, it will raise over £1m per annum from the BID levy alone, that is over £5m over the TRTBID term.

Every eligible business will normally pay 1.75% of their rateable value. However the minimum payment will be £150 and the maximum £20,000. The table below gives you an indication of the amount you will pay individually towards that £5m.

RATEABLE VALUE	MAXIMUM ANNUAL LEVY	MAXIMUM DAILY EQUIVALENT COST
£7,500	£150	41p
£15,000	£263	72p
£25,000	£438	£1.20
£50,000	£875	£2.40
£100,000	£1,750	£4.80
£500,000	£8,750	£24
£1m	£17,500	£48

As an independent private sector led company, the TRTBID will be in a strong position to leverage additional financial contributions and match funding. The TRTBID Team are already in discussions with key organisations within Torbay to attract additional income and this will be outlined in more detail in the final business plan. We estimate that it may be possible to secure additional income in the region of £200,000 - £400,000 per annum for the TRTBID.

VOLUNTARY CONTRIBUTIONS AND INCLUSION INTO THE TRTBID

It is possible for businesses that are exempt such as those below £7,500 in rateable value and those in sectors outside Retail and Tourism, to make a voluntary investment which entitles them to all the projects and services outlined in the TRTBID Business Plan as well as full rights in the governance and management of the TRTBID Company.

The minimum voluntary contribution will be £150. For this amount businesses will receive the same minimum exclusive benefits package. For those that are not directly a Tourism or Retail businesses, or others who wish to make a greater voluntary financial contribution, an appropriate contribution level and benefits package will be agreed with the TRTBID Company on an individual basis.

The TRTBID Return on Investment (ROI)

With a £5m plus investment we expect the TRTBID to make big changes for the better and for you to get a great deal more than your payment. However we understand that businesses need to see a real return on what you will invest. Therefore we have set out below a minimum level of return that a BID levy payer will receive.

Within the TRTBID project plans, the TRTBID Team have set an exclusive benefits package that every levy payer will receive as an entry level agreement, whether they are paying on a mandatory or voluntary basis. This is as follows:

FOR A CONTRIBUTION OF £150, YOU WILL GET A MINIMUM RETURN VALUED AT £730.

TRTBID Website Entry, App Entry & 1 Map Entry	£420
Free Attendance at 1 Business Workshop	£150
Average Saving on Waste Management Contract	£120
Inclusion in Online/paper Resort Pass	£40
Grand Total	£730

With 5% of businesses paying less than that in levy, this represents a great return for investing businesses. There will of course be many more projects and services that businesses will benefit from as well which are further outlined in the business plan.

The minimum level of contribution for any investing business of £150 is based on the overhead cost to deliver this exclusive benefits package.

The next pages will outline the 5 main areas of work for the TRTBID and the projects that could be included within these.



“The English Riviera has so much untapped potential. A successful TRTBID will enable us to extend Torbay’s marketing and promotion into new target areas, improve signage, information and offer additional business support. It is an exciting opportunity for both the Retail and Tourism sectors to position ourselves as an all year round destination that we cannot afford to miss out on.”

**RICHARD CUMING, BYGONES MUSEUM
ST MARYCHURCH, BABBACOMBE**

1 MARKETING, PROMOTION & EVENTS

OVER 5 YEARS: £2,583,500

- Creating a **clear brand image** that brings Retail and Tourism together for Torbay, that is recognisable on a local, regional, national and international level and that can be leveraged by a concise PR strategy, building on the English Riviera brand.
- Torbay to be marketed as a **diverse and cosmopolitan** place to live, visit and invest in. The location, experiences to be had and activities on offer will form the core message.
- The development of a **high quality** print, online, photographic and video material to promote this.
- Area specific branding and campaigns to offer **unique experiences**.
- Creating a **centralised calendar** for events going on across Torbay.
- **Signature Events** – Working with partners to provide 4/5 large events per year across Torbay that encompass all business sectors – accommodation providers, food and drink, nighttime



economy, attractions, retailers with at least 50% of these events happening out of season.

- **Business Tourism** – Leveraging the Riviera International Centre and major hotels and venues to promote Torbay as a destination for business tourism.
- **Attack Brands** – Developing the attack brands that Torbay already has such as Agatha Christie.
- Promote Torbay as a **place of outstanding natural beauty**, with focus on elements such as the Geo Park, coastal and country pursuits as well as land based and aquatic outdoor recreation.

ATTRACTIVE, FRIENDLY
& WELCOMING

OVER 5 YEARS: £516,000

- **Beach and Street Cleaning** – the TRTBID can provide a level of cleansing and maintenance over and above that of the local authority to ensure that Torbay looks clean, tidy and inviting all year round.
- Improving the **appearance of empty shops** in the retail areas.
- Using unique ideas for innovative **floral and lighting schemes** and installations in Torbay.
- Event specific, **late night** and out of hours shopping nights for town centres.
- Supporting the nighttime economy through the continued monitoring and funding of the **Purple Flag Scheme**.



“We all know Torbay is changing and for a retail business like myself, that provides opportunities and challenges. Supporting the TRTBID means having an influential input in that on-going change with a bigger voice than the current BID. I believe we can make Torbay a welcoming and memorable place to visit for all for years to come.”

**BEN NORRIS, MAINLINE FANCY DRESS
PAIGNTON**



3

ACCESS, WAYFINDING & SIGNAGE

OVER 5 YEARS: £1,291,500

The £108m South Devon link road that will be in operation from December 2015 will provide a smoother, quicker gateway into Torbay. It is therefore essential that visitors can navigate Torbay once they have arrived.

- **Mapping** – Produce a paper and interactive map family across Torbay – each individual town to have their own map under the Torbay umbrella, using their unique brand identity.
- **Improved Information Service** – Introduce a team of 'Hosts' and mobile information stations to act as mobile information points providing help for visitors and shoppers alike.
- **Improved Signage** – Look at areas of improvement for brown and other signage across Torbay.
- **Resort Pass** – Developing a comprehensive pass available from Retail and Tourism Information points and online for the entire destination with offers and promotions to support the Retail and Tourism sectors.
- Car parking and public transport **incentives** and promotions.



"Millie and Me is a small business and is likely to fall beneath the threshold for paying the TRTBID levy. However, I believe it's important for all businesses to work together and decide what improvements are made so I will be making a voluntary contribution!"

SOPHIE BOWER, MILLIE AND ME
BRIXHAM



- Working with existing partners and others to provide opportunities for successful businesses to expand and **new businesses to come in** to encourage a quality retail offering.
- Improve the levels of service through consumer facing businesses. Ensure that Torbay is remembered as a welcoming, friendly and efficient resort where **high quality customer service** is paramount. This can be supported through training for people and regulatory compliance.
- Providing enhanced **online resources** and support for Tourism and Retail businesses and the opportunity to improve their own marketing and social media presence.
- Negotiating **centralised contracts** to reduce business costs including trade waste management, insurance, recycling, media space, professional services and accommodation services.



“The TRTBID is the right choice for marketing Torbay professionally with substantially increased investment.

It will also help businesses to reduce costs and improve their performance, such as in regulatory compliance and procurement of essential services. We support the TRTBID and encourage all small businesses to do the same.”

ANTHONY AND PAULINE PAYNE-NEALE
COURT PRIOR BED AND BREAKFAST
TORQUAY



5

YOUR TORBAY A Central Voice

OVER 5 YEARS: £103,000

The TRTBID will be a focused and professional new vehicle by which to provide a voice on behalf of its levy payers and facilitate and implement conversations with existing local organisations. It is absolutely crucial that the Retail and Tourism industries come together to build on mutual opportunities and take each others guidance.

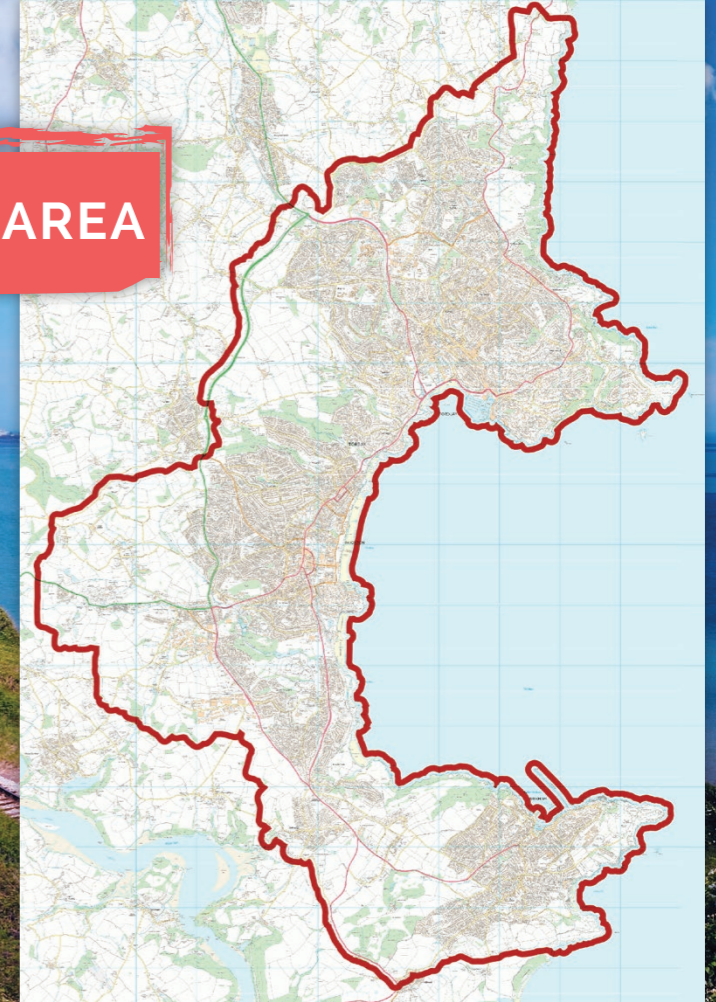
The new TRTBID Company will also be working with key partners to ensure that the TRTBID is part of the strategic and long term focus that ensures that this destination thrives and all our businesses can compete effectively. This will include:

- Ensuring we take advantage of the **new South Devon Link Road**.
- Major assets such as the **Global Geopark** status, which has national and international significance, are developed.

- Working with Torbay Council and investors to ensure that both our Retail and Tourism offer are **strategic priorities** in terms of policies, inward investment and new development.
- **Attracting investment** through the likes of Torbay Development Agency, the Town Centre Masterplans and the Cultural Strategy.
- Making a continued effort to ensure that we get our share of **national programmes** such as the recent £5m announced for attracting international visitors to the South West.

The TRTBID will also implement mechanisms by which to report on projects completed and finances annually and take key learnings from these in order to add expertise, value and experience to all projects going forward. The TRTBID Team will develop a system to report back to the investing businesses on the progress of TRTBID projects.

TRTBID PROPOSED AREA



QUESTIONS?

Page 7/8
For further information regarding the Torbay Retail and Tourism Business Improvement District please contact the TRTBID Project Team, using the following details:

MO ASWAT, PROJECT DIRECTOR

T: 07789792454

E: mo@themosaicpartnership.co.uk

SARAH WHITAKER, PROJECT MANAGER

T: 07713 771829

E: sarah@themosaicpartnership.co.uk

KATE TWIGG, PROJECT COORDINATOR

T: 07718359101

E: kate@themosaicpartnership.co.uk

WWW.TRTBID.CO.UK

Equality Impact Assessment (EIA):

Name (Key Officer/Author):	Kevin Mowat	Business Unit:	Business Services
Position:	Executive Head	Tel:	010803292429
Date started:	1 July 2015	Email:	Kevin.mowat@torbay.gov.uk
Date of current version:	7 July 2015		

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Executive Lead / Head Sign off :

Executive Lead(s)		Executive Head:	
Date:		Date:	

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Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/>	N <input type="checkbox"/> N <input type="checkbox"/> N <input type="checkbox"/>

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the proposal and what is the intended outcome?	<p>That, in the event of a “yes” vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID), the English Riviera Tourism Company (ERTC) will be wound up and Torbay Council will cease to commission destination tourism marketing and visitor information services from 1 April 2016.</p> <p>Appropriate ERTC staff would be transferred to the new TRTBID Company and the TRTBID Company would be granted a licence to use, and serve as guardian of, the English Riviera tourism brand, website domains and logos.</p>
2.	Who is intended to benefit / who will be affected?	<p>Some or all of the services provided by the ERTC could be altered as a result of winding up the ERTC and transferring such services to the new TRTBID Company. These changes could have a positive or negative impact. Those likely to be affected are:</p> <ul style="list-style-type: none"> • The English Riviera Tourism Company and Board • ERTC promotional partners who rely on the ERTC to promote their businesses • Attractions may be affected as people may not have the option of getting information from the traditional sources and marketing activity could be reduced overall • Visitors – less enquiries may be able to be responded to via face-to-face, phone or email • Local residents whose jobs rely directly or indirectly on the tourism industry and those who see these services as vital to the general economy of the area

Section 2: Equalities, consultation and engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **equalities, consultation and engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, consultation and engagement

No	Question	Details
3.	Have you considered the available evidence?	<p>Tourism Statistics for the English Riviera:</p> <p>National Statistics – 2012 for Torbay (Visit England) – latest available</p> <ol style="list-style-type: none"> 1. 2012 saw a 1% uplift in total visitors (trips) to the English Riviera compared to 0% for the whole of Devon 2. 2012 saw a 16% uplift in total staying visitor spend to the English Riviera compared to 15% for the whole of Devon 3. 2012 saw a 18% uplift in total overseas visitors to the English Riviera compared to 10% for the whole of Devon 4. 2012 saw a 28% uplift in total day visits to the English Riviera compared to 9% for the whole of Devon 5. Total direct value of tourism to Torbay in 2012 was: £427,870,000 6. Total indirect value of tourism to Torbay in 2012 was: £563,217,000 7. Total number of jobs provided by tourism in 2012 was: 12,020 8. 21% of the total population in 2012 were dependent on tourism for employment

No	Question	Details			
Page 76		There are a number of quarterly performance indicators that show that tourism across the bay is improving:			
	Indicator	2012/13	2013/14	Notes	
	Businesses who consider their business to be the same/better than the previous year	51%	58%	Target 75% - Below target but up on previous year	
	Businesses who reported turnover is the same of higher than the previous quarter last year	47%	55%	Target 75% - Below target but up on previous year	
	Attractions who reported their visitor number were the same or higher than previous year	71%	50%	Target 75% - Below target. Many attraction are weather dependant and the good summer affected all indoor attractions	
	Business confidence on future booking levels for the next quarter	38%	63%	Target 65% - slightly below target	
4.	<p>How will / have you* consulted on the proposal?</p> <p><i>*delete as appropriate</i></p>	<p>Consultation has taken place with the following stakeholders through face-to-face meetings or circulation of a draft version of the attached report:</p> <ul style="list-style-type: none"> • The Board of the English Riviera Tourism Company • Torbay Town Centres Company • The Chair of the multi-stakeholder task group set up to progress the TRTBID • The Mayor and his associated Executive Leads • A number of cross-party representative Councillors • The Overview and Scrutiny Board • The Council's Senior Leadership Team • The Mosaic Partnership 			
5.	Outline the key findings	<p>Responses were received from the Board of the ERTC, The Mosaic Partnership, members of the TRTBID Task Group, the Mayor, Executive Leads, Councillors and the Senior Leadership Team. These responses were given full consideration when compiling the final report.</p>			

No	Question	Details
6.	What amendments may be required as a result of the consultation?	No significant amendments were required to the original proposals.

Positive and negative equality impacts

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

No	Question	Details	
	Socio-economic impacts (Including impact on child poverty issues and deprivation)		Between 18% and 21% of the Torbay working population work in tourism related businesses. If visitor numbers reduce this may impact on the numbers employed in this sector and consequently on income for these families. The opposite will apply if visitor numbers increase.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	No differential impact	
8.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)		
8b	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	The Council is the only public sector organisation that supports the ERTC and therefore no other public sector proposals will impact upon them.	

Section 3: Mitigating action

No	Action	Details
9.	Summarise any negative impacts and how these will be managed?	<p>In the event of a “yes” vote, the Torbay Retail and Tourism Business Improvement District will see Torbay businesses invest a minimum of £5 million over five years. Its Business Plan identifies five main areas of work:</p> <ul style="list-style-type: none"> • Marketing, promotion and events • Attractive, friendly and welcoming • Access, wayfinding and signage • Business Support • Your Torbay <p>The TRTBID will bring together the retail and tourism sectors in Torbay with the aim of continuing to grow the number of visitors and increase their spend by offering a high quality destination and experience. The success of these two sectors is also beneficial to local people and businesses in other sectors.</p>

Section 4: Monitoring

No	Action	Details
10.	Outline plans to monitor the actual impact of your proposals	<p>The Board of Directors of the TRTBID will be responsible for the successful delivery of the projects outlined in the Business Plan (which will include key performance indicators) with the BID company being answerable to the levy paying businesses.</p> <p>The Council’s Overview and Scrutiny Board will also keep a watching brief on the success of the TRTBID, in particular the impact of the ERTC ceasing to trade.</p>

Section 5: Recommended course of action

No	Action	Outcome	Tick	Reasons/justification for recommended action
11.	<p>State a recommended course of action Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes and justify the reasons for your decision</p>	<p>Outcome 1: No major change required - EIA <i>has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken</i></p>	✓	
		<p>Outcome 2: Adjustments to remove barriers – <i>Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality</i></p>		
		<p>Outcome 3: Continue with proposal - Despite <i>having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</i></p>	✓	The mitigating actions (i.e. the creation of the Torbay Retail and Tourism Business Improvement District) will have a positive effect on the community in Torbay.
		<p>Outcome 4: Stop and rethink – EIA has <i>identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified</i></p>		

Agenda Item 13

Establishment of the Policy Development Groups



Report of the Overview and Scrutiny Board

1. Background

- 1.1 The Overview and Scrutiny Board met on 22 June 2015 to consider a call-in by ten Members of the Council (the majority of whom were members of the Board) of the decision by the Mayor to, amongst other things,:
- establish two Policy Development Groups
 - agree the working arrangements for the Policy Development Groups
 - approve the Decision-Making Route for policy development.
- 1.2 In considering the call-in, the Board sought the views of the Mayor on a number of points which the Board felt would ensure that the Overview and Scrutiny Board would have an appropriate level of influence within policy development.
- 1.3 Having heard from the Call-in Promoter and Supporters and the Mayor, the Board agreed that the issue be referred to the Council for the following reasons:
- The principles of overview and scrutiny at Torbay were agreed by the Council with an overwhelming majority at its meeting held on 26 February 2015.
 - Whilst not part of the Council's formal governance arrangements, the principles were also confirmed by the Conservative Group following the Local Elections in May 2015.
 - All Councillors should have the opportunity to express their views on the Mayor's proposals for policy development and on the governance arrangements of the Council.
- 1.4 This report sets out the issues which the Board raised with the Mayor during the course of the meeting.

2. The Issues

- 2.1 The reasons for the call-in were:
- The report dated 26th February 2015 – Principles of Overview and Scrutiny (an independent report assisted by the Centre for Public Scrutiny) has been rejected by the Mayor. This is in spite of the fact that it was passed by an overwhelming majority of the full Council. Following the independent report and the election, officers have worked hard to try and find how the recommendation could be integrated into the way the Council and Mayor make their decisions. It was subsequently, after

the election, discussed at a Majority Group meeting with agreement that the findings on the report and officer recommendation should be implemented. Having been passed at full Council and had the approval of the majority of Councillors following the election the new arrangements should be returned for debate by all Members if rejected by the Mayor.

- In the report taken to Council it states:- ‘The directly elected Mayor holds all executive powers – it is, therefore, important for credibility and reputation of the Council’s governance system that there are transparent checks and balances.’ [The signatories to the call in felt that] the new PDG system gives even more power to the Mayor: there is a heavy presence of Executive Leads on the PDGs, the agendas will be set with no input from O&S, the independent advice is to have O&S chairing the meetings. The decision is that the new arrangements will last for four years with no period for review.
- In the Decision-Making Route there is no consultation with the Majority Group or Group Leaders. There is no mention of how a decision is fast tracked – who makes that decision, again no mention of involvement of O&S in that decision. In previous fast tracked flow charts there has been consultation involved, this has now been omitted.
- The Centre for Public Scrutiny calls for all Members to work together for the good of the Council. We do not agree that the new PDGs are the best way forward to achieve this and that there are alternatives that need to be agreed by all Members.

2.2 Members of the Board hoped to use the meeting to discuss with the Mayor the issues identified within the call-in notice.

2.3 The Board reminded the Mayor that a nationally recognised expert had been commissioned by the Council to review its governance arrangements (with a particular focus on how non-executive members could add most value and be actively engaged in the Council’s plans for transformation) and his recommendations had not been implemented. The Mayor was asked why he had rejected the proposals within the report “The principles of overview and scrutiny in Torbay”. In response the Mayor asserted that the report was flawed as it failed to take account of Torbay Council as a mayoral authority and did not make any comparisons with other mayoral authorities.

2.4 It was highlighted that paragraph 3.1 of the report acknowledged that “no two councils are the same” and that the report makes frequent reference to the mayoral authority. The Board reject the Mayor's argument that the report does not take account of the mayoral system and that the authors did take account of the current governance arrangements at Torbay Council. However, the Board has subsequently written to the co-author of the report asking him to confirm how he took the existence of a directly elected mayor in Torbay into account in preparing

his proposals and how he drew on experiences in other mayoral authorities. John Cade's response is appended to this report.

- 2.5 In not fully implementing the proposals within the report, the role of overview and scrutiny has been undermined with its primary focus (as set out in paragraph 3 of the Operational Guidance for Policy Development Groups) being on holding decision makers to account and undertaking its statutory roles. It was felt that, by not being recognised as having a role in policy development, overview and scrutiny was not serving local democracy.
- 2.6 Whilst the Board accepted that the Mayor had made manifesto promises, it was the process by which the manifesto was delivered that was under question. Overview and scrutiny should provide the checks and balances and, as it stood, it was felt that overview and scrutiny had been made too small and had not been given the opportunity to do the job that it was tasked to do by law.
- 2.7 The membership of the Policy Development Groups was too heavily weighted in favour of the Executive Leads with the agendas being set by the nominated chair in consultation with the Mayor, Executive Leads and the Executive Director.
- 2.8 There was concern from the Board that the "fast track" route would be used too often and that it was unclear who would make the decision about whether that route should be used. There was no consultation with the Overview and Scrutiny Co-ordinator prior to issued being "fast tracked".
- 2.9 The Board believe that the current proposals have reduced the input from members of the Council and the community into the decision making processes of the Council with Policy Development Groups meeting in private and the Mayor increasingly taking decisions behind closed doors.
- 2.10 The proposals put forward in the "Principles of overview and scrutiny in Torbay" report are more transparent with all members of the Council having input into policy development in a timely fashion.
- 2.11 At the meeting the Mayor was asked whether he would accept some compromises, namely that the overview and scrutiny leads could be the Vice-chairmen of the Policy Development groups; that the Overview and Scrutiny Board could influence the agendas for the Policy Development Groups; and that the Overview and Scrutiny Co-ordinator would be consulted before issues were considered through the fast track route. The Mayor requested that the Board put its views in writing to him before he would consider any changes to his decision. The Board still considers the recommendations and proposals within the report "The principles of overview and scrutiny in Torbay" to be valid and that they should be adopted by the Mayor.

3. The Motion

3.1 It is anticipated that the following motion will be proposed at the meeting of the Council to be held on 23 July 2015:

That, having considered the proposal within the report “The principles of overview and scrutiny in Torbay”, the following amendments to the Operational Guidance for the Policy Development Groups be made:

- a. An Executive Lead and an Overview and Scrutiny Lead should fulfil the roles of Chairman and Vice-chairman of the Policy Development Groups.
- b. The Policy Development Groups should carry out their work both in private and in public according to the nature of the issue being considered with the presumption that they conduct as much of their work as possible in public.
- c. The Work Programme (and therefore the agendas) for the Policy Development Groups to be determined in consultation with the Mayor, Executive Leads, Overview and Scrutiny Leads and the Executive Director ensuring that there is a focus on those issues of critical importance to the Council moving forward. The Chairman and Vice-chairman of the Policy Development Group will each have the right to include items on the agenda.
- d. The Chairman and Vice-chairman of the Policy Development Group will jointly have the authority to “sign-off” reports from the Group prior to the reports being forwarded to the Mayor (or appropriate decision maker).
- e. Items going through Route 2 to be agreed by the Executive Director in consultation with the Mayor, Executive Leads and the Overview and Scrutiny Co-ordinator.
- f. The Members able to vote at the Policy Development Group will be the Chairman, Vice-chairman and the five members nominated in accordance with political balance.

The Council believe that these amendments make a package of measures which will make the Policy Development Groups more effective enabling inclusion of all of the members of the Council in policy development.

Dear Member,

“Principles of Overview and Scrutiny Report”

You asked if I could provide for you an assurance that the report “Principles of Overview and Scrutiny” gives full recognition to the Mayoral system of governance in Torbay. I can readily confirm that it does and takes account of recommended and introduced best practice.

There are seventeen directly Elected Mayors in England (including the Mayor of London, who, incidentally, is the only other Conservative Mayor). You would not want to make comparisons with some, which have had well-documented governance problems (e.g. Tower Hamlets and Doncaster) but I will make reference to others.

Further, what I think will be most helpful, is rather than commenting myself on practice, I extract from key documents what I believe are the salient matters for you.

The Department for Communities and Local Government guidance on Executive/Scrutiny arrangements draws no distinction between the role of Overview and Scrutiny whether it is in an Elected Mayor, Cabinet and Scrutiny structure or a Leader, Cabinet and Scrutiny structure.

The prime source here is “New Council Constitutions; Guidance to English Authorities (2006)”.

➤ Chapter 3, para 3.15

“To achieve enhanced accountability and transparency of the decision making process, effective overview and scrutiny is essential. Overview and Scrutiny Committees are the key element of Executive arrangements. Their role should, therefore, include both:

- developing and reviewing policy; and
- holding the Executive to account.”

➤ para 3.17

“Overview and Scrutiny Committees should be a key mechanism for enabling councillors to represent the view of their constituents and other organisations to the Executive and Local Authority and to ensure that their views are taken into account in policy development.”

➤ Chapter 4, para 4, 60

“The Elected Mayor and Cabinet will need to adopt an inclusive approach to this policy development in order to take account of the needs and aspirations of local communities, in the light of the Elected Mayor’s mandate.”

The proposals around Policy Development Groups sit four-square with this formal guidance.

The Institute of Government undertook a review of Mayoral arrangements in 2011. The publication is “Making the most of Mayors: lessons learnt from the existing Mayoral local authorities”.

It reported:

“Scrutiny can be effective, if it provides a valuable resource for the Executive. Indeed, there is no reason why Mayors should not look to Overview and Scrutiny as a tool which they can draw on to carry out policy reviews, investigate issues and generally help solve problems. The Constitution Unit has praised the London Assembly for some of the scrutiny work they have done, saying they work like an ‘elected think tank’.

Several Mayors also told us about the value of submitting work to Scrutiny panels for pre-legislative scrutiny along the lines of an internal consultation exercise. The potential benefits of these are:

- Improving the quality of legislation and policy
- Helping to secure consensus around a policy and thus avoid unproductive political spats
- Creating and maintaining scrutiny focussed on improving outcomes by ensuring the work of scrutineers feeds into policy making rather than merely “reacting”
- Helping recast scrutiny as a co-operative venture rather than an after the facts criticism of a policy which the Executive has already publicly aligned themselves with”

Finally, to draw from other Mayoral Councils:

- In Bristol, the Mayor has encouraged and supported Overview and Scrutiny working as Commissions to look at policy improvements. The terms of reference are, “To ensure that Overview and Scrutiny directly responds to corporate and public priorities, is used to drive service improvement, provide a focus for policy development and engage members of the public, key stakeholders and public agencies.”
- In Mansfield, the Mayor has also set up Overview Policy Commissions to “assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues.”

- In Watford “Scrutiny works at an overview level, considering issues that are to do with policy and strategy matters rather than operations and management.”

I could also add that we have just held a seminar at the University where I spoke to a Scrutiny Chair from Lewisham. He advised that the Mayor (Steve Bullock) was very diligent in including Scrutiny Members in policy development.

I hope this letter gives all concerned the assurance about the foundations for the proposals contained in the report and how they sit firmly with acknowledged good practice.

John Cade

Centre for Public Scrutiny, Expert Advisor

Visiting Lecturer,
Institute of Local Government Studies,
University of Birmingham

29th June 2015



Meeting: **Overview and Scrutiny Board
Council**

Date: **8 July 2015
23 July 2015**

Wards Affected: **All Wards**

Report Title: **Provisional Revenue Outturn 2014/15 – Subject to External Audit**

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

Supporting Officer Contact Details: **Martin Phillips, Chief Financial Officer,
Martin.phillips@torbay.gov.uk**

1. Purpose and Introduction

- 1.1. The revenue outturn report provides a summary of the Council's revenue income and expenditure for the financial year 2014/15 and makes recommendations with respect to any uncommitted resources.
- 1.2 A separate report will be presented to the Overview and Scrutiny Board and Council of the final capital outturn position.
- 1.3 For 2014/15 the Council's revenue budget achieved a balanced position.

2. Proposed Decision

Overview & Scrutiny Board

- 2.1 That the revenue outturn position for 2014/15 be noted.
- 2.2 That the Overview and Scrutiny Board be asked to report directly to Council on any recommendation it may have following its review of the outturn position.

Council

- 2.3 That it be recommended to the Council that:
 - (i) a sum of £0.253m is approved as carry forward into 2015/16 to the Crisis Support Fund to support vulnerable members of the community;
 - (ii) the revenue underspend of £14,000 is transferred to the Council's general fund reserve; and
 - (iii) Members to note that the transfers above in 2.3 (i) to (ii) are subject to the final audit of the Council's accounts.

3. Reason for Decision

3.1 The Council's accounts must be finalised and signed by the Chief Finance Officer before the end of June each year in accordance with statute. The 2014/15 accounts are available from the Council website:

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

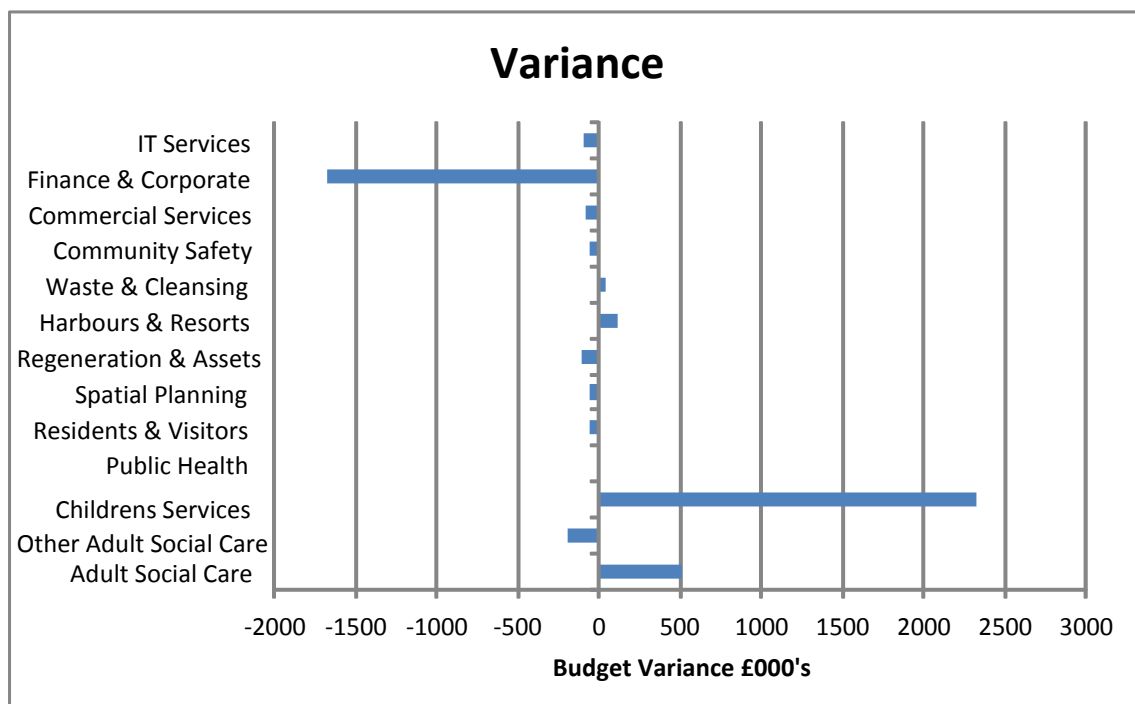
The presentation of the financial outturn report concludes the regular reporting to Council on its 2014/15 revenue expenditure and makes recommendations to Members with respect to any uncommitted budgets there may be available at year end.

3.2 Approval of the carry forward request to support vulnerable members of the community through the Crisis Support Fund will provide additional, one off, financial resources to continue this support.

Supporting Information

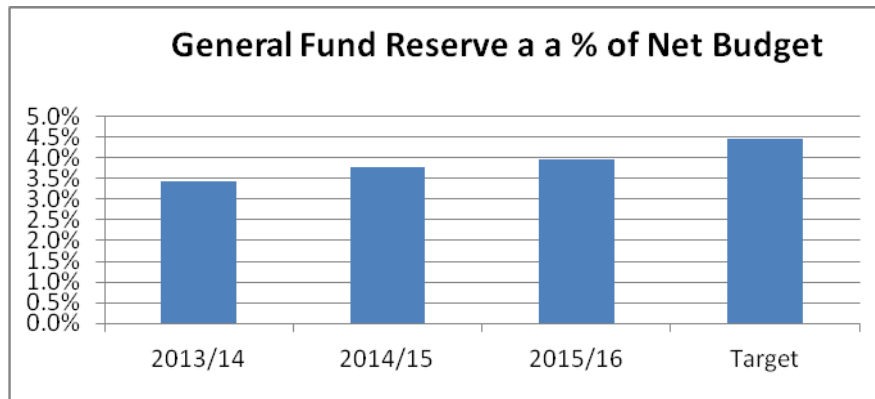
4. Position

4.1 The Council's revenue outturn for 2014/15 was a small underspend of £14,000, on a net budget of £115.8m, an improvement from the quarter three reported position. A summary of outturn compared to budget for each Executive Head area after carry forwards is as follows:



4.2 As previously reported the significant variances in year was within children's services and corporate issues. The overspend on this service, after the application of £2m contingency and £1.25m of reserves, was £2.3m.

- 4.3 This overspend in Childrens services was offset by a net underspend and/or additional income across other Council services.
- 4.4 The recommended transfer of £14,000 to the Council's general fund reserve increases that reserves' balance to £4.370m, a level equal to 4% of the Councils 2015/16 net revenue budget. The identified target level in the 2015/16 Review of Reserves report was 4.5%.



- 4.5 Approval of the carry forward request to support vulnerable members of the community through the Crisis Support Fund will provide additional, one off, financial resources to continue this support. The Crisis Support Fund reserve after the proposed transfer will be £0.604m. This is additional to the 2015/16 revenue budget for Crisis Support payments of £0.312m.
- 4.6 This report compares the revised budget position for 2014/15 to the revenue outturn position as at the end of the financial year and summarises the key variances.
- 4.7 The outturn position indicated in this report is the final position subject to the Council's external auditors, Grant Thornton, completing their annual audit of the accounts in June and July 2015. As part of any audit review, there is the possibility that changes may be made to the overall outturn position for the Council. However, should any variations to the figures be necessary these are not expected to be materially significant.
- 4.8 Carry Forwards
- 4.9 The Council's Financial Regulations states that; subject to the approval of Council when considering the end of the financial year position, any net under spends within a directly controllable revenue budget may be carried forward into the following financial year.
- 4.10 There is one carry forward which is recommended by the Chief Finance Officer for approval of £253,000 within Finance that is being referred to Council for a decision. It is recommended that the under spend in the Crisis Support Fund is carried forward and ring fenced to support the vulnerable in the community in 2015/16 and beyond. This carry forward proposal has been included within the overall outturn figures.

4.11 Net Revenue Expenditure

4.12 Net revenue expenditure after transfers to/from reserves was £116.4m. A summary of expenditure compared to outturn position for each service area is as follows:

Service	Gross expenditure £m	Gross Income £m	Net Budget (revised) £m	Outturn £ms	Variance to Budget £m	Reported to Quarter Three £m
Adult Social Care - Trust	43.4	(0.7)	42.7	43.2	0.5	0.6
Other Adult Social Care	3.2	(1.3)	1.9	1.7	(0.2)	(0.1)
Childrens Services	79.8	(54.5)	25.3	27.7	2.4	2.8
Public Health	8.1	(8.1)	0	0	0	0
Residents & Visitors	17.7	(10.4)	7.3	7.2	(0.1)	0.1
Waste & Cleansing	12.3	(0.8)	11.5	11.5	0	0
Harbours & Resorts	3.6	(3.6)	0	0.1	0.1	0
Spatial Planning	7.7	(2.2)	5.5	5.5	0	0.1
Economic Development and Assets (TDA)	6.4	(2.6)	3.8	3.7	(0.1)	(0.1)
Community Safety	4.0	(1.7)	2.3	2.2	(0.1)	(0.1)
Commercial & Business Services	6.4	(1.8)	4.6	4.5	(0.1)	0
Financial Services including Corporate	93.4	(85.8)	7.6	5.9	(1.7)	(1.4)
IT Services	4.9	(1.6)	3.3	3.2	(0.1)	(0.1)
Sub Total Net Expenditure	290.9	(175.1)	115.8	116.4	0.6	1.8
Sources of Finance	-	(115.8)	(115.8)	(116.4)	(0.6)	(0.4)
Total Net Expenditure	290.9	(290.9)	0	0	0	1.4

4.13 A brief summary of the main variances and the principal reasons for any underspends or overspends within each directorate are summarised below:

Service	Variance to Budget £m	Main Variances in 2014/15
Adult Social Care	0.5	Primarily additional spend on the Joint Equipment Store and higher client numbers than planned in adult social care.
Other Adult Social Care	(0.2)	Contractual and vacancy management savings.
Childrens Services	2.4	The projected overspend is primarily due to budget pressures within Safeguarding and Wellbeing due to the number, length of placements and cost of independent sector placements (ISP), residential placements and increased staffing costs due to the ongoing use of agency social workers within the Safeguarding and Wellbeing service.
Public Health	0	Ring fenced budget
Residents & Visitors	(0.1)	A net underspend at year end where pressures at Torre Abbey, enforcement income and sports services have been offset by administrative savings and vacancy management across Residents and Visitors service. In addition strict financial control across all services and a moratorium on spending to maintain spend within the approved budget and receipt of additional income e.g. engineering team
Waste & Cleansing	0	A balanced position at year end, where increased costs of disposals were offset from income from the EFW contract
Harbours & Resorts	0.1	Budget pressures from essential works to beaches and lower than anticipated income.
Spatial Planning	0	A balanced position at year end, where a shortfall in income was offset by lower concessionary fare costs.
Economic Development and Assets (TDA)	(0.1)	Due to a return of unspent funds for regeneration projects
Community Safety	(0.1)	Budget pressures within the Housing Options service, due to increased costs for temporary accommodation, have been offset by savings within Environmental Health and other services due to vacancy management.
Commercial & Business Services	(0.1)	A combination of salary savings and increased income in trading areas.
Financial Services including Corporate Budgets	(1.7)	Vacancy management savings within Financial Services and Exchequer and Benefits, lower external audit inspection fees and actual income and expenditure on benefits. A number of corporate budgets are "accounted for" within the Finance budget and were used in the year to offset the overspend and include the release of a council contingency. In addition savings have been identified with reduced pension costs and higher than

		budgeted for NNDR section 31 grant income.
IT Services	(0.1)	Primarily salary savings
Sources of Finance	(0.6)	Income from NNDR Pool & additional Education Support Grant
Total	0	A net £14,000 underspend for 2014/15

4.14 Schools

4.15 A balanced budget position has been declared for Schools Block Activities after making a contribution to the Dedicated Schools Grant reserve of £0.2m. This position will be reported to the Schools Forum. Members are reminded that the Dedicated Schools Grant can only be used for schools related activities.

4.16 Schools will be carrying forward balances of £2.9m (£2.8m 13/14) on their delegated funds from 2014/15 to 2015/16 – these resources are earmarked for schools related expenditure.

4.17 Public Health

4.18 A balanced budget position has been declared for Public Health services, which are funded from a ring fenced grant, after making a contribution to reserves of £0.3m. This position will be reported to the Public Health England. Public Health will be carrying forward balances in total of £1.1m from 2014/15 to 2015/16. These resources are earmarked for public health related expenditure.

4.19 Redundancy and associated costs

4.20 In 2014/15 the Council incurred £0.5m of redundancy and associated costs, mostly linked to the ongoing Council budget reductions. These have been funded from the Comprehensive Spending Review Reserve (CSR Reserve).

4.21 Reserves

4.22 A review of all Council reserves is completed on an annual basis as part of the budget setting process for the forthcoming financial year. Subject to any adjustments post external audit a summary of Council reserves as at 31st March 2015 were as follows:

Reserve	31/3/14	31/3/15 outturn	Notes:
General Fund Reserve	4.4	4.4	
CSR Reserve	3.8	3.1	Use in year to fund redundancy and associated costs
Schools Reserve	2.8	2.9	
Earmarked Reserves	27.4	24.9	
Total Reserves	38.4	35.3	

- 4.23 During 2014/15 £1.250 million was applied to mitigate the Childrens Services overspend from the PFI Sinking Fund reserve. This reserve will need to be repaid by children's services in future years as the reserve is required to fund future contract costs along with future repayment of the £3.4m of reserves identified for the Childrens Services cost recovery plan agreed by Council in October 2014.
- 4.24 As noted in the summary to this report the general fund reserve is at £4.4m a level equal to 4% of the 2015/16 net revenue budget. This is below the target level of 4.5% which reflects the level of financial risks facing the Council.
- 4.25 The CSR reserve, a reserve set up a few years ago to support the Council through the period of funding reductions is £3.1m as at year end. The reserve was primarily used in year to fund £0.5m of redundancy and associated costs. In 2015/16 the reserve will be used to fund the agreed transitional funding for a number of services in 2015/16 (£0.3m) and may need to be used to fund the 2014/15 costs of the judicial review for care home fees where the initial judgement went against the Council.
- 4.26 Financial Risks as at 31/3/15
- 4.27 There are a number of financial risks facing the Council; the key risks are identified below.

Risk	Impact	Mitigation
Achievement of £12m of approved savings for 2015/16	High	15/16 Budget monitoring and "saving tracker" monitored by senior staff.
Potential impact and costs of judicial review for care home fees	High	Balance of CSR reserve and 2015/16 social care contingency
Achievement of Childrens Services cost reduction plan	High	Regular monitoring of performance
Identification and achievement of £33m of savings for 2016/17 to 2018/19	High	Issue identified in Medium Term Resource Plan and 2016/17 budget timetable.
Additional demand for services particularly in both adults and childrens social care	High	15/16 Budget monitoring and use of service performance data.
Additional Costs associated with Deprivation of Liberty and Safeguarding (DOLS) statutory duty	High	15/16 Budget and performance monitoring in consultation with Torbay And Southern Devon NHS Provider Trust.

4.28 Revenue Grant and S106 Carry Forwards

- 4.29 Where the Council receives grant funding from central government or other funding sources, such as S106 developer contributions, which have not been spent as at year end, these are carried forward into an earmarked reserve or as a "receipt in advance". These are held on the Council's balance sheet at year end and will be brought forward into 2015/16.

4.30 Collection Fund

4.31 As a billing authority the Council is responsible for collection of, and subsequent distribution of, Council tax and Business Rates (NNDR) in the Torbay area.

4.32 There was an in year surplus of £0.7m on the Council Tax part of the Collection fund in excess of the 2015/16 budget estimate of the surplus. The Council's 84% share of this surplus will be used to support the 2016/17 budget.

4.33 There was an in year deficit of £0.1 on the NNDR part of the collection fund compared to the 2015/16 budget estimate of the position. The Council's 49% share of this deficit will be funded from the 2016/17 budget. The financial impact of the position on NNDR and the Council's share of NNDR under the Business Rate retention scheme is particularly volatile with central government changes to NNDR, the Council's membership of a Devon Wide NNDR "pool" and changes in actual NNDR collection including the impact of backdated NNDR appeals. The final NNDR position for 2014/15 including the Devon wide pool will not be finalised until September 2015, therefore the Council's revenue outturn for NNDR shows a balanced position with any variance transferred to the NNDR reserve until the 2014/15 position is finalised.

4.34 Statement of Accounts

4.35 This report deals with the Council's management accounts for 2014/15. The Council's statutory Statement of Accounts for 2014/15 was a public document in June, (available on the Council's website), and will be presented to Audit Committee for Approval in July 2015 along with the external auditors report on those accounts. The Statement of Accounts is a more detailed document, produced in line with accounting guidance and will contain more detail on the Council's 2014/15 financial position. The accounts are subject to an extensive external audit.

4.36 Capital Outturn and Treasury Management Outturn

4.37 The Council's capital outturn for 2014/15 will be presented to OSB and then Council as a "sister" report to the revenue outturn report.

4.38 The Council's Treasury Management outturn report on the Council's borrowing and investment activity in 2014/15 including the prudential indicators for capital expenditure and its financing will be presented to Audit Committee and then Council.

4.39 Subsidiaries and Associates

4.40 The Council has 100% ownership of three companies and a shareholding in three others. The financial performance (based on draft accounts) of these companies as at 31/3/15 is as follows.

Company	Council share %	Surplus/(Deficit) for year £m	Net Equity - Surplus/(Deficit) £m
Torbay Development Agency (TDA)	100	(1.5)	1.1
English Riviera Tourism Company (ERTC)	100	(0.2)	(0.3)
Oldway Mansion Management Company	100	0	0
TOR2 - provisional as at 31/3/15	19.99	0.5	n/a
TOR2 – final to year end June 2014	19.99	0.4	(1.5)
PLUSS	25	0.8	2.0
Career's South West (pre IAS19)	25	(0.1)	1.7

Note * if IAS19 pension entries are excluded the TDA position would be a deficit of £0.2m and £3.9m net equity and ERTC would be nil surplus and nil net equity.

4.41 All companies with defined benefit pension schemes had a deficit in year and reduced net equity due to changes in the discount rate used by the actuary in calculating the overall pension liability.

4.42 Debtors

4.43 The key issues with respect to debtors are:

	2013/14 in year collection rate %	2014/15 in year collection rate %	2014/15 Income Collected to date £m	Arrears/Due as at 31/3/15 £m	Write offs in 2014/15 £m
Council Tax	94.9	95.5	65.8	5.3	0.5
NNDR	97.2	95.6	35.6	0.9	0.4
Sundry Debtors	n/a	n/a	n/a	3.9	0.1

4.44 Write offs above £5,000 have been circulated to Members of the Overview and Scrutiny Board as an exempt annex to this report and are available to all other Members upon request on a confidential basis.

5. Possibilities and Options

5.1 Members could consider alternative uses for the uncommitted budgets identified within this report.

6. Fair Decision Making

6.1 Not applicable

7. Public Services (Social Value) Act 2012

7.1 Not applicable

8. Risks

8.1 There is a risk that the Council will have insufficient reserves to meet any unforeseen events. The maintenance of the general fund balances of £4.4m and the Childrens Services reserve of £3.4m will assist in ensuring the Council's reserves are sufficient to assist with its medium term financial planning and manage unforeseen events.

Appendices

None

Additional Information

Council's Officer Senior Leadership Team has reviewed the report.

Overview
& Scrutiny
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Provisional Revenue Outturn 2014/2015

Report of the Overview and Scrutiny Board – July 2015

At its meeting on 8 July 2015, the Overview and Scrutiny Board considered the Provisional Outturn Report 2014/2015.

The Board requested:

That additional information be prepared and presented to the Council in its consideration of the Provisional Outturn 2014/2015 report in relation to the pension liability of Torbay's subsidiary companies.

That a statement be prepared and an additional column presented in the table in the report which demonstrates the financial situation of all subsidiaries prior to the pension liability.

Agenda Item 15



Meeting: **Overview & Scrutiny Board
Council**

Date: **8th July 2015
23rd July 2015**

Wards Affected: **All**

Report Title: **Capital Investment Plan Update - (Outturn 2014/15) – subject to
audit**

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

Supporting Officer Contact Details: **Martin Phillips, Chief Financial Officer,
Martin.phillips@torbay.gov.uk**

1 Purpose

- 1.1 The Council's capital investment plan with its investment in new and existing assets is a key part of delivering the Council's outcomes. This is the final Capital Monitoring report for 2014/15 under the Council's budget monitoring procedures. It provides high-level information on capital expenditure and income for the year (subject to Audit), compared with the latest budget position as at quarter three reported in February 2015.
- 1.2 The Council's capital expenditure in 2014/15 was £20.4m with £2.6m of funding re profiled to be spent in future financial years.

2 Proposed Decision

Overview & Scrutiny Board

- 2.1 That the outturn position for Council's Capital expenditure and income for 2014/15 be noted.
- 2.2 That the Overview and Scrutiny Board be asked to report directly to Council on any recommendation it may have following its review of the outturn position.

Council

- 2.3 That the outturn position for the Council's Capital expenditure and income for 2014/15 be noted.
- 2.4 That the action taken by the Chief Finance Officer, under the Officer Scheme of Delegation, to carry forward the unspent budgets for expenditure or work in progress (together with their funding) from 2014/15 to 2015/16 be noted.
- 2.5 That the funding of the capital investment plan for 2014/15 as outlined in paragraph 7.1 of the submitted report be noted.

2.6 That the allocation of £1.020m of the 2015/16 Disabled Facilities Grant, part of the Better Care Fund, to support Disabled Facilities Grants to vulnerable adults and Council re allocates £0.4m of unspent prior years Disabled Facilities Grant to support Infrastructure works be approved. (para 6.19)

2.7 That the allocation of £0.461m of the 2015/16 Adult Social Care capital grant, part of the Better Care Fund, to support Adult Social Care expenditure be approved. (para 6.25)

3 Reasons for Decision

3.1 Quarterly reporting to both the Overview and Scrutiny Board and to Council is part of the Council's financial management process.

4 Summary

4.1 Members of the Overview and Scrutiny Board and Council have received regular budget monitoring reports on the Council's Capital Investment Plan throughout the year. This report is the monitoring report for the fourth quarter 2014/15 which is also the financial year end. Variations reported are those arising in this quarter and any other changes reported will be reflected in the 2015/16 quarter one Capital Investment Plan update to OSB and Council in September 2015.

4.2 Outturn expenditure for the year was £20.4 million compared with the budgeted spend in the last monitoring position of £22.8 million. In percentage terms, spend was 89% (79% 13/14) of the latest forecast.

5 Supporting Information

5.1 The original capital budget for 2014/15 reported to Council in February 2014 was £29.5 million. That was subsequently revised during 2014/15 for re profiling of expenditure from 2013/14, new schemes and re profiling spend to future years. All changes with reasons have been included in previous monitoring reports. Actual spend during 2014/15 was £20.4m, which is detailed in appendix 1.

5.2 Capital budgets of £2.6m will be carried forward to 2015/16 to enable schemes not completed or progressed in 2014/15 to be continued in the current year along with the funding sources for the scheme.

5.3 The Council set its Prudential Indicators for 2014/15 and monitoring arrangements for "affordable borrowing" in February 2014. The detailed Outturn Indicators are presented as part of the Treasury Management Outturn Report to be presented to Audit Committee in July and Council in September.

5.4 The expenditure predictions as at January 2015 were presented as part of the Capital Investment Plan Update to Council in February 2015. That Report noted anticipated expenditure of £23.2 million in 2014/15. This has been revised to a total of £22.8m with £0.3m of housing schemes re profiled to 2015/16.

5.5 Appendix 1 provides a schedule of the outturn for spending and funding in 2014/15.

Column (1) shows the revised budget for the year.
Column (2) shows the actual payments during the year.

Column (3) shows the variance between outturn and revised budget.
Column (4) shows the net budget to be carried forward to 2015/16.

- 5.6 In order to meet the timetable for the statutory closure of accounts it is inevitable that assumptions are made with regard to the final outturn figures which will be part of the audit of the Council's accounts. Any material changes will be reported to a future meeting.

6 Expenditure Outturn & Performance

- 6.1 The actual service expenditure in 2014/15 was £20.4 million. The outturn for individual projects is provided in Appendix 1. A summary at service level is in the table below –

	Latest Budget	Outturn	Spent	Variation
	£m	£m	%	£m
Adult Services	0	0	0	0
Childrens Services	5.8	6.3	109	0.5
Place	14.4	12.3	85	(2.1)
Public Health	0.9	0.7	78	(0.2)
All Services	1.7	1.1	65	(0.6)
TOTALS	22.8	20.4	89	(2.4)

- 6.2 In overall terms there was net variation in the Plan spend of £2.4million, which is 11% of the revised budget. A summary of the significant re profiling and reasons is included below.
- 6.3 The re profiling of budget within the net £2.6m of variations identified in appendix one to be carried forward to 2015/16 is summarised by scheme (in excess of £0.250m) in the table below:

Scheme	Re Profiling	Reason
	£m	
Cockington Primary Expansion	0.3	Project progressing faster than anticipated
White Rock Primary Expansion	0.7	Project progressing faster than anticipated
Princess Pier Decking	(0.3)	Scheme not started by March 2015
TEDC Capital Loan	(0.6)	Loan not drawn down in 14/15
Oldway Estate	(0.4)	Drawdown of lease not actioned in 14/15

- 6.4 The Capital Investment Plan spans 4 financial years and includes development projects where spending is expected to run for a number of years. It is normal that annual budgets need to be re-phased between years as schemes develop through feasibility, design and construction stages. On occasion consultation with end-users, affordability of design and negotiation with external funders can significantly delay anticipated start dates.

- 6.5 During the year, budgets were regularly re-scheduled between the four years of the plan and the reasons were reported to Council.
- 6.6 On a number of schemes, even though works had not been undertaken by the year end a number of contractual commitments have been entered into, to progress the scheme.
- 6.7 Where project costs have exceeded budget, and funds could not be brought forward from future year's budgets, services were asked to identify additional sources of funding. No scheme has been carried forward to 2015/16 which will be a call on (new) funding allocated in for future years.
- 6.8 The Chief Finance Officer is authorised under the Officer Scheme of Delegation to approve re-phasing of expenditure between years provided the impact does not exceed the overall level of the approved programme and the available funding resources. Under this delegation, net budget provision of £2.6 million has been carried forward into 2015/16 to fund commitments on works in progress and to enable approved schemes to be completed. Conversely budgets for 2015/16 have been reduced on those projects which have spent in advance (within the overall capital budget for the project). A revised Capital Investment Plan, incorporating the budgets carried forward and any schemes that are now significantly changed will be presented with the first Capital Investment Plan update in 2015/16.
- 6.9 In addition to the re profiling of expenditure to future years the corresponding budgets for the funding of these schemes are also carried forward. Where funding has been received but not applied, this funding is reflected on the Council's balance sheet as usable reserves.

Individual Project Monitoring - Main Variations & Management Action

- 6.10 Appendix 1 shows the expenditure in 2014/15 on each individual project. A number of projects have been completed during the year and are now delivering improved services to users. A summary of schemes in the year is below.

6.11 Childrens Services

- 6.12 During 2014/15 a total of £6.3m of resources allocated to Childrens Services was spent mostly on school enhancement primarily for additional pupil places (basic need) including £2.5m at Cockington Primary school, £1.1m at White Rock Primary school and £0.6m at Torre Primary school.
- 6.13 Childrens Services presented a report on the revised reallocation of (previously approved) funding on school projects. The Capital Investment Plan will be updated for these changes on the 2015/16 Quarter One report. Link to the Childrens Services' report below:

<http://www.torbay.gov.uk/DemocraticServices/documents/s22563/Review%20of%20School%20Places%20in%20Torbay.pdf>

6.14 Place Services

- 6.15 During 2014/15 a total of £12.3m of resources allocated to Place Services were spent on a range of projects. These included £2.8m contribution to South Devon Link Road, £3.4m on other transport related schemes and £1.8m on beach huts. The Velopark in Paignton was completed during the year (£0.3m of spend in year) along with a programme of installing LED lights in street lighting to reduce future costs (£0.5m of spend in year). In addition the new cross Bay ferry service started with new pontoons in both Torquay and Brixham harbours, (£1.1m of spend in year)
- 6.16 Expenditure was incurred on infrastructure assets partly linked to the storm damage during early 2014 funded from a number of sources including the Environment Agency and Small Ports Recovery Fund. (£1.2m of spend in year).
- 6.17 New refuse vehicles (£0.4m) were purchased, funded from the PFI contract, to enable TOR2 to deliver domestic waste to the new Energy From Waste Facility in Plymouth. This was a joint 25 year PFI contract with Plymouth City and Devon County Councils which started operation in April 2015.
- 6.18 **Public Health**
- 6.19 During 2014/15 a total of £0.8m of resources allocated to Public Health services including £0.5m on Disabled Facilities Grants (DFG) to enable adaptations of dwellings for vulnerable adults. It is recommended to Council to allocate £1.0m of Disabled Facilities Grants to that service in 2015/16 which is in line with forecast levels of expenditure. Expenditure over the past three financial years has been £0.5m, £0.7m and £0.5m. It is also recommended that Council re allocates £0.4m of unspent prior year Disabled Facilities Grant to support future Infrastructure works such as cliff repairs and storm damage.
- 6.20 **All Service**
- 6.21 During 2014/15 a total of £1.1m of resources allocated to Council wide services was spent mostly on the Office Rationalisation Project (£0.4m in year) which enabled the Council to vacate leased properties at Pearl Assurance House and Commerce House and relocate staff to Aspen Way, Harbourside in Paignton and Old Parkfield. Expenditure in year was also incurred on capital grants to the Riviera Centre (£0.2m) and on a replacement self service payroll and HR System (£0.3m in year).
- 6.22 **Better Care Fund**
- 6.23 The Better Care Fund is a national government initiative to encourage Health bodies and Councils to work together, For Torbay this is a £11m pooled budget with the Southern Devon Clinical Commissioning Group (CCG). The pooled budget is primarily revenue funds however there are two capital grants within the fund which were received by the Council.
- 6.24 One of these grants is the Disabled Facilities Grant. In April 2015 the Council received its 2015/16 allocation of Disabled Facilities Grant of £1.020m which although paid direct to the Council by the Department of Communities and Local Government has been “passported” to the Council from the Better Care Fund. As an un-ringfenced grant it is recommended that Council approve this allocation for Disabled Facilities Grants in 2015/16.

6.25 The second grant, notified but not yet received, is the Adult Social Care capital grant. This is expected to be £0.461m for 2015/16. This grant is also part of the Better Care Fund and is expected to contain conditions as to use, however the Department of Health have not yet notified the Council of these conditions. As the demand for capital expenditure in adult social care can be low, it may be more supportive of adult social care to “swop” this capital funding for revenue funding from another Council service or with the Clinical Commissioning Group. It is therefore recommended that Council approve this grant allocation to support adult social care.

6.26 **Contingency**

The Council approved a capital contingency of £0.6 million. This contingency is still in place to provide for unforeseen emergencies or shortfall in projected income over the 4-year Plan period and represents approximately 1% of the total Capital Investment Plan.

7. **Receipts & Funding**

7.1 Resources used in the year to fund the actual spending, compared to the anticipated use of resources, are as follows –

	Revised Budget	Outturn	Variation
	£m	£m	£m
Borrowing – of which	6.4	5.0	(1.4)
Supported: (by Government	0.1	0.5	0.4
Unsupported: (under Prudential	6.3	4.5	(1.8)
Grants	13.7	13.0	(0.7)
Other Contributions	0.5	0.6	0.1
Revenue & Reserves	1.6	1.7	0.1
Capital Receipts	0.6	0.1	(0.5)
Total Funding	22.8	20.4	(2.4)

Grants

7.2 Capital Grants continue to be the major funding stream 64% (61% in 13/14) for the Council to progress its investment plans. An element of these grants result from “bids” to other public sector bodies. With ongoing significant reductions on public sector expenditure expected, this funding stream is significantly reduced for future capital projects. The Council used £13.0 million of grants in 2014/15 to support its capital expenditure. As at 31 March 2015 the value of grants received but not yet applied was £5.0 million (£10.2m 2013/14). This sum is reflected in the Council’s balance sheet.

7.3 In April 2015 the Council received its 2015/16 allocation of Disabled Facilities Grant which although paid direct to the Council by the Department of Communities and Local Government has been “passported” to the Council via the Better Care Fund.

7.4 In February 2015, after the quarter three report had been written, Department of Education issued the following allocations for schools.

2015/16 Devolved Formula Capital	£0.090m
2015/16 Condition Funding	£0.506m
2017/18 Basic Need	£4.229m

The Devolved Formula Capital grant is ring fenced for schools and will be included in the next Capital Investment Plan Update. £0.4m of the 2015/16 Condition funding and £1.363 m of 2017/18 Basic Need allocation have previously been included in the Plan, therefore the balances of £0.106m Condition funding and £2.866m of Basic Need allocation will need to be allocated by Council. Both of these grants are un ring fenced.

Borrowing

- 7.5 Borrowing was kept within Affordable Borrowing limits and the effect on the Revenue budget was within budget (see Prudential Indicators in Treasury Management Outturn 2014/15 Report).
- 7.6 In addition to the £0.5 million of borrowing “supported” by central government, unsupported (Prudential) borrowing of £4.5 million was utilised to fund (or part fund) expenditure on the following major projects:
- South Devon Link Road
 - Harbour Pontoons
 - Beach Huts
 - Paignton Velopark
 - Street Lighting
- 7.7 If no additional capital contributions to the South Devon Link Road are received then the level of prudential borrowing required will remain at up to £20m. This cost will impact on the Council’s revenue budget in 2016/17 once the road is operational. The repayment of £20m over 25 years will be an annual cost to the service of £1.3 million.
- 7.8 Repayment of the prudential borrowing by services varies between projects and reflects the anticipated use of the asset or a suitably shorter period over which the service feels is appropriate, however prudential borrowing is never taken over a period which is greater than the anticipated life of the asset.
- 7.9 The Council sets aside an amount in its revenue budget (known as minimum revenue provision) for the repayment of the borrowing on its maturity including a sum for the value of the debt inherited from Devon County Council in 1998. In 2014/15 it set aside £4.2m in respect of capital expenditure by the Council, along with £0.5m in relation to the PFI scheme for Westlands and Homelands Schools (funded by the PFI Grant). This ensures that in the long term all borrowing and long term liabilities will be repaid.
- 7.10 Borrowing is related to the funding of non current (fixed) assets. The costs of these assets tend to be spread over the long term which is line with the long term use of these assets. The value of Council long term assets as at 31/3/15 was over £300 million. It should be noted that as schools convert to Academy status the value of the asset is removed from the Council’s balance sheet however the Council remains liable for any borrowing or long term liabilities in relation to these schools up to the date of transfer. In 2014/15 the value of schools that

converted to Academy status removed from the Council's balance sheet was over £11 million. More schools are expected to convert during 2015/16.

Capital Receipts –

7.11 Capital receipts in the year were £1.8 million. Receipts included the following:

- £0.1m Right to Buy Housing “clawback”
- £1.6m Land sales including Old Paignton Library, sites on Waterside Road and Higher Lodge at Cockington.

In year £0.1m of these receipts were applied in 2014/15 to fund capital expenditure, therefore the Capital Receipts reserve had a balance of £3.5m at year end.

7.12 The approved Plan relies upon the generation of a total of £3.6 million capital receipts from asset sales of which £1.8m was received in 2014/15, leaving a target of £1.8m to be achieved. This target is expected to be achieved provided that -

approved disposals currently “in the pipeline” are completed,
the Council continues with its disposal policy for surplus and underused assets and,
no more new (or amended) schemes are brought forward that rely on the use of capital receipts for funding.

7.13 Assets proposed for disposal are reported to Council for approval, with the latest report to Council in October 2014.

7.14 In accordance with the Council's approved capital strategy, the £0.1m of “right to buy” receipts received in 2014/15 will be allocated to housing schemes.

Capital Contributions – S106 & Community Infrastructure Levy

7.15 The general target for securing capital contributions to fund the 4-year Capital Investment Plan, following review of the Budget in February 2013 was £0.5 million. In addition the South Devon Link Road business case estimated external contributions including s106 payments of £2.1m to help fund the scheme (£0.1m, received to date).

7.16 The intention is that capital contributions are applied to support schemes already approved as part of Capital Investment Plan and not allocated to new schemes unless the agreement with the developer is specific to a particular scheme outside the Capital Investment Plan.

7.17 Income from Section 106 capital contributions so far in 2014/15 amount to £0.5 million, however the majority of the contributions are for specific schemes.

7.18 It is expected that, linked to the adoption of the Local Plan later in 2015, a Community Infrastructure Levy scheme will also be approved.

Agenda Item 16

Torbay Council – Constitution

Schedule 5 – Delegation of Executive Functions

Schedule 5 - Scheme of Delegation of Executive Functions to the Executive, Committees of the Executive and Officers

This report is presented to the meeting of Council on 23 July 2015 in accordance with Standing Order C4.2(a) for inclusion in the Council's Scheme of Delegation (Schedule 5 to Part 3) of the Constitution of Torbay Council.

1. The names, addresses and wards of the people appointed to the Executive by the Mayor are set out below:

Name	Address	Electoral Ward
Deputy Mayor and Executive Lead for Health and Wellbeing - Councillor Derek Mills	5 Bascombe Close Churston Brixham TQ5 0JR	Churston with Galmpton
Executive Lead for Tourism, Culture and Harbours - Councillor Amil	Flat 6 22 Polsham Park Paignton TQ3 2AD	Cockington with Chelson
Executive Lead for Community Services - Councillor Robert Excell	Excell Studio 203 Union Street Torre Torquay TQ1 4BY	Tormohun
Executive Lead for Customer Services – Councillor David Morris	c/o Town Hall Castle Circus Torquay TQ1 3DR	Shiphay with the Willows
Executive Lead for Corporate Services – Councillor Andy Lang	c/o Town Hall Castle Circus Torquay TQ1 3DR	Tormohun
Executive Lead for Planning, Transport and Housing – Councillor Mark King	5B Coburg Place Torquay TQ2 5SU	Cockington with Chelston
Executive Lead for Business – Councillor Richard Haddock	Churston Farm Shop Dartmouth Road Brixham TQ5 0LL	St Marys with Summercombe
Executive Lead for Adults – Councillor Julien Parrott	51 Princes Road Torquay TQ1 1NW	Ellacombe

2. The Mayor is responsible for the discharge of all executive functions (except as specified in paragraph 3. below). Executive Leads will have an advisory role in relation to the areas of responsibility set out below.

Executive Lead	Portfolio:	Main Director/Executive Head/Lead Officer
<p>Mayor Gordon Oliver</p> <p>Executive Lead for Finance, Regeneration and Children</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 109</p>	<p>Torbay Development Agency:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Built Environment <input type="checkbox"/> Employment and Skills <input type="checkbox"/> Business support <input type="checkbox"/> Regeneration <input type="checkbox"/> Business Relocation, Creation and Growth (inc. social enterprise/apprenticeships) <input type="checkbox"/> Inward Investment <input type="checkbox"/> Property (assets) <input type="checkbox"/> Estates <p>Finance:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial Services (including Capital and Revenue Budget and Budget Monitoring) <p>Children:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Torbay Youth Trust <input type="checkbox"/> Torbay Public Service Trust <input type="checkbox"/> Improvement and Performance <input type="checkbox"/> Schools <input type="checkbox"/> Children’s and Young People <p>Safeguarding</p> <ul style="list-style-type: none"> <input type="checkbox"/> Children’s Safeguarding and Wellbeing 	<ul style="list-style-type: none"> <input type="checkbox"/> Executive Director of Operations and Finance/Chief Executive Torbay Development Agency <input type="checkbox"/> Section 151 Officer <input type="checkbox"/> Director of Children’s Services <input type="checkbox"/> Director of Adult Social Care <input type="checkbox"/> Assistant Director of Safeguarding

Executive Lead	Portfolio:	Main Director/Executive Head/Lead Officer
Deputy Mayor and Executive Lead for Health and Wellbeing Councillor Derek Mills	<p>Public Health</p> <ul style="list-style-type: none"> <input type="checkbox"/> Public Health Commissioning Team <input type="checkbox"/> Community Development Trust <p>Special Projects</p> <ul style="list-style-type: none"> <input type="checkbox"/> Special projects and innovation 	<ul style="list-style-type: none"> <input type="checkbox"/> Director of Public Health <input type="checkbox"/> Interim Director of Special Projects and Innovation
Executive Lead for Planning, Transport and Housing Councillor Mark King	<ul style="list-style-type: none"> <input type="checkbox"/> Building Control <input type="checkbox"/> Planning and Strategic Transport <input type="checkbox"/> Strategic Housing <input type="checkbox"/> Waste <input type="checkbox"/> TOR2 Commissioning 	<ul style="list-style-type: none"> <input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Assistant Director of Corporate and Business Services <input type="checkbox"/> Director of Adults Social Care <input type="checkbox"/> Executive Head of Business Services
Executive Lead for Tourism, Culture and Harbours Councillor Nicole Amil	<ul style="list-style-type: none"> <input type="checkbox"/> Culture <input type="checkbox"/> Heritage <input type="checkbox"/> Events <input type="checkbox"/> Museums <input type="checkbox"/> Resort Services <input type="checkbox"/> Tourism <input type="checkbox"/> Harbours 	<ul style="list-style-type: none"> <input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Executive Head of Business Services

Executive Lead	Portfolio:	Main Director/Executive Head/Lead Officer
Executive Lead for Community Services Councillor Robert Excell	<p>Community and Customer Services:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental Health and Community Safety <input type="checkbox"/> Highways and Street Scene <input type="checkbox"/> Sport <p>Business Services:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Car Parking 	<ul style="list-style-type: none"> <input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Executive Head of Business Services
Executive Lead for Customer Services Councillor David Morris	<p>Customer Services:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Customer Services <input type="checkbox"/> ICT <input type="checkbox"/> Corporate debt and creditor payments <input type="checkbox"/> Revenue and Benefits <input type="checkbox"/> Business Rates <input type="checkbox"/> Libraries 	<ul style="list-style-type: none"> <input type="checkbox"/> Executive Head of Customer Services
Executive Lead for Corporate Services Councillor Andy Lang	<p>Corporate and Business Services:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Business Development <input type="checkbox"/> Governance Support <input type="checkbox"/> Mayor’s Support Unit <input type="checkbox"/> Human Resources and Payroll <input type="checkbox"/> Legal and procurement 	<ul style="list-style-type: none"> <input type="checkbox"/> Assistant Director of Corporate and Business Services
Executive Lead for Adults Councillor Julien Parrott	<p>Adult Social Care:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Children and Adults Commissioning <input type="checkbox"/> Adult Partnership <input type="checkbox"/> Adult Social Care <input type="checkbox"/> NHS Advisory Service <input type="checkbox"/> Healthwatch 	<ul style="list-style-type: none"> <input type="checkbox"/> Director of Adult Social Care

Executive Lead	Portfolio:	Main Director/Executive Head/Lead Officer
Executive Lead for Business Councillor Richard Haddock	<p>Business Services:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environment and Flooding <input type="checkbox"/> Joint Ventures and Arms Length Companies <input type="checkbox"/> Town Centres <input type="checkbox"/> Business Improvement Districts 	<ul style="list-style-type: none"> <input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Assistant Director of Corporate and Business Services <input type="checkbox"/> Executive Head of Business Services

3.
 - (i) The Deputy Mayor (Councillor Derek Mills) will be responsible for the discharge of all executive functions relating to the regeneration of the Castle Circus area of Torquay as the Mayor owns properties in this area and has a pecuniary interest;
 - (ii) The Executive Lead for Business (Councillor Richard Haddock) will be responsible for the discharge of all executive functions relating to Connections as the Mayor owns properties in the area of the Torquay Connections Office and has a pecuniary interest;
 - (iii) the Deputy Mayor will be responsible for the discharge of executive functions if the Mayor:
 - (a) is absent (e.g. on holiday) for a period of time or in cases of urgency where the Executive Director of Operations and Finance is satisfied that the Mayor cannot be reasonably contacted;
 - (b) is incapacitated through illness; or
 - (c) has a person prejudicial interest in any matter requiring determination.
 - (iv) If the Mayor or the Deputy Mayor (Councillor Derek Mills) are unable to act on a matter requiring a decision then the Executive Director of Operations and Finance shall have the power to determine any matter requiring a decision.
4. No executive committees have been appointed at the present time.
5. No executive functions have been delegated to area committees, any other authority or any joint arrangements at the present time.
6. The Mayor has also (so far as lawful) delegated to officers the discharge of those functions that are referred to in Schedule 7 and are executive functions in the manner set out in that Schedule, in accordance with (and subject to) the Council's Standing Orders in relation to the Executive.
7. So far as the Constitution requires officers to consult with "the relevant member", the areas of responsibility of the Executive Leads are as set out paragraph 2 above.

**Standing Order D11 (in relation to Overview and Scrutiny) – Call-in and Urgency
Council Meeting, 23 July 2015**

In accordance with Standing Order D11, the call-in procedure does not apply where the executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests.

Before deciding whether a decision is urgent the decision making person or body must consult the Overview and Scrutiny Co-ordinator, or in his absence either:

- (a) (if the decision is a Key Decision and Standing Order E14 (General Exception) applies) each member of the Overview and Scrutiny Board shall be consulted; or
- (b) (in all other cases) the Chairman of the Council, or (if there is no Chairman/woman of the Council appointed) the Vice-Chairman/woman of the Council, shall be consulted.

Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council, together with the reasons for urgency and a summary of the consultation undertaken.

The table below sets out this information:

Matter for decision	Decision-taker	Reasons for urgency	Consultation
<p>Youth Homeless Accommodation and Support Services Supported Lodgings Contract Award</p>	<p>The Mayor</p>	<p>The Mayor on 4 June 2015 approved the award of a contract for Youth Homelessness Accommodation and Support Services Supported Lodgings.</p> <p>Delay in awarding the contract may lead to the loss of the preferred bidder or a re-negotiation of the contract price; and potentially a new procurement process would be required at additional cost. As the current contract ends on 6 September 2015 the Authority would have no supported lodgings service in place in the timescale which would lead to young homeless people being placed in care or temporary accommodation at a greater cost to the Authority, or young people remaining in the care of the Authority for longer.</p> <p>The current contract has already been extended beyond its allowable date to enable the current procurement exercise to take place and cannot be extended further.</p> <p>Any delay likely to be caused by the call-in process would prejudice the Council's interests.</p>	<p>The Overview and Scrutiny Co-ordinator was consulted on 4 June 2015.</p>

Anne-Marie Bond
Monitoring Officer

**Officer Scheme of Delegation
Urgent decisions taken by the Executive Director of Operations and Finance**

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 23 July 2015

The Officer Scheme of Delegation states that the Chief Operating Officer may take an urgent decision in relation to an 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
Appointment of Health and Wellbeing Board	Executive Director of Operations and Finance	<p>Decision:</p> <p>That the Health and Wellbeing Board be established with membership and terms of reference as set out overleaf:</p> <p>Alternative Options Considered:</p> <p>None</p>	<p>Any delay likely to be caused by convening a meeting of the Council would prejudice the Council’s and/or the public’s interests.</p> <p>The decision needed to be taken urgently to enable the Health and Wellbeing Board to meet on 18 June 2015.</p>	10 June 2015

Health and Wellbeing Board

Terms of Reference:

1. To encourage those who arrange for the provision of any health or social care services in the area to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in its area.
2. To provide advice, assistance and support, as it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 (arrangements between NHS bodies and local authorities) of the National Health Service Act 2006 in connection with the provision of such services.
3. To encourage those who arrange for the provision of health-related services in its area to work closely with the Health and Wellbeing Board.
4. To encourage those who arrange for the provision of any health or social care services in its area and those who arrange for the provision of any health-related services in its area to work closely together.
5. To exercise the functions of Torbay Council and South Devon and Torbay Clinical Commissioning Group under sections 116 (health and social care: joint strategic needs assessments) and 116A (health and social care: joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007, namely:
 - Preparation of a Joint Strategic Needs Assessment; and
 - Preparation of a Joint Health and Wellbeing Strategy.
6. To assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.
7. To provide the Council its opinion on whether the local authority is discharging its duty under section 116B (duty to have regard to assessment and strategies) of the Local Government and Public Involvement in Health Act 2007.

This is a Council Committee with up to five members of the Council (to be appointed by the Mayor);

Membership:

Director of Adult Social Services
Director of Children's Services
Director of Public Health
A representative of Healthwatch Torbay
A representative of South Devon and Torbay Clinical Commissioning Group

Conservative (3):

Executive Lead for Children – Mayor Oliver;
Executive Lead for Health and Wellbeing - Councillor Mills; and
Executive Lead for Adults - Councillor Parrott

Liberal Democrat (1) – Councillor Doggett

Independent Group (1) – Councillor Stockman

Non-voting Co-opted Members:

Torbay and Southern Devon Health and Care NHS Trust
South Devon Healthcare NHS Foundation Trust
Police and Crime Commissioner
Devon Partnership NHS Trust
Torbay Community Development

<p>8. To exercise the statutory duty to promote co-operation between Torbay Council, its relevant partners and other partners or bodies as the Council considers appropriate, to improve the well-being of children in the area.</p> <p>9. To consider the annual report of the Torbay Safeguarding Children's Board.</p> <p>10. To make any decisions that legislation or government guidance reserves to Health and Wellbeing Board's and/or proposes that Health and Wellbeing Boards would be appropriate forum for such decisions to be made.</p>	Trust
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Matter for decision	Decision taken by	Decision and Alternative Options Considered	Reasons for urgency	Date of decision
<p>Proposal to relocate Mayfield Special School's Post 16 Provision and to Increase the School's Admission Number</p>	<p>Executive Director of Operations and Finance</p>	<p>Decision:</p> <p>(i) that Mayfield Special School's Post 16 Provision be relocated to Fairwinds, Higher Preston Road, Paignton TQ3 1RN from 1 September 2015; and</p> <p>(ii) that Mayfield Special School to increase its admission number from 140 to 165 from 1 September 2015.</p> <p>Alternative Options Considered:</p> <p>There are no alternative options as Mayfield is the only school in Torbay which offers the specialist places that are needed and there is no scope to extend the school any further on its existing site.</p>	<p>Any delay likely to be caused by convening a meeting of the Council would prejudice the Council's and/or the public's interests.</p> <p>The decision needed to be taken urgently to enable the proposals to be implemented from 1 September 2015.</p>	<p>9 July 2015</p>

Steve Parrock
Executive Director of Operations and Finance

9 July 2015



Meeting: Council

Date: 23 July 2015

Wards Affected: Torquay Town Centre, Tormohun

Report Title: Pier Point Restaurant New Lease to Allow Investment (Mayoral Decision)

Is the decision a key decision? Yes

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

Executive Lead Contact Details: Mayor Gordon Oliver, Mayor and Executive Lead for Finance, Regeneration and Children

Supporting Officer Contact Details: David White, Senior Development Surveyor, Torbay Development Agency, david.white@torbay.gov.uk

1. Purpose and Introduction

- 1.1 To secure investment in a Torbay Council owned asset in Torquay, known as Pier Point Restaurant, which will improve the building and the built environment along the sea front, create jobs and improve the restaurant offer for residents and visitors alike.

2. Proposed Decision

That the Mayor be recommended:

- 2.1 that the Council enters into an Agreement for Lease to allow the existing tenants of the Pier Point Restaurant to carry out works to extend the ground floor and to create a first floor to the existing restaurant premises and, upon completion of these works, to grant a 125 year lease to the existing tenants on terms previously agreed with the Mayor, Chief Executive of the Torbay Development Agency and the Council's Chief Accountant.

3. Reasons for Decision

- 3.1 Secure the investment in Torbay.
- 3.2 Allow the job creation to proceed.
- 3.3 Improve the appearance and design of the restaurant.
- 3.4 Enhance the built environment along the busy seafront and Torbay Road.
- 3.5 Improve the restaurant offer for residents and visitors alike.

- 3.6 The existing tenants have a 40 year protected lease of the premises, with 34 years remaining and an automatic right to a new lease afterwards, unless the Council is able to satisfy certain grounds and recover possession. As such, the tenants are the only people that can carry out this work and this investment until their lease expires and the Council is able to recover possession of the premises.

Supporting Information

4. Position

- 4.1 The Pier Point Restaurant is let to the current tenants for 40 years from 2009. Their lease is a protected business tenancy. As such, at the end of their lease they are entitled to a new lease, unless the Council can satisfy certain grounds (such as wishing to occupy the premises itself or that it proposes to redevelop the premises).
- 4.2 The tenants wish to invest in their business. They wish to extend the ground floor and add a first floor. In order to secure the funding to cover these extensive works they need a longer lease.
- 4.3 The proposal is that the tenants will carry out the works to the ground and first floor at their cost and upon completion of these works they will be granted a new 125 year lease.
- 4.4 The benefits of the proposals, in addition to the extra rental income, include job creation and the improvements to the built environment. The 2 storey restaurant will benefit from improved sea views at first floor level, which will be an added attraction for the area.
- 4.5 Such an attraction will add to the vitality of the dining experience of this part of Torquay, which has already seen an award winning development.

5. Possibilities and Options

- 5.1 The current tenants have a 40 year protected lease from 2009. They are the only people capable of carrying out this investment until their lease ends in 34 years. After 40 years the landlord, Torbay Council, has to establish legal grounds for recovering possession of the property such as wishing to occupy the premises itself or proposing redevelopment works. These grounds for possession cannot be used for 34 years.
- 5.2 The only alternative is to reject the request from the existing tenants.

6. Fair Decision Making

- 6.1 It is not considered that the decision will have an impact on the community (including specific impacts upon the vulnerable or equality groups), our Partners or the Council. As such, an Equality Impact Assessment (EIA) has not been completed.

7. Public Services (Social Value) Act 2012

7.1 Not applicable.

8. Risks

8.1 There are no *significant* risks if the proposed decision is not implemented. The benefits outlined in section 3 above will not be realised.

8.2 As with any property development there is a risk, if the proposed decision is made, that the works are started but not completed. We can insert clauses in the Agreement for Lease to address such risks. The Lease would only be granted once the works are completed.

Appendices

Appendix 1: Confidential Heads of Terms (Exempt Paper)

Additional Information

None.

Agenda Item 20



Meeting: Council

Date: 23 July 2015

Wards Affected: All

Report Title: Environmental Crime Enforcement Pilot (Mayoral Decision)

Is the decision a key decision? Yes

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

Executive Lead Contact Details: Councillor Robert Excell, Executive Lead Community Safety, telephone (01803) 212377, email robert.excell@torbay.gov.uk

Supporting Officer Contact Details: Frances Hughes, Assistant Director (Community and Customer Services), email frances.hughes@torbay.gov.uk

1. Purpose and Introduction

- 1.1 A range of activities are undertaken by Torbay Council in order to maintain the cleanliness of the local environment and street scene throughout Torbay. As a Local Authority we endeavour to adopt a zero tolerance policy with respect to dog fouling and littering. The enforcement of relevant legislation is currently undertaken by Community Safety Staff, and in particular our Dog Wardens and Street Wardens.
- 1.2 The purpose of the Environmental Crime Enforcement Pilot is to build upon, and complement the work already undertaken by our officers by providing additional capacity to issue Fixed Penalty Notices (FPN's) for littering and dog fouling offences. The focus of the proposed pilot scheme will be high footfall areas such as the town centre areas of Torquay, Paignton and Brixham. However, there will be flexibility to target other areas throughout Torbay as and when required. It is intended that the pilot scheme will last for a period of 12 months and will be cost neutral for the Local Authority.

2. Proposed Decision

- 2.1 That the Mayor be recommended:
 - (i) that a preferred bidder be appointed, following the outcome of a competitive tendering process, in order to commence the environmental crime enforcement pilot project outlined in the submitted report; and

- (ii) that the Assistant Director (Community and Customer Services) be given delegated authority, in consultation with the Executive Lead for Community Safety, to progress the appointment of a preferred bidder to undertake the environmental crime enforcement pilot project.

3. Reason for Decision

- 3.1 The community are concerned about the level of dog fouling and littering across Torbay. The public want to see a more visible presence to act as a deterrent for this type of environmental crime. This pilot provides the opportunity to increase visibility, increase enforcement and re-educate the wider public of the negative impact that dog fouling and littering has on the community.

Supporting Information

4. Position

- 4.1 Currently Torbay Council has two Dog Warden/Civil Enforcement Officers whose primary role involves tackling stray dogs but who also issue fixed penalty notices for dog fouling/dogs off lead at key areas around the Bay such as public parks, children's play areas and beaches or promenades.
- 4.2 Environmental Crime such as littering can adversely affect the quality of the local environment and has an impact on how our town centre areas look and are perceived by both residents and visitors alike. The quality of our street scene can also influence how attractive our towns are to the public, workers, and tourists as well as investors in businesses and their trade.
- 4.3 By undertaking this initiative we can supplement existing resources using an environmental crime enforcement team to tackle problems of litter and dog fouling, and complement the work currently undertaken by our enforcement officers.
- 4.4 This proposal is intended to be cost neutral – the enforcement activities being paid for by the Fixed Penalty Notices (FPN) that are issued. However, it should be borne in mind that payment rates would need to be greater than 60% in order for this to be achieved. Although the project is initially for a 12 month period there is a review clause after the first 6 months with an opportunity to cease the contract if it is deemed not cost effective.
- 4.5 Although a high payment rate is expected there may be some FPN's each month which remain unpaid. Non payment of an FPN means that the offender is liable to prosecution by the Local Authority for the original offence of littering or dog fouling. In such instances the contractor would be responsible for all the administration costs associated with preparing the prosecution files. These are then provided to Torbay Council's Legal Services Department with a view to referring the cases to court.

5. Possibilities and Options

- 5.1 The proposed pilot will be evaluated and may offer future opportunities for the Community Safety Team as an alternative method of delivery of some of their regulatory activities.
- 5.2 If this Enforcement Pilot is not pursued then the current status quo will remain, with no additional enforcement activity being undertaken.

6. Fair Decision Making

- 6.1 This is a pilot project and the aim of the proposal is to decrease the negative visual, and potential public health impacts that environmental crime such as littering and dog fouling have on public spaces in Torbay. The proposals are aimed at improving the quality of life for our communities and protecting vulnerable individuals.

7. Public Services (Social Value) Act 2012

- 7.1 In addition to improving the quality of our urban environment the Enforcement Pilot will help educate and raise public awareness in relation to issues of environmental crime.
- 7.2 Furthermore, it is intended that this pilot scheme will present employment opportunities for local people.

8. Risks

- 8.1 **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. However, this risk is mitigated by the fact that there is a 6 month break clause in the contract if it transpires that the Local Authority is being exposed to payment rates are not greater than expected (75%).
- 8.2 **Reputational:**
The Council could receive negative publicity as a result of inappropriate or unreasonable enforcement action (eg: an FPN being issued to a minor or individual clearly not capable of understanding the nature of the offence). This is mitigated by the use of highly trained enforcement officers following rigorously outlined procedures, and a formal complaints procedure implicated by the contractor.
- 8.3 The Community Safety Team will be closely monitoring the implementation of this pilot and conducting regular reviews with the preferred supplier.



Meeting: Council

Date: 23 July 2015

Wards Affected: All

Report Title: Care Trust Properties

Is the decision a key decision? Yes

When does the decision need to be implemented? By 1 October 2015

Executive Lead Contact Details: Councillor Julien Parrott, telephone (01803) 293217, email: julien.parrott@torbay.gov.uk

Supporting Officer Contact Details: Philip Ellis, Estates Officer, telephone: 01803 208081, email: philip.ellis@tedcltd.com

1. Purpose and Introduction

- 1.1 A number of 10-year leases were granted to the Torbay Care Trust in 2005, which were then assigned to the Torbay and Southern Devon Health and Care NHS Trust in 2012.
- 1.2 For the purposes of this report reference shall be made to the 'Trust'.
- 1.3 The leases referred to in this report were excluded from the security provisions of the Landlord and Tenant Act 1954 and therefore the Trust have no security of tenure. As such new leases need to be agreed prior to the expiry of the current arrangements or the Trust will need to vacate at the end of the contractual term.
- 1.4 The leases come to an end on 30 November 2015 and for the four properties the Trust have asked that they be granted short term leases so that they can review the future of their service delivery for each location.

2 Proposed Decisions

That the Mayor be recommended:

- 2.1 That the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for Hollacombe Community Resource Centre (CRC).

- 2.2 That the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for St Edmunds Centre.
- 2.3 That the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for Bay Tree House.
- 2.4 That the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for St Kilda's Residential Care Home.
- 2.5 To note that the Council has the option of providing a grant to cover all or part of the market rent for the properties set out in 2.1 to 2.4 above which will be dealt with as per the Councils constitution and reviewed annually.
- 2.6 That, in turn, Sandwell Community Caring Trust be granted a two year (less three days) excluded sub-lease from 1 December 2015 on acceptable terms with the inclusion of a tenant rolling 6-month break clause for St Kilda's Residential Care Home. In the event that the Trust exercise a break option the sub-lease is to terminate on a co-terminus basis with the head lease.

3 Reason for Decision

Hollacombe Community Resource Centre (CRC)

- 3.1 The Trust has indicated that they are considering setting up a Community Interest Company (CIC) to run the Learning Disability Day Service. A feasibility study exploring the possibilities of forming a new commercial entity shall commence in summer 2015.
- 3.2 The new lease granted to the Trust will need to be assignable to a Community Interest Company should one be created. Should the Trust decide against forming a CIC they may still wish to procure the service through an external provider. To accommodate this, the lease should also contain the provision to sub-lease to an external provider.

St Edmunds Centre

- 3.3 When the lease was granted it was used as a residential home and day centre for the elderly and meals on wheels operation.
- 3.4 These uses ceased to operate from St Edmunds a number of years ago with the building now being used as offices and provides the service delivery point for carers which are the Councils statutory duty under the Care Act.
- 3.5 To allow the Trust time to review the future service provision for the property it has asked for a further 2-year lease.

Bay Tree House

- 3.6 The Council in February 2015 as part of the Annual Strategic Agreement (ASA) agreed a revised short breaks Policy in line with the Care Act and work has now commenced which will co-produce a different solution for those seeking breaks.
- 3.7 When the lease was granted in 2005 it was used as a residential home for people with learning disabilities but it is now being used as a short term break / respite home. There are 10 bedrooms but, as at March 2015, there were only 2 clients / residents, one of which has stayed there for about a year.
- 3.8 To allow the Trust time to review the future service provision for the property it has asked for a further 2-year lease.

St Kilda's Residential Care Home

- 3.9 The new lease will allow the Trust and Sandwell Community Caring Trust to continue the provision of care services at the existing facility whilst offering sufficient flexibility to enable the transition of services to the new building upon practical completion which is anticipated in October 2016.

Supporting Information

- 4 **Position** The leases come to an end on 30 November 2015 and for 4 properties the Trust have asked that they be granted short term leases so that they can review the future of their service delivery for each location.

Hollacombe Community Resource Centre (CRC)

- 4.1 The Market Rent for Hollacombe CRC has been assessed at £59,500 per annum.
- 4.2 The provision of adult social care continues to be a strategic function of the Local Authority therefore the Trust will seek assurance from the Council that a full grant will be offered to either a Community Interest Company or, should the Trust decide to procure such services, from an external provider.

St Edmunds Centre

- 4.3 The market rent has been assessed at £35,000 per annum.

Bay Tree House

- 4.4 The market rent has been assessed at £24,000 per annum.

St Kilda's Residential Care Home

- 4.5 The market rent has been assessed at £58,000 per annum which reflects a value attributable to the 29 bedrooms currently in operation within the care facility. Rent has not been attributed to those 7 redundant first floor bedrooms within the central block.
- 4.6 A rent of one peppercorn per annum is to be levied by the Trust to Sandwell Community Caring Trust for the sub-lease arrangement.
- 5 **Possibilities and Options** All leases attributable to the four Properties will expire on 1 December 2015. The leases will terminate automatically and without notice and at the end of the term the Trust must give up possession in each instance.
- 5.1 If there is no documentation in place at expiry of the leases but the Council consents to the continued occupation then the basis of occupation would be an implied tenancy at will.
- 5.2 A tenancy at will would be implied in each instance as discussions have been undertaken with the Trust for all properties. Implied tenancies at will would exist until some other interest is created. As there is evidence of different intentions than to replicate the existing leases the new contracts could still potentially be framed upon the negotiated terms for the new lease.
- 5.3 The above situation should be avoided to prevent any potential threat of unnecessary legality. The current leases should not be allowed to expire without a new lease in place.
6. **Fair Decision Making**
- 6.1 No consultation needed to lease extensions
7. **Public Services (Social Value) Act 2012**
- 7.1 Not applicable – the Act does not apply to this decision. The Council are not looking at any other approaches to running services operated from the four care trust properties. The Council have a system wide strategic commitment to continuation of the current service structure and alternative procurement of the service would undermine the business plan considerably.

8. Risks

- 8.1 The risks are predominantly linked to the reduction in service delivery if the extensions are not granted. The implications of this would be significant.
- 8.2 The property related risks linked to the lease extensions are low in that the leases are excluded which offers no security of tenure beyond the two year period.