

Friday, 24 September 2021

**AUDIT COMMITTEE**

A meeting of **Audit Committee** will be held on

**Tuesday, 5 October 2021**

commencing at **1.00 pm**

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

**Members of the Committee**

Councillor Loxton (Chairman)

Councillor Brooks

Councillor Johns

Councillor Douglas-Dunbar

Councillor Kennedy (Vice-Chair)

Councillor Hill

Councillor O'Dwyer

---

**Together Torbay will thrive**

---

Download this agenda via the free modern.gov app on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#). For information relating to this meeting or to request a copy in another format or language please contact:

**Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://www.torbay.gov.uk)

# AUDIT COMMITTEE AGENDA

1. **Apologies**  
To receive any apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 4 - 6)  
To confirm as a correct record the Minutes of the meeting of the Audit Committee held on 28 July 2021.
3. **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.)
4. **Urgent Items**  
To consider any other items that the Chairman decides are urgent.
5. **Corporate Performance and Corporate Risk Register - Quarter 1** (Pages 7 - 45)  
To consider a report that provides a high level view of the council's progress and success in meeting the priorities of the Community and Corporate Plan as well as the council's overall performance on key internal indicators.
6. **Information Governance Annual Performance Report** (Pages 46 - 51)  
To consider the Information Governance Annual Performance Report.

7. **Local Government and Social Care Ombudsman Annual Letter 2020/21** (Pages 52 - 56)  
To consider a report on the Local Government and Social Care Ombudsman Annual Letter 2020/21.

8. **Regulation of Investigatory Powers Act 2000** (Pages 57 - 58)  
To note a report on the Regulation of Investigatory Powers Act 2000.

### **Meeting Attendance**

Whilst national Covid-19 restrictions were lifted on 19 July 2021, Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering (unless exempt), signing in and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such there are limited numbers that can access our meeting rooms. Also, to help prevent the spread of the virus, anyone attending meetings is asked to take Covid lateral flow test the evening before - if you have a positive test result please follow the Government's guidelines and do not attend the meeting.

If you wish to attend a public meeting please contact us to confirm arrangements for your attendance.

**Minutes of the Audit Committee**

**28 July 2021**

**-: Present :-**

Councillor Loxton (Chairman)

Councillors Douglas-Dunbar, Hill, Johns and Kennedy

---

**249. Apologies**

An apology for absence was received from Councillor O'Dwyer.

It was reported that, in accordance with the wishes of the Liberal Democrat Group, the membership of the Committee had been amended by including Councillors Douglas-Dunbar and Johns instead of Councillors Dart and Howgate.

**250. Minutes**

The Minutes of the meeting of the Audit Committee and Adjourned Audit Committee held on 26 and 27 May 2021 were confirmed as a correct record and signed by the Chairman subject to Minute 245 being amended to reference the 'TDA trading as Torbay Economic Development Company Limited'.

An update was also provided in relation to Minute 242 Treasury Management Outturn report and the advice sought from the Monitoring Officer.

**251. Torbay Council Audit Plan (External Audit)**

In the absence of a representative from Grant Thornton, the Council's External Auditors, the Chief Finance Officer presented the circulated report. The report provided an overview of the planned scope and timing of the statutory audit of the Council.

The Chief Finance Officer drew Members attention to the Key Matters highlighting the reference to Covid-19 and the impact the pandemic would have on the Statement of Accounts.

Members were also advised that the National Audit Office had implemented a new Audit Practice Code for 2020/21, Grant Thornton believes the changes could result in External Auditors having to undertake additional work in order to provide an assessment of Value for Money arrangements. Subsequently the fee paid for Grant Thornton's service could be increasing by £46,000.

Resolved:

That the Chief Finance Officer seeks further justification for the increase in the audit fee from Grant Thornton and raise concerns as to the service and fee increase with the Public Sector Audit Appointments (PSAA).

**252. Informing the Audit Risk Assessment for Torbay Council 2020/21**

This item was deferred until the Audit Committee meeting on 29 September.

**253. The CIPFA Financial Management Code - Desk Top Review 2020/21**

Members considered a report that set out a desk top review for 2020/21 undertaken by the Chief Finance Officer in line with the CIPFA Financial Management Code of Practice (The Code). The Code was designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. The first full year of compliance would be 2021/22, this reflected the recognition that organisations would need time to work towards compliance.

Resolved:

That the report be noted and that the Audit Committee reviews the Council's compliance with the Financial Management Code on an annual basis with exception reporting on reoccurring or continuing issues.

**254. Policy for the Prevention of the Facilitation of Tax Evasion**

The Committee considered the submitted report that sought approval of the Policy for the Prevention of the Facilitation of Tax Evasion. Members were advised that the Criminal Finances Act 2017, Part 3, created the Corporate Offences of Failure to Prevent Facilitation of Tax Evasion. Under this Act, an offence may be committed by the Council where it fails to prevent an 'associated person' criminally facilitating the evasion of a tax, whether the tax evaded is owed in the UK or in a foreign country. In response to the requirements of the Act, the policy as set out in Appendix 1 to the submitted report had been prepared.

Resolved:

That the Audit Committee recommends to Cabinet that:

- i) The Prevention of the Facilitation of Tax Evasion Policy, as set out in Appendix 1 to the submitted report be approved;
- ii) The Cabinet be requested to strongly recommend the adoption of the policy to all of the Council's wholly owned companies.

**255. HR Investigations and Whistleblow**

Members considered the submitted report which set out a high level summary of the number of HR and Whistleblowing investigations.

Resolved:

That the Audit Committee receive an annual report on health and safety and an annual insurance update.

**256. Budget Outturn Monitoring 2020/21 – Quarter Four - Outturn Report of the Overview and Scrutiny Board**

The Committee considered a report of the Overview and Scrutiny Board in respect of the Budget Outturn Monitoring 2020/21 – Quarter Four – Outturn Report. The Overview and Scrutiny Board made the following recommendation:

‘That the Audit Committee be requested to consider a report on the detailed financial reporting and monitoring of the Council’s wholly owned companies.’

The Audit Committee considered the request.

**Resolved:**

That the Audit Committee receive the following for every wholly owned company of the Council:

- Management accounts on a quarterly basis for every trading company;
- Statutory accounts on an annual basis for every trading company; and
- Summary of key performance indicators on a quarterly basis for every trading company.

---

Chairman/woman

# Corporate Performance Report: Quarter 1 2021/22

*Performance Indicators:*

In Development / No Target	Well Above/Below Target	Above/Below Target	On Target	Above/Below Target	Well Above/ Below Target
----------------------------	-------------------------	--------------------	-----------	--------------------	--------------------------

# Thriving People

## Thriving People: We will turn the tide on poverty

Community and Corporate Plan Delivery Actions	What have we done in the last quarter?	What are the priorities for the next quarter?
1. Deliver and update our Housing Strategy Action Plan, including working with developers to encourage sites to be brought forward, to ensure a five-year housing land supply, thereby protecting our green spaces.	Undertaken three HELAA (Housing & Employment Land Availability Assessment Panels for Torquay, Paignton & Brixham.	Results of the HELAA panels to be presented to Cabinet for decisions on their inclusion in Local Plan allocation.
2. Continue to work to enable work to start on stalled development sites across Torbay.	Details of stalled sites shared with all Registered Providers, Homes England and developers.	Further meetings with Homes England on specific sites and help facilitate deals being progressed by Registered Providers with landowners of stalled sites.
3. Identify and implement temporary traveller stopping sites within Torbay.	Of final shortlisted three sites, two dropped away after negative responses from Landowner/Leaseholder, one being pursued.	Pursue the Compulsory Purchase Order of the former Market site on Stantor Barton Farm, subject to the outcome of the meeting with Devon & Cornwall Police on 29.07.2021.
4. Plan and establish a programme for delivery of Extra Care Housing.	Ongoing care contract business case agreed with ICO - final process initiated via EI.	Planning permission process will be undertaken by TDA and ASC.
5. Develop a sufficiency strategy approach to reduce the need for temporary accommodation (TA).	Temporary Accommodation needs analysis completed and used to inform TA procurement strategy across services. Timetable now being implemented, initial market engagement completed. Expression of Interest to be issued 9/8/21. Announcement in August. Significant work with Children's Services on Youth Homeless joint working and family homelessness prevention.	Delivery of TA strategy. Full tender documents to be issued and start evaluation. Development and implementation of prevention service with 3rd sector.
6. Working with Registered Providers (RPs) across Torbay, facilitate the availability of social and affordable accommodation to enable people to move on from temporary accommodation including 'next steps' accommodation.	Next Steps Accommodation Program (NSAP) accommodation provided and occupied with exception of one property. The Rough Sleeping Accommodation Programme (RSAP) funding bid submitted to MHCLG for 8 units move on accommodation. Preparation work for Strategic Housing Board in September with an ask of strategic partners of accommodation need.	Implement RSAP funding if successful. Establish strategic plan with RPs on underoccupancy to facilitate the release of housing stock. Take forward clear action plan from Strategic Housing Board in September.
7. Plan and deliver a programme of work to improve the standard of accommodation in the private rented sector through, empowering residents, enforcement and an area-based intervention program.	CAB contract in place and being accessed by residents and agencies referring through. SLA on Managements Orders to be agreed with TDA. Making Melville Marvellous project delivery. Bid for and award grant for private rented sector (PRS) compliance and enforcement.	Agreement on Management Order SLA and progress. Implement PRS funding program.



Code	Title	Polarity	Status	Prev Year End Total	Target	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Quarter 1 2021/22	Last period value
	Numbers Housed through Devon Home Choice	It's better to be low	(monitoring only)	193	No target set	25	59	62	47	47	47

**Total numbers in temporary accommodation include clients housed under the COVID-19 Rough Sleepers Initiative (RSI). Details about these client's status are not recorded unless they have children and are housed under our statutory duty, in which case they would be counted within the statutory numbers and added to the figures for families.**

ASPI02	Numbers in Temporary Accommodation	It's better to be low	TBC	585	Target in development	242	155	83	105	109	109
	- Of which are single persons					184	76	55	63	65	65
	- Of which are couples					13	4	6	5	3	3
	- Of which are families					22	30	22	37	41	41

Children's PI data is derived from a live database that is continually updated. Previously reported numbers are subject to change.

Code	Title	Polarity	Status	Prev Year End	Target	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Year to date
MPR 2.1.1	Number of contacts relating to children received by Children's Services during the period	TBC	TBC	TBC	TBC	677	535	864	798	863	691	724	666	756	756	779	788	2323
MPR 2.4a	Number of children referred to Targeted Help during the period	TBC	TBC	TBC	TBC	117	86	126	126	131	164	128	86	127	127		66	193
MPR 2.5.1 / IBR 2.4	Number of children referred to Children's Social Care during the period	TBC	TBC	TBC	TBC	198	160	172	161	187	158	164	176	161	162	176	170	508
MPR 2.21a	Number of Initial Strategy Discussions held during the period because of concerns that a child may be at risk	TBC	TBC	TBC	TBC	156	85	129	120	124	102	109	103	94	105	111	98	314
MPR 2.2.3	Number of Section 47 enquiries completed during the period following a decision at Initial Strategy Discussion that a child may be at risk	TBC	TBC	TBC	TBC	94	84	60	84	96	66	73	116	88	72	65	81	218
MPR 4.1a	Number of Initial Child Protection Conferences held during the period following a decision that concerns are substantiated and a child may be at risk	TBC	TBC	TBC	TBC	30	21	11	40	34	28	27	14	31	33	11	9	53

Code	Title	Polarity	Status	Prev Year End	Monthly Target	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Last period value
ASC 1E	Percentage of adults with a learning disability in paid employment	It's better to be high	Above target	8.2%	7.0%	8.7%	8.6%	8.8%	8.5%	8.5%	8.2%	8.1%	8.3%	8.2%	7.5%	7.4%	7.4%	7.4%
ASC 2C p2x	Delayed transfers of care from hospital. Part 2 - attributable to social care	N/A	(monitoring only)	N/A	No target set	4.5	4.5	National return suspended due to COVID-19 - no data available.										N/A
ASC 1Hx	Proportion of adults in contact with secondary mental health services who live independently, with or without support (commissioned outside ICO) Year to month	It's better to be high	Well above target	78.7%	60.0%	67.2%	65.6%	73.0%	no figure published	71.6%	78.0%	80.0%	80.6%	78.7%	79.1%	77.8%	78.4%	78.4%

**Thriving People: We will have aspirations for all of our residents**

Community and Corporate Plan Delivery Actions	What have we done in the last quarter?	What are the priorities for the next quarter?
8. Building on the Torbay Community Helpline, implement a new “front door” to adult social care.	The front door model has been trialled and tested.	Further roll out and testing.
9. Deliver the vision for adult social care, including the development of a local outcome framework (in line with the anticipated, revised Adult Social Care Outcomes Framework).	This is still waiting for National outcome measures being released, we have participated in the consultation.	
10. Build on our positive relationship with schools as we develop programmes to deliver out educational disadvantage strategy focussing on raising attainment whilst strengthening emotional and well-being support.	<p>Re-written and consulted on the next version of the educational disadvantage strategy.</p> <p>Set out the priorities to the Local Education Board for action in the new academic year.</p> <p>Collated educational attainment data including the vulnerable groups for early years, KS1 and KS2 pupils that will support the identification of need in the recovery plan from the pandemic.</p> <p>Continued with our Covid 19 response to schools, ensuring that vulnerable pupils impacted are identified and supported. Including the use of Contain Outbreak Management Funds (COMF) for those at risk.</p> <p>Continued to provide the well being and support network for schools.</p>	<p>Creation of the data narrative and comparison to understand the pressures emerging from the pandemic and focus required for the next academic year.</p> <p>Establish the Education Endowment Fund educational research programmes for primary and secondary with a focus on raising disadvantaged attainment in literacy/oracy.</p> <p>Implement the SEND audits of all schools by external consultant to ensure vulnerable pupils are included through the spectrum of needs.</p>
11. Deliver aspirational and efficient services for children and young people with special educational needs and disabilities (SEND).	Peer Review of SEND services across the local area partnership.	Implement the recommendations of the peer review.
<p>12. In collaboration, finalise and progress the Torbay Mental Health and Suicide Prevention Alliance Action plan with work-streams including:</p> <ul style="list-style-type: none"> <li>• developing community and voluntary sector mental health network/s</li> <li>• supporting implementation of the community mental health framework</li> <li>• improving access to information for the public and professionals to support mental resilience to the effects of pandemic.</li> </ul>	Drafted the plan with multi-agency task and finish group and presented for sign off to Health and Wellbeing Board and Cabinet.	Implement key areas alongside development of Devonwide community mental health framework.
13. Agree recommendations from the Torbay On The Move appreciative inquiry.	<p>There has been a re-visit of the Discovery Event which was held virtually due to Covid-19 restrictions.</p> <p>Planning for the next two phases of the Appreciative Inquiry (Dream and Design) commenced.</p>	<p>Face-to-face Dream Event to take place. This will be followed by the Design Phase.</p> <p>From these events a recommendations paper will be developed and presented to Cabinet and SLT for November 2021.</p>

Code	Title	Polarity	Status	Prev Year End	England Value		Last period value
PHLAP-BRF	Admission episodes for alcohol-related conditions (persons; narrow definition)	It's better to be low	Well above target	788	664	2018/19	808
New alcohol treatment pathways commenced during covid lockdown. This is expected to ensure that more of those that require treatment are able to access it. However this is only one small component of the total number of people who are admitted to hospital for alcohol, as not all people need treatment. The treatment service is also working with the hospital to improve the pathways into alcohol treatment services prior to hospital discharge in an attempt to reduce future/repeat admissions. They have also ensured that all discharges have access to Breaking Free Online to support people through a tailored programme of digital support for their alcohol use. Wider societal norm changes are required to bring about a change in the alcohol culture in Torbay and the UK which leads to excessive alcohol admissions locally.							
PHOF-HI-C06	Proportion of women known to smoke at the time of delivery	It's better to be low	Well above target	13.3%	10.4%	2019/20	11.6%
Ongoing improving trend, with Torbay's proportion of women known to smoke at the time of delivery not statistically different to the England average. Since 2010/11 there has been a decline from 20.9% to 11.6%. Pregnant women are one of the target populations within their contract and maternity services maintained their referrals rates over lockdown so that those pregnant women wishing to quit continued to receive a service offer. Lifestyles services continue to work with maternity to encourage quitting during pregnancy, which a significant proportion do. Lifestyles have also launched a targeted campaign to tie in with Stoptober specifically targeting pregnant women and this continues to be a priority group to receive services whilst Healthy lifestyles service staff are transferred into front line NHS responses. However the long term intergenerational attitudes to smoking in the most deprived communities makes changing the lifestyles behaviours in this group challenging as we are now working with the most complex and entrenched populations.							
PHOF-HI-C06a	Proportion of children aged 4-5 years (reception age) classified as overweight or obese	It's better to be low	Well above target	25.1%	23.0%	2019/20	25.7%
Current Public Health priorities for families and young people include: 1. Re-launch Torbay Healthy Weight Partnership with a particular greater focus on the voluntary sector 2. Partnership to own Healthy Weight Action Plan reflecting 'areas for delivery' including Increased access to and knowledge of healthy food combined with cooking skills and food awareness and support for holiday hunger schemes. Also fully utilise the physical activity and nutrition resources and guidance within the Torbay Healthy Learning website to ensure whole school staff are supported to improve pupil diet and foster healthy weight 3. Confirm requirements and adopt Phase 1 Local Authority Healthy Weight Declaration. 4. Complete a new healthy weight vision for Torbay Council. 5. Lifestyles services offer family based interventions through slimming world/weight watchers although the take up of this offer is poor. Improved connectivity between the National Child measurement Programme and the lifestyles offer is aspiring to improve knowledge around childhood weight and increase the take up of this offer.							
PHOF-HI-C16	Percentage of adults classified as overweight or obese	It's better to be low	Above target	59.8%	62.8%	2019/20	67.0%
PHOF-HI-C17a	Percentage of physically active adults	It's better to be high	On target	69.8%	66.4%	2019/20	69.1%
PHOF-HI-C19a	Successful completion of drug treatment – opiate users	It's better to be high	Above target	5.0%	5.6%	2019	5.9%

## Thriving People: We will build safer communities

Community and Corporate Plan Delivery Actions	What have we done in the last quarter?	What are the priorities for the next quarter?
14. Seek funding for Safer Towns Initiative to improve perception and safety in Torquay town centre and surrounding area.	Funding application submitted but unfortunately unsuccessful. Opportunity of additional funding being explored with the Office of the Police and Crime Commissioner (OPPC) and draft proposal being reviewed and linkages with Chief Constable visit in July. Two additional CCTV cameras purchased through the Contain Outbreak Management Fund (COMF).	Finalise and deliver on funding secured through OPPC. Further discussion with Police and OPPC on strategic priorities and resources.
15. Deliver the new integrated Domestic Abuse and Sexual Violence Strategy.	Strategic workshops for Sexual violence across Devon undertaken.  Successfully secured funding for additional Independent Domestic Violence Advocates (IDVAs) to be based in courts, sexual health service and Intercom Trust (Regional LGBTQ+ support provider).  Preparatory work for new Domestic Abuse Act commenced. Needs assessment for accommodation duty and domestic abuse.  Negotiations with current accommodation provider for additional units for safe accommodation.	Focus on recommendations for progressing training programme with CRAFT in light of the interim review.  Operationalisation of safe accommodation and IDVA roles.  Write new Domestic Abuse & Sexual Violence strategy.  'Harmful Sexual Behaviours Amongst Young People' project to be developed.
16. Work with schools to ensure a zero-tolerance approach to bullying (in all its forms).	Not started in this quarter, planned for the new academic year.	
17. Re-position our night-time economy through the implementation of the Evening and Night Time Economy Strategy.	Decision made to further delay the work due to the pandemic and implications for the sector and resources. The sector is currently focused on reopening and managing business continuity pressures.	Reassess the suitability of reengagement in light of the pandemic and when the summer season has passed.
18. Work with the community and voluntary sector to assess the capacity, role and future of our community centres.	The project has now started with site surveys being undertaken.	Report to Cabinet outlining key capital expenditure priorities on community centres to address biggest risk/priorities.
19. Develop a strategic food partnership for Torbay to take a collaborative approach to create a more resilient local food system.	The first two meetings of the partnership have taken place, key staff appointed and an update has gone to Cabinet.	Develop key priorities via coproduction and wider engagement, establish funding priorities.

Code	Title	Polarity	Status	Prev Year End (total)	Quarter Target	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Quarter 1 2021/22	Last period value
1a	Torbay Domestic Abuse Service - New placements in the service - Adults	N/A	(monitoring only)	1,310	No target set	300	360	257	393	253	253
2a	Torbay Domestic Abuse Service - New placements in the service - Number of Children of clients	N/A	(monitoring only)	761	No target set	187	197	181	196	237	237
3a	Torbay Domestic Abuse Service - New placements in the service - 1c) Number of standard risk cases out of above (all others are either medium or high risk as determined by a DA risk assessment tool)	N/A	(monitoring only)	44	No target set	4	11	4	25	13	13

Quarter 1 data covers the period April to end June 2021. The figures show a drop in the number of adults seeking help from the service however there are more children accompanying those adults in the service than at any point last year. (21% increase on Q4, and 26.7% increase on the same period last year 2020/21. The Service's Children's workers are delivering individual support to those in the safe houses, and one to one and some group support is ongoing in schools. Safe house and support capacity is due to be increased as a result of the enactment of the Domestic Abuse Act 2021 safe accommodation support duty. Weekly referrals for the period 1st April to end June are 50% up on the same period last year - from 22 per week to 33 per week. The service has experienced staff shortages during the quarter however has recruited to the three vacant posts.

Code	Title	Polarity	Status	Prev Year End	Monthly Target	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Last period value
MPR 1.3	Number of children subject to a Child Protection Plan at the end of the period	TBC	TBC	TBC	TBC	220	221	200	208	219	223	222	209	223	237	226	215	215
MPR 1.4	Number of Cared for Children (children looked after) at the end of the period	TBC	TBC	TBC	TBC	335	329	324	327	326	323	320	317	315	315	302	307	307
MPR 5.3.1 / IBR 2.17a	Number of children becoming Cared for Children during the period	TBC	TBC	TBC	TBC	8	2	4	7	10	5	2	11	6	9	8	6	6
MPR 5.3.2 / IBR 2.29	Number of children ceasing to be Cared for Children during the period	TBC	TBC	TBC	TBC	10	8	9	5	13	8	6	14	10	13	23	1	1

ASCP10 0x	Number of adults safeguarding referrals (Section 42 Enquiries) Year to month	N/A	(monitoring only)	298	No target set	103	121	149	117	202	223	253	273	298	44	71	86	86
--------------	--	-----	-------------------	-----	---------------	-----	-----	-----	-----	-----	-----	-----	-----	-----	----	----	----	----

## A Thriving Economy: We will create an environment in which businesses and jobs can grow

Community and Corporate Plan Delivery Actions	What have we done in the last quarter?	What are the priorities for the next quarter?
<b>25. Completion of purpose-built manufacturing facility at Claylands, Paignton.</b>	Works have continued towards practical completion.	Handover.
<b>26. Achieve 75% occupation at EPIC</b>	Lettings have been confirmed, new overseas investment enquiries received.	Review options for wider marketing in UK, identification of prospects, plan for photonics trade events in autumn and spring.
<b>27. Identify the opportunities for the regeneration of Brixham Town Centre.</b>	Submitted Brownfield Land Release Fund Bid.	Next steps determined by the bid outcome.
<b>28. As part of the Economic Repositioning Plan, implement Build Torbay which will raise awareness of opportunities in the construction sector locally and increase the supply of, and skill levels, of local people into the sector.</b>	Advertised for Build Torbay role.	Appoint to role.
<b>29. Commence work on the redevelopment of 12-14 The Strand (former Debenhams building).</b>	Undertaken an options appraisal on various uses for the site and presented this to Cabinet.	Members have requested an additional option is considered. Work to consider and appraise this option will be undertaken.
<b>30. Undertake the harbour public realm improvements as part of Torquay Town Deal.</b>	Submitted business case for the funding to Town Board and Cabinet and MHCLG.	Pending award of final funding begin tendering for the works.
<b>31. Continue with design work on Edginswell Station project as part of Torquay Town Deal.</b>		
<b>32. Agree the potential programme of works for the restoration of the Pavilion, Torquay.</b>	<p>With regards to Torquay Pavilion: The project set up stage is complete with cost centres agreed and purchase orders placed. Specialist surveyors have carried out an initial condition survey and this work is on-going.</p> <p>With regards to the adjacent car park development: Kay Elliott Architects have prepared a number of massing options for wider discussion. KOR (PR) Consultants have arranged a number of engagement events for both the car park development and Pavilion restoration - the first event took place on 30th June (Informal Cabinet).</p>	<p>With regards to Torquay Pavilion: Specialist surveyors will continue to examine the Pavilion and cost consultants will prepare an outline cost plan. Commercial property agents will be appointed by TDA to provide specialist estates advice e.g. on potential uses, tenancies and rents.</p> <p>With regards to the adjacent car park development: The commercial and residential design will be advanced with further engagement events and planning input. Cost consultants will then prepare a preliminary cost plan and commercial property agents (appointed by MDL) will prepare an open book viability assessment. If there is a viable scheme, preliminary Landlord and Tenant discussions will commence.</p>



Code	Title	Polarity	Status	Prev Year End	Quarter Target	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Quarter 1 2021/22	Last period value							
PPTPI02	Gross rateable value of Business Rates (NNDR) (snapshot at quarter end)	It's better to be high	On target	£94,451,199	£94,864,987	£94,582,264	£94,802,114	£94,764,704	£94,451,199	£94,577,945	£94,577,945							
Code	Title	Polarity	Status	Prev Year End	Great Britain / Month Target	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Last period value
TEPI03	Out of Work Benefits Claimant Count	It's better to be low	On target	7.3%	5.6%	7.8%	7.8%	7.5%	7.0%	7.2%	7.1%	6.9%	7.3%	7.3%	7.1%	6.3%	5.7%	5.7%
						5,955	5,985	5,750	5,350	5,555	5,455	5,310	5,635	5,610	5,455	4,870	4,405	
Code	Title	Polarity	Status	Prev Year End	Great Britain Value	2019											Last period value	
TEPI04	Percentage of workless households in Torbay	It's better to be low	Well above target	17.1%	13.9%	16.3%											16.3%	
Code	Title	Polarity	Status	Prev Year End	Great Britain Value	2020											Last period value	
PPTPI05	Earnings by Torbay Residence (Gross weekly pay)	It's better to be high	Well below target	£505.10	£587.10	£468.90											£468.90	
PPTPI06	Earnings by Torbay Workplace (Gross weekly pay)	It's better to be high	Well below target	£483.80	£586.70	£490.30											£490.30	

Code	Title	Polarity	Status	Prev Year End	Great Britain Value	Jan 2019 - Dec 2019	Apr 2019 - Mar 2020	Jul 2019 - Jun 2020	Oct 2019 - Sep 2020	Jan 2020 - Dec 2020	Last period value
TEPI08	Percentage of people in Torbay who are economically active (aged 16 to 64)	It's better to be high	On target	78.1%	79.1%	78.1%	77.1%	77.3%	76.7%	76.6%	76.6%
TEPI09	Percentage of people in Torbay in employment (aged 16 to 64)	It's better to be high	On target	74.9%	75.4%	74.9%	73.1%	72.7%	72.6%	72.7%	72.7%

## A Thriving Economy: We will become the premier tourist resort in the UK

Community and Corporate Plan Delivery Actions	What have we done in the last quarter?	What are the priorities for the next quarter?
<b>33. Update the English Riviera UNESCO Global Geopark Management Plan.</b>	Action Plan section of Management Plan - draft completed, Geopark Management Group (GMG) consultation completed. Mission Statement - draft developed, GMG consultation completed.	Develop draft copy for body of Management Plan with aim to table at September GMG.
<b>34. Replace the ornamental/festoon lighting at Paignton and Torquay Seafront.</b>	Infrastructure of the lighting and festoons have been completed at Torquay and Paignton - final testing of system underway. Aim to have launched system by August.	Launch scheme with Communications.
<b>35. Identify capital investment to improve the ornamental/festoon lighting at locations other than Paignton and Torquay Seafront.</b>	Emerging issues report drafted for Cabinet Catch up. Awaiting date for presentation.	Procurement process for Contractor to deliver scheme with wider consultation.
<b>36. Review event space investment options at Paignton Green and Torre Abbey Meadows.</b>	SWISCo have requested and received a proposal for a feasibility report. SWISCo suggest partially tying it in with other work (sea defence) to reduce costs. Needs to be discussed with Director of Place.	Progress to draft options report.
<b>37. Obtain Blue Flag status on at least six beaches.</b>	Blue Flags awarded for six beaches and all six are now meeting the requirements.	Ensure the beaches continue to meet the criteria requirements and evaluate the value of the Blue Flag status to our visitor economy.
<b>38. Endeavour to create a Beach Management Forum</b>	Beach Management Forum members have been identified and the first meeting is planned before the end of July 2021.	Establish Terms of Reference, meeting frequency and initial actions/recommendations.
<b>39. Develop and implement a Changing Places policy in order to promote, create and maintain changing places toilets.</b>	Further partnership meetings, established a commitment to bid into national monies and agreed a focus on Torquay and Brixham towns. Agreed to fund leasing of mobile Changing Places toilets at key events.	Agree final locations for proposed toilets.
<b>40. Agree and commence delivery of the Heritage Strategy Action Plan</b>	Ongoing review of the draft Action Plan with Director of Place and Assistant Director of Planning.	Finalise the Action Plan and agree with Cabinet Member to commence delivery stage.
<b>41. Develop an emerging strategy for the future of Oldway Mansion and apply for grant funding.</b>	Expression of interest submitted to National Lottery Heritage Fund (NLHF) for Resilience Funding. Approval to next stage received and work has commenced on a formal bid.	Formal bid to be submitted for NLHF Resilience Funding. If successful, a Project Manager can be appointed to commence work on an emerging strategy for the future of Oldway.
<b>42. Develop an emerging strategy for the future of the Parkfield estate in Paignton.</b>	Preparations were made for a Community Engagement Event to be held in July.	To host an Inaugural Community Engagement Event and follow up events as appropriate to help shape an emerging strategy.
<b>43. Submit Torbay's application for Levelling Up Funding and ensure delivery of projects.</b>	Submitted bid.	Seek influencing opportunities and await decision.

44.Acquire Crossways Shopping Centre in Paignton to facilitate the regeneration of the area.	Prepared written statements of evidence for the inquiry. Met with and negotiated with a number of tenants on the site and continue negotiations with the freeholder.	Carry out a revised appraisal to take account of build cost inflation and to better inform delivery. Attend the inquiry with the inspector.
45.Commence delivery of projects as part of the Getting Building fund (Lymington Road and enabling works at Edginswell).	Finalised design work and submitted a planning application for the Lymington Road Scheme. Concluded the design work and submitted a planning application for the enabling works at Edginswell. Procured a contractor for the enabling works at Edginswell. Entered into formal lease arrangements with the incoming tenant at Edginswell.	Obtain planning permission at Lymington Rd. Procure a contractor for the development.  Obtain planning permission for Edginswell. Start enabling works on site.

**Performance Indicators are in development for this section.**

# Tackling Climate Change

Tackling Climate Change: We will become a carbon neutral council and work with others to create a carbon neutral community

Community and Corporate Plan Delivery Actions	What have we done in the last quarter?	What are the priorities for the next quarter?
55. Obtain planning permission for the development of two solar farms in Torbay.	Submitted a planning application for the solar farm at Brokenbury. Continued the legal negotiations with the end users for both sites.	Obtain planning permission for Brokenbury. Prepare tender documents for the construction phase. Submit planning permission for Nightingale park. Continue negotiations with both end users.
56. Finalise and adopt Local Cycling and Walking Infrastructure Plan (LCWIP) alongside the Local Transport Action Plan and commence delivery of at least £120,000 of walking and cycling/E bike projects.	LCWIP in place. Project work begun.	Follow up bid for further Active Travel funding from Department for Transport with letter of support from Leader. Prepare community consultation exercises on initial proposals contained within the LCWIP.
57. Working with the Environment Agency, communities and businesses, identify a solution to reduce the number of properties at risk from flooding along Paignton and Preston sea fronts.	Scheme design put on hold, following several meetings with community representatives on the Task & Finish Group. Considerable concerns raised over the proposed design of the sea defences.	Follow-up the Environment Agency for feedback on the Community ideas submitted for the Sea wall design. Set up further Task & Finish Group.
58. Deliver effective tree planting schemes as part of a new three-year funded i-tree 2 initiative including community participation and the launch of a supportive Tree Warden scheme	Tree Wardens Scheme launched >50 people representing interest. Training event organised in August.	Produce a Community Tree Planting Programme.
59. Help residents to recycle more of their waste, focussing initially on their food waste and then through the introduction of a new charged-for garden waste collection service.	The Recycling Support Co-ordinators have completed working within 13 areas of Torbay, approximately 5,000 properties. The food waste participation across these areas has increased by an average of 7%. In addition to this within the same area the dry recycling has increased by an average of 3%.  The food waste collection has not been progressed as currently we do not have driver capacity for the recycling and collection rounds, so an additional collection service cannot currently be considered	Continue working in other areas of Torbay to increase food waste and recycling. Support with communications and engagement that will encourage residents to separate recycling into the correct boxes. This will assist the collections rounds to be more efficient and improve the quality of recycling collected.  Once the driver shortages are stabilised then we can revisit this additional service, and hopefully the funding streams from central government, might be clearer as part of the current consultations.
60. Continue to deliver energy saving advice to homes in fuel poverty and establish an advice portal to help residents across Torbay to make energy efficient changes to their homes.	Further developing the existing information on the Torbay Council website.	Explore further the option of a dedicated version akin to the Portsmouth example.
61. Install £1.8m of energy and carbon saving measures at Torbay Leisure Centre	Worked with Parkwood Leisure to appoint a lead delivery contractor – Leisure Energy. Undertook a procurement exercise to award elements of the spec with Leisure Energy. Worked through the various issues around moving the responsibility for energy fees and data collection back to Torbay Council to meet the criteria. Secured an extension to the delivery phase of the award.	Commence delivery of onsite works, subject to supply chain availability.
62. Bring electric vehicle charging points to selected car parks in Torbay and develop a plan for longer term implementation	Twelve car parks agreed for installation of Electric charging points.	Implementation Plan to be developed, followed by installation of charging points.
63. Commence delivery of the new Carbon Neutral Council Programme, including finalising a new Carbon Neutral Council Policy and Action Plan.	Several Carbon Neutral Council Officers Group meetings. Topic specific sessions and deep-dives on decarbonising our estate/fleet/ etc.	Undertake actions within the Carbon neutral Council Action Plan.
64. Co-design with our communities and partners (across the public, private, community and voluntary sectors) a new Carbon Neutral Torbay Action Plan.	Inaugural meeting held of the Carbon Neutral Torbay Partnership 4.06.2021 Excellent attendance, principle of a Bay wide partnership agreed.	Second meeting of the Partnership scheduled for 03.08.2021. Achieve buy-in for joint working on carbon Neutral projects across the Bay.

<b>65.Develop a new Open Spaces Strategy to ensure there is a clear approach to how we manage our open spaces.</b>	Agreed Open Spaces Engagement and Communications Plan.	Set out workshop meeting for STAGE 1 action.
<b>66.Issue a guidance document setting out how policies in the Local Plan relate to climate change and how they should be complied with.</b>	Close working between Climate Emergency Officer and Development Management, to develop new guidance for applicants and Officers.	Liasion work continue with the Climate Emergency Officer and Development Management Service Manager, completed Guidance and get issued and published on the web-site.
<b>67.Set up an Enhanced Partnership between the Council and local bus operators alongside a Bus Services Improvement Plan</b>	Bus usage survey work underway.	Enhanced Partnership to be designed and implemented.

**Further performance indicators for this section are being explored in combination with the review of the Climate Change Strategy.**

Code	Title	Polarity	Status	Prev Year End	Target	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Quarter 1 2021/22	Last period value
NI191	Residual household waste per household	It's better to be low	Well above target	136kg	120kg	134kg	141kg	143kg	136kg	142kg	142kg

Compared to 2020/21 there have been increases in road sweepings (65 tonnes 28%); Litter bin waste (80 tonne 36%); Recycling Centre waste (580 tonnes - the site was closed last year); Community / Charity waste. There has been a decrease in kerbside collected domestic residual waste (220 tonnes 2.5%).  
The comparison period was during the first strict lockdown and presents an anomaly in waste data, creating the need for comparison to the first quarter of 2019/20.  
Compared to the same quarter in 2019/20 there have been increases in kerbside collected domestic residual waste (900 tonnes); litter bin waste (25 tonnes 9%); Community / Charity waste. There have been decreases in road sweepings (50 tonnes 15%); Recycling Centre (20 tonnes 2%)  
The Resources and Waste Strategy for Torbay and its associated Action Plan provide details of the agreed course of action to improve this indicator and NI192.

Code	Title	Polarity	Status	Prev Year End	Target	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Quarter 1 2021/22	Last period value
NI192	Percentage of household waste sent for reuse, recycling and composting	It's better to be high	Well below target	35.65%	50.00%	31.84%	34.76%	34.94%	35.65%	36.84%	36.84%

The analysis of NI 191 is relevant here as this forms the denominator for the percentage calculation.  
Regarding recycling and composting which is not included in the NI 191 calculation, compared to 2020/21 there have been increases in cardboard (9% 65 tonnes); food waste (1% 6 tonnes) and textiles (60%, 6 tonnes). Decreases have been observed in Paper (-8%, -20 tonnes); glass (-5%, -60 tonnes), plastic (-13% -2 tonnes); aluminium (-6% -8 tonnes); steel (-2% -2 tonnes).  
The comparison period was during the first strict lockdown and presents an anomaly in waste data, creating the need for comparison to the first quarter of 2019/20.  
Compared to the first quarter of 2019-20 there have been increases in all materials collected at the kerbside apart from paper (-23% -85 tonnes) and textiles (-45% -15 tonnes). Increases in glass (22% 190 tonnes); cardboard (37% 205 tonnes); food (20% 133 tonnes); plastic (8% 17 tonnes); aluminium (5% 2 tonnes); steel (65% 40 tonnes). Comingled recycling has reduced by 23% 100 tonnes. The increases here demonstrate the effect of COVID19 on recycling, but also can be seen as an indicator of success of recycling campaigns and the Recycling Support Co-ordinators efforts to increase participation in recycling.  
Use of recycling banks has generally increased compared to 2020-21, representing the recovery from COVID, but compared to 2019-20 the use of both glass and textiles banks has reduced, but paper has increased, although by a very low tonnage (3 tonnes).  
Garden waste delivered to the Recycling Centre has increased compared to 2020-21 (150% 500 tonnes) but has decreased (-55% -1045 tonnes) compared to 2019/20.  
Other recycled materials at the Recycling Centre follow a similar pattern to the green waste with a 160% increase (645 tonnes) compared to 2020-21 but a reduction of 19% (-240 tonnes) compared to 2019-20. Again, this could be because of the reduction of illegal commercial use of the site.  
The Resources and Waste Strategy for Torbay and its associated Action Plan provide details of the agreed course of action to improve this indicator and NI191.

CRTCC 01	% of commercial waste recycled	It's better to be high	Well above target	25.92%	25.00%	26.36%	27.90%	22.06%	25.92%	40.34%	40.34%
----------	--------------------------------	------------------------	-------------------	--------	--------	--------	--------	--------	--------	--------	--------

# A Council Fit for the Future

A Council Fit for the Future: We will become a Council fit for the future, working with our communities to create a culture of partnership

Community and Corporate Plan Delivery Actions	What have we done in the last quarter?	What are the priorities for the next quarter?
75.Ensure greater focus on being an active partner on a regional basis, including working as part of the Integrated Care System and leading the delivery of the Heart of the South West Coastal Productivity Plan, as we build a positive national profile.	The work on the Coastal Productivity Plan is progressing well with priorities having been determined and scoping documents in preparation for delivery of the priorities. The Chief Executive, Director of Adults and Director of Public Health are all working as integral partners in the ICS. Regular meetings now in place with the Ministry of Housing Communities & Local Government.	Continued working as described.
76.In accordance with the Events Strategy, facilitate the use of Council land for community events.	Appointed new Senior Events Officer. Commenced review of new event management booking systems. Apportioned the Events, Culture and Heritage one-off funding budget into appropriate segments. Discussed plans with Torbay Green Spaces Users Group. Discussed uses of spaces with various event promoters. Sound tested the Banjo. Commenced work on appointing an Events Advisory Panel in line with the approved strategy. Commenced plan for Christmas Events for 2021. Commenced plan for Torbay Airshow/Jubilee Celebrations 2022. Held discussions with English Riviera Business Improvement District (ERBID), Arts Council England and Torbay Culture lead.	Complete appointment of Events Advisory Panel and hold first meeting. Start work on Events Strategy Delivery Action Plan. Programme Christmas Events for 2021. Programme Torbay Airshow and Jubilee Celebrations weekend 2022. Implement new events management booking system. Review applications for Event seed funding for 2022.
77.Implement a Customer Relationship Management system with the first iteration going live in January 2022 and developments over time to increase digital services and encourage channel shift whilst building a supportive digital advocacy service. Funding for this action is to be sought once a preferred supplier is identified.	Preferred supplier identified and funding allocated for new CRM System. Community groups engaged for digital exclusion prevention. Engagement with customers prepared to build the system with their input. Required internal resource funding identified.	Agree contract start date based on internal resource availability. Recruit additional resource using funding identified. Carry out preparatory work for mobilisation across the Council once new resource is recruited.
78.Agree a robust three-year financial plan to ensure a sustainable future for Torbay Council.	The 2022/23 budget setting process began in May 2021 and the first round of star chambers has been completed.	Revised service plans and a second round of star chambers will be completed during Q2 of 2021/22.
79.Use the Community Fund to support individuals, not-for-profit organisations and small businesses that want to undertake projects which improve the lives of Torbay's residents, as well as the environment of Torbay itself.	Two grants have been approved from this fund – one for Paignton and Preston Community Partnership in respect of the Geo Play Park and one in respect of Fishcombe Cove toilets. Discussions are underway about how the functioning of the Fund can be streamlined and aligned with the other community funds operated by the Council.	Agreement of how all the community funds operated by the Council can be aligned and promotion of the Fund with the wider community.
80.Through the Community Wealth Building Board, develop a joined-up procurement approach for anchor organisations to make it simpler for local businesses bid for work.	Commissioned video, developed links to supply Devon portal.	Social enterprise support.
81.Implement the Performance and Risk Framework to enable the Council to deliver against its priorities and put in place appropriate mitigation against the risks to its ambitions.	With the Framework approved, the work is progressing with a new electronic platform being procured and a dedicated performance and risk member of staff recruited.	Complete the procurement process for PowerBI and induct and embed the new member of staff in order to progress significantly the operation of performance and risk in the organisation.

<b>82.Continue to work with the community to deliver the Melville Project aimed at addressing issues of poor housing, use of public open space and concentrated substance misuse problems.</b>	Work has been undertaken to address challenges with Houses of Multiple Occupation and a steering group is planning a community magazine and engagement. Negotiation has started re key buildings and open space.	Focus on Community Engagement - planned for late September and early October.
<b>83.Review and update www.torbay.gov.uk with a focus on enabling users to self-serve and providing information and data which empowers users.</b>	Development of new components i.e. Bar charts, line charts, pie charts, statistics. Extensive testing of all components. Bug fixing of all components and pages. Section layouts. Search functionality for section/service areas e.g. Council Tax, Benefits etc. which includes all content elements within a page (new functionality). Linked CRM procurement completed.	Integrating with the main website index (search). Setup redirects to the new site. Work with Registrars as the pilot area to move content into the new site to include full content and gForms review. KO meeting - 12 August. Work with Licensing (Taxis) to move content into the new site to include full content and gForms review. Go live with pilot areas - October 2021. Identify next areas to be transferred to new site. Timetable for integration with CRM portal will be forecast.
<b>84.Deliver improvements within the Planning Service ensuring improved responsiveness and accessibility together with a proactive approach.</b>	Agents Forum held, Planning Advisory Service (PAS) engaged to assist, regular monthly updates to Senior Leaders.	Series of sessions with PAS during August and September including engagement sessions with Agents, Partners and training for staff.
<b>85.Develop and deliver the Workforce Plan for the Council with the aim of being an employer of choice within Torbay with inclusive and flexible work practices, leading by example through initiatives such as Kick Start.</b>	Workforce Plan has been approved by the Senior Leadership Team. We have been successful in our application for further support from the Local Government Association to assist in rolling out the Plan across the organisation.	Undertake detailed work within the Planning Service.
<b>86.Work across the Council and with our partners to ensure we are the best Corporate Parents possible.</b>	Draft Corporate Parenting Strategy drafted, together with proposals for Operational Corporate Parenting Board, Corporate Parenting Champions.	Approval of Strategy and implementation of new arrangements.

Code	Title	Polarity	Status	Prev Year End (cumulative fig)	Cumulative to date target	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Cumulative to date
RECPI01	Agency Staff Cost (excluding schools)	It's better to be low	Well above target	£4,922,014	£620,925	£342,002	£258,797	£312,870	£287,765	£450,284	£448,078	£368,114	£611,101	£911,506	£64,027	£330,196	£692,424	£1,086,647
Period 3: Adults £0k, Children's £561k, Public Health £0k, Business Services £3.2k, Corporate Services £71.1k, Planning & Transport £34k, Finance £23.1k																		
Code	Title	Polarity	Status	Prev Year End	Annual Target	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Last period value
RECPI02	Variance Against Revenue Budget (projected)	It's better to be low	Well above target	£-8,825,000	£0	£4,496,000	£3,820,000	£1,986,000	£2,084,000	£1,562,000	£-7,200,000	£-7,429,000	£-7,651,000	£-8,825,000	£1,283,000	£1,283,000	£1,283,000	£1,283,000

Code	Title	Polarity	Status	Prev Year End	Target	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Quarter 1 2021/22	Last period value
------	-------	----------	--------	---------------	--------	-------------------	-------------------	-------------------	-------------------	-------------------	-------------------

HR 00	Staff sickness – % working days lost as an overall organisation	It's better to be low	Well below target	3.1%	3.5%	2.9%	2.2%	3.1%	3.1%	2.8%	2.8%
-------	---	-----------------------	-------------------	------	------	------	------	------	------	------	------

**Quarterly statistics from the Information Compliance Team will be based on data taken at the time of producing the report. As these figures will be reviewed and finalised at the end of the financial year, they may be subject to change**

RECP106	Corporate Complaints per 1000 population	It's better to be low	Monitoring only	2.21	No target set	0.44	0.54	0.61	0.61	1.07	1.07
---------	--	-----------------------	-----------------	------	---------------	------	------	------	------	------	------

RECP105	Number of Corporate Complaints - Dealt with within timescales	It's better to be high	Well below target	33%	90%	57%	66%	61%	33%	53%	53%
---------	---	------------------------	-------------------	-----	-----	-----	-----	-----	-----	-----	-----

Performance improved in quarter 1 from quarter 4, however remains low compared to the target %. Complaint handling is reliant on information being provided by the relevant department. Despite concerted efforts by the Information Governance team to chase departments for information, there continue to be delays in this being provided to enable us to respond within the agreed timescales. Where a delay occurs individual complaints are escalated to the relevant SLT member for their action.

Code	Title	Polarity	Status	Prev Year End	Target	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Quarter 1 2021/22	Last period value
------	-------	----------	--------	---------------	--------	-------------------	-------------------	-------------------	-------------------	-------------------	-------------------

Page 24	Number of Corporate Complaints upheld / partly upheld	N/A	Monitoring only	88	No target set	17	18	33	20	36	36
---------	---	-----	-----------------	----	---------------	----	----	----	----	----	----

24	Number of Freedom of Information (FOI) requests/Environmental Information Requests (EIR) received	N/A	Monitoring only	1484	No target set	235	427	408	414	427	427
----	---	-----	-----------------	------	---------------	-----	-----	-----	-----	-----	-----

FSIT012	Number of FOIs / EIRs - Dealt with within statutory timescales	It's better to be high	Well below target	84%	95%	85%	82%	82%	84%	87%	87%
---------	--	------------------------	-------------------	-----	-----	-----	-----	-----	-----	-----	-----

FOI performance has remained at similar levels across the year, although was higher in quarter 1 compared to last quarter and same period last year. We continue to work with SLT to advise them of overdue cases and we have improved our processes around chasing responses which are due. The target for the percentage of FOIs handled in time is high as this is what the Information Commissioner's Office set as a good level of performance. Following the ICO's audit in November 2020 we have changed our internal processing times to try and improve performance, this was implemented in January 2021.

IG001	Number of subject access requests (SARs) received	N/A	Monitoring only	133	No target set	27	33	30	43	36	36
-------	---	-----	-----------------	-----	---------------	----	----	----	----	----	----

FSIT011	Number of SARs - Dealt with within statutory timescales	It's better to be high	Well below target	21%	95%	29%	20%	17%	21%	14%	14%
---------	---	------------------------	-------------------	-----	-----	-----	-----	-----	-----	-----	-----

Subject Access Request performance is a known issue, which is being mitigated, however the number of requests has increased significantly over the last few years, and has more than doubled from 55 requests in 2019/20 to 132 in 2020/21 and there is limited capacity in the team. The majority of requests are large in volume (often thousands of pages) and complex in their nature and can take a significant amount of time to process, sometimes months. In January we employed a temporary Information Access Officer within the team to handle these requests and they are currently working on the backlog of outstanding requests. As we deal with the backlog, improvements in performance may take a while to be seen, especially as we continue to see high numbers of requests coming in. However at the current time the number of open requests is no longer increasing.



Code	Title	Polarity	Status	Prev Year End	Target	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Last period value
REG001 B	Registration of births - Registered within 42 days	It's better to be high	On Target	79.8%	98.0%	60.8%	60.6%	64.7%	68.4%	72.1%	74.8%	76.6%	78.1%	79.8%	97.0%	96.0%	96.3%	96.3%
REG001 D	Registration of deaths - Registered within 5 days	It's better to be high	Well below target	74.6%	90.0%	80.5%	80.6%	79.7%	80.0%	79.6%	78.6%	77.7%	76.5%	74.6%	53.0%	50.5%	47.3%	47.3%

Torbay Registration service has historically not been able to attain the statutory timescale of registering 90% deaths within five days. The service has worked very hard over the last few years to improve its timelines. Registrations are now being completed by telephone, rather than a face to face appointment, which was a change in legislation to respond to Corona Virus. This is also coupled with the doctors scanning medical certificates for the registrations, rather than waiting for physical documents to arrive in the office – again another change to death registrations in light of Corona Virus.

To attain the 90% target is a very challenging task. Issues that impact on the service being able to achieve this target include:

The service is unable to make a doctor complete a medical certificate in a timely manner after a death e.g. they may be on holiday or busy.

The introduction of the Medical Examiner process at hospitals is slowing down the issuing of deaths certification due to either staff absences or conflicting work priorities.

On occasion, it can be a challenge to find a next of kin to register a death.

In circumstances where solicitors deal with an estate and they are slow at registering due to being busy or accessing the deceased personal information to complete the registration.

The General Register Office monitor this target and are in regular contact to monitor our performance and assist with identifying actions to address this. However, it needs to be recognised that some of the issues encountered to achieve this target are outside of our control. The Compliance officer from General Register Office has notified the Registration Service that performance targets are not being monitored for compliance in this financial year, due to the pandemic period and the extreme pressures that have been placed on the service.

Code	Title	Polarity	Status	Prev Year End	Target	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Quarter 1 2021/22	Last period value
	SWISCO - Complaints per 1000 population	It's better to be low	TBC	0.25%	TBC	Data not available	0.07	0.08	0.09	0.20	0.20
	SWISCO - Compliments per 1000 population	It's better to be high	TBC	0.23%	TBC	Data not available	0.09	0.03	0.10	0.09	0.09
	Total number of planning decision notices issued	It's better to be high	Monitoring only	825	No target set	112	224	243	246	238	238
	Number of planning decision notices issued on time (ignoring those issued within extension of time period)	It's better to be high	Monitoring only	268	No target set	23	55	88	102	63	63

# **TORBAY COUNCIL**

---

## **Corporate Risk Register Quarter 1 2021/22**

## KEY TO RISK REGISTER

The below Risk Matrix has been used to score the risks and only those that register as High (16 and above) and Medium/High (10 to 15) are included.

DOT in the same column indicates direction of travel i.e., the score has increased ↑, decreased ↓ or stayed the same ↔.

### 2.2 Risk Matrix

	Critical	5	10	15	20	25
	Major	4	8	12	16	20
Impact	Moderate	3	6	9	12	15
	Minor	2	4	6	8	10
	Insignificant	1	2	3	4	5
		Rare	Unlikely	Possible	Likely	Almost Certain
		Probability				

**Community and Corporate Plan Priority: Thriving People and Communities**

Code	Title	Probability Score	Impact Score	Score, RAYG and DOT	Description	Mitigation	Score and RAYG After Mitigation	Risk Owner
RTPC 01	Increased demand for Children's Services	3 - Possible	4 - Major	12 ↔	The number of children that are cared for by the local authority increases and puts pressure on sufficiency of placement and the budget.	We have robust oversight of our cared for population and those children who enter care. The Numbers of children cared for are safely reducing but we remain vigilant particularly in response to escalating need due to COVID-19. A number of panels have been put in place to monitor and track children's progression. These include a pre-birth tracker, permanence panel and the placement panel that reviews children in independent care settings. There is now an Edge of Care offer which supports children who have the potential to become cared for but can safely remain at home with support. There is more effective use of the PARIS system with the use of daily alerts specifically related to COVID-19 to support us in identifying the most vulnerable children in this challenging time.	12 ↔	Nancy Meehan
RTPC 02	Impact upon the council's ability to meet statutory timescales	5 – Almost certain	4 - Major	20 ↔	Increased demand could impact on our ability to meet statutory timescales for the completion of assessments and meetings such as child protection case conferences.	There is weekly monitoring of the numbers of contacts and referrals into the Multi Agency Safeguarding Hub that require a statutory response. This has risen significantly during the COVID period. Quality assurance activity is	16 ↔	Nancy Meehan

						being undertaken to ensure that the thresholds remain robustly applied. Each service area has a performance meeting to ensure we are compliant with statutory requirements. There is an exception report in relation to Children's Services improvement which is reviewed at the Children's Services Improvement Board, SLT and Overview and Scrutiny. We have also established a Children's Services operational board to drive the operational activity identified in the Children's Services Improvement Plan.		
RTPC 03	Failure to deliver the Children's Services Improvement Plan	3 - Possible	5 - Critical	15 ↔	The last Ofsted Inspection judgement was that Children's Services are inadequate. If the next inspection judges us as inadequate it is highly likely that the delivery of Children's Services will be removed from Council control.	A Children's Commissioner is in place as part of a DfE statutory direction. The Commissioner chairs the improvement board and the board has been reviewed to further strengthen its function. There is also stronger quality assurance and a better understanding of performance. There have been two reports to the secretary of State since the commissioner was appointed which evidence improvement in the delivery of children's services in Torbay.	12 ↔	Nancy Meehan
RTPC 04	Delivery of Liquid Logic	3 - Possible	4 – Major	12 ↔	If timescales are not met for the delivery of Liquid Logic (February 2021) this will have significant budget implications with Liquid Logic and will leave the Council with a data deficiency.	There is a governance structure around the implementation of the system and progress is being reported to SLT. Due to data migration there is delay to the implementation of Liquid Logic which is now scheduled for June 2021	8 ↔	Nancy Meehan

RTPC 05	Local Area SEND Inspection	4 - Likely	4 – Major	16 ↔	The Local Area Special Educational Needs and/or Disabilities (SEND) inspection conducted by Ofsted and the Care Quality Commission (CQC) will take place before July 2020. The local area preparations and self-evaluation currently demonstrates an inability to be compliant with the legislative code, due to the capacity within the system. If inspectors confirm this self-analysis, it is anticipated that the Local Area will receive a 'statement of action' and inspectors will evaluate progress with programme of monitoring visits.	The Ofsted Inspection Process is currently on hold due to COVID-19 and there is no definitive information about when 'normal' inspection activity will commence. The preparation processes are continuing and the inspection self-evaluation document is being updated. The impact of COVID-19 on SEND delivery is being documented and the changes to SEND legislation are being addressed. The Local Authority has had a peer review of SEND and our ability to meet the statutory code. Although there is good practice identified the partnership ability to meet the SEND Code of Practice is challenged and needs additional work to address.	16 ↔	Rachael Williams
RTPC 06	Achievement of £6m of Adult Social Care savings by March 2023	3 - Possible	4 – Major	12 ↔	The Adult Social Care (ASC) Improvement Plan has been created to deliver the £6m saving through operational redesign and further strengthening the Community Led Support Approach and Strength Based Approach to social care. The projects within the plan have been designed in year one to realise savings from critical projects whilst allowing corresponding projects to be set up to realise savings in years two and three.	Adult Social Care Improvement Board will review risks and mitigate using the integrated Project Management Office as a function of the plan. Project risks will be mitigated at project level and escalated where there is likely to be a broader ASC Improvement Plan negative strategic or operational impact.	12 ↔	Jo Williams

RTPC 09	Increased demand in homelessness	5 – Almost certain	4 – Major	20 ↑	The level of homelessness experienced as a result of COVID-19 and changing housing market is increasing. Increased demand and inability to access sufficient accommodation could impact on the Councils ability to meet statutory duties and provide appropriate safeguarding. Also poses a financial risk due to elevated accommodation costs. Risk to staff due to elevated work pressures and inability to manage demand.	Demand on the service remains high and ability to access move on accommodation is extremely challenging. Additional staff resources have been implemented in all areas to provide stability and facilitate movement on for clients. Additional temporary accommodation (TA) has been bought online to ensure sufficiency and stabilise expenditure. TA procurements strategy being implemented. Further prevention stream of work to be implemented.	16 ↔	Tara Harris
RTPC 10 Page 31	Ability to deliver Youth Homelessness Prevention Pathway	3 - Possible	4 – Major	12 ↔	Effective pathway needs to be implemented across services to ensure Torbay is legally compliant and that the service is at its full complement of staff to enable this to be delivered.	Ofsted identified in both the last inspection (2018) and the previous one (2015) that the response to 16 to 17 youth homelessness was not legally compliant. The children's redesign considered how to respond to the criticism and subsequent repeat recommendation from Ofsted. This is being progressed. There has been a review of the homeless pathway following a recent audit of service responses to the vulnerable young people. We have recently appointed new youth homeless prevention workers. There is a scheduled QA deep dive into this area of the service.	12 ↔	Nancy Meehan

<p>RTPC 11</p>	<p>Maintain capacity to respond to increase in COVID-19 pandemic infection rates or variants of concern 21/22</p>	<p>4 - Likely</p>	<p>4 – Major</p>	<p>16 ↔</p>	<p>Local outbreak Management Plans require all local authorities to oversee the response to the COVID-19 pandemic at local level and to work in partnership with Public Health England, NHS, Care, Education, voluntary and business partners to prevent and respond to outbreaks.</p>	<p>Robust measures are in place and include:</p> <ul style="list-style-type: none"> <li>• 7 x 7 multi-disciplinary rota to coordinate response to cases &amp; outbreaks</li> <li>• Dedicated intensive support team to provide proactive and reactive infection control guidance &amp; testing</li> <li>• Comprehensive intelligence systems mapping cases, outbreaks and risk settings, identifying patterns of spread, &amp; helping to guide the response</li> <li>• Strong, effective communications &amp; engagement plans with communities and partners promoting behaviours which will prevent the spread of infection and compliance with isolation guidance</li> <li>• Training of existing staff &amp; introduction of standard operating procedures to enable 24/7 response over the long term</li> <li>• Recruitment of additional skilled staff to build resilience in delivering response &amp; intensive support.</li> <li>• Development of community testing capacity to deliver workplace asymptomatic testing and scope to deploy targeted community testing if required.</li> <li>• The team are taking a risk-based approach based on a threshold on the number of cases.</li> </ul>	<p>12 ↔</p>	<p>Lincoln Sargeant</p>
--------------------	---	-------------------	------------------	-----------------	--	--	-----------------	-------------------------



RTPC 12	Insufficient capacity to prevent & respond to high flu levels Winter 2021/22	4 - Likely	4 - Major	16 ↔	Flu is anticipated to present a higher than usual risk in 21/22 due to the continuation of COVID-19 infection in the population. Vaccines will be available for eligible groups and high uptake will be needed to reduce the incidence and the impact of disease.	A combined COVID-19 and flu response provided the highest chance of success. Measures included: <ul style="list-style-type: none"> <li>• Dedicated, flexible, mobile vaccination teams targeting all risk settings and high risk groups (care sector, education, hostels, carers, people with health risk conditions, shielded population, pregnant women, young children) in parallel with the primary care vaccine delivery programme to people 60 and over.</li> <li>• Dedicated intensive support teams delivering swabbing and infection control support for settings with cases or outbreaks to prevent spread.</li> </ul>	6 ↔	Lincoln Sargeant
RTPC 13	Inadequate measures to prevent suicide & self-harm, promote good mental health & wellbeing, and support bereavement & loss	4 - Likely	3 - Moderate	12 ↔	The impact of COVID-19 is modelled to produce an increase in mental distress, bereavement trauma and suicide risk. Torbay already has one of the high rates in the country for both suicide and self-harm. Comprehensive & effective prevention and postvention pathways need to be in place across our three communities to identify people in need & to ensure they receive appropriate information, signposting, support and intervention.	Capacity in place to work with partners across Torbay, the Integrated Care System & regionally to: <ul style="list-style-type: none"> <li>• Build on the new Devonwide suicide surveillance &amp; postvention system &amp; expand this to include suicide attempts as well as completed suicides</li> <li>• Implement research with practitioners and people with lived experience into high incidence of female suicides &amp; self-harm and what needs to be in place to support and prevent</li> <li>• Work with communities to implement 'safer suicide community' initiatives</li> <li>• Deploy new model of training programmes (universal to specialist)</li> <li>• Build on the new Torbay mental wellbeing alliance spanning community</li> </ul>	9 ↔	Lincoln Sargeant

						<p>&amp; statutory providers developing improved pathways for mental distress &amp; matching needs with supply for mental health and wellbeing, suicide prevention, and bereavement support.</p> <ul style="list-style-type: none"> <li>• Use of COVID-19 impact funding short term to expand team capacity in Public Health to deliver strategic response and community capacity to deliver frontline support (helpline, supervision, support and training, safe spaces, online resource)</li> </ul>		
<p>RTPC 14</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 34</p>	<p>Inability to deliver the Housing Strategy</p>	<p>3 - Possible</p>	<p>4 - Major</p>	<p>12</p> <p>↔</p>	<p>National policies have served to reduce affordable housing development, increase affordability pressure in the private rented sector and make it increasingly difficult to access decent housing, for people who are on low incomes or benefits increasing deprivation and related health concerns for residents.</p>	<p>Officer resource has been increased. The new housing company, TorVista Homes, has established its own Board and will be regulated by Homes England. TorVista has submitted its application and are already working to bring forward a number of affordable housing schemes.</p> <p>The Housing Strategy Action Plan is in development.</p> <p>There has been increased partnership working with providers such as landlords and health services.</p>	<p>8</p> <p>↔</p>	<p>David Edmondson</p>

## Community and Corporate Plan Priority: Thriving Economy

Code	Title	Probability Score	Impact Score	Score and RAYG	Description	Mitigation	Score and RAYG After Mitigation	Risk Owner
RTE01	Ability to meet land supply requirements	4 - Likely	4 - Major	16 ↔	If we do not have a five year land supply then our Local Plan Policies and those of the Neighbourhood Plans cannot be considered up to date and put us under greater pressure of development. Failure to have a 5 year land supply therefore risks inappropriate development outside of the Local and Neighbourhood Plans. Ability to meet land supply requirements could impact income generation from new homes bonus and Section 106 monies.	Whilst we have published a statement last year that we had achieved a three year housing land supply and with three made neighbourhood plans, one for each town, formally adopted in 2019, we could defend against inappropriately sited development. However, last year's considerable under delivery and backlog of previous years under delivery means we have fallen below that 3 year figure.	16 ↔	David Edmondson
RTE02	A weak local economy due to COVID-19	4 - Likely	4 - Major	16 ↔	As a result of the COVID-19 pandemic the local economy is weakened resulting in an impact on our residents and visitors.	The Council will address this risk through delivery of the Economic Repositioning Plan. Work across the 6 themes: <ul style="list-style-type: none"> <li>• Town centres</li> <li>• Visitor economy</li> <li>• Cultural development</li> <li>• Community wealth building</li> <li>• Growth</li> <li>• Employment and skills</li> </ul> continues. Delivery of projects under the Town Centre regeneration programmes is beginning to accelerate and will gain	12 ↓	Alan Denby

						momentum in the coming quarter. Delivery of the accelerated projects for Town Deal has largely completed. Bids have been made in support of the fisheries and electronics sector to Government's levelling up fund with the decision expected in the autumn. A more speculative bid to the Community Renewal Fund was also submitted in the last quarter along with a joint bid to the City of Culture 2025 competition in support of Torbay's cultural development. The Council is also leading, for Heart of the SW, on coastal productivity and an action plan will be shared with Heart of SW leaders in the autumn.		
RTE03	Riviera International Conference Centre could close permanently	2 – Unlikely	3 - Moderate	6 ↔	It is essential to ensure that Riviera International Conference Centre remains a viable entity to ensure its contribution to the local economy and Torbay as the Premier UK resort.	<ul style="list-style-type: none"> <li>Lease has now moved to Parkwood Leisure/Lex Leisure</li> <li>Progress being made to complete the essential backlog works</li> </ul>	4 ↓	Kevin Mowat / Phil Black
RTE04	Princess Theatre reopening	4 – Likely	4 – Major	16 ↔	Currently run by Ambassador Theatre Group (ATG) on behalf of Torbay Council. ATG have been significantly affected by COVID-19 pandemic and lockdown issues. The business model relies on touring shows. The theatre is looking to reopen in August. Given it takes several months to successfully re/mount a production, the current lack of certainty around	<ul style="list-style-type: none"> <li>Applications for (Govt) grant funding to support ATG through COVID-19 crisis.</li> <li>ATG continue to work with all their producer partners to make the best endeavours to reopen as soon as possible, with the best programme available to audiences.</li> <li>Council has started a conversation with ATG about the theatre's long term future and the possibility of a joint approach to further investment in the asset.</li> </ul>	6 ↓	Kevin Mowat / Phil Black

					a full reopening date presents a challenge in this respect.			
RTE05	Financially unsustainable future for Torre Abbey	4 – Likely	4 – Major	16 ↔	Torre Abbey is currently a loss making asset. The focus must be switched to a commercial approach to ensure income generated meets or exceeds spend. Income is also currently impacted by reduced opening hours due to COVID-19. The building is subject to significant water ingress and has structural concerns.	<ul style="list-style-type: none"> <li>• Operations are being reviewed to develop a more commercial model. Including staff restructure currently in transit.</li> <li>• Café is being developed as a quality “in-house” offer to drive up commercial income and help support the long-term sustainability of Torre Abbey. This will open early August.</li> <li>• Grant applications e.g. to National Lottery Heritage Fund, are being made to secure funding to help resolve some of the issues and challenges. Latest NLHF bid was unsuccessful but other options are being explored.</li> <li>• The Abbey opened on 18 May and will continue to implement measures to make it more commercially viable.</li> </ul>	8 ↔	Kevin Mowat / Phil Black

## Community and Corporate Plan Priority: Tackling Climate Change

Code	Title	Probability Score	Impact Score	Score and RAYG	Description	Mitigation	Score and RAYG After Mitigation	Risk Owner
RTCC 01	Inadequate response to the climate change emergency.	4 – Likely	5 - Critical	20 ↔	<p>A single council is unlikely to ever be able to provide an adequate response on its own that will fully achieve carbon neutrality for an area. However, if the Council is not doing all it can to mitigate as much as possible, it will have reputational repercussions for the organisation and adverse, wide ranging implications for the wider area of Torbay.</p> <p>If our response is inadequate there is a risk that:</p> <ul style="list-style-type: none"> <li>- Homes, Infrastructure and other assets will be damaged or lost through flooding or wave action;</li> <li>- Business continuity will be impacted at a cost to Council and to 3rd parties i.e. Fish Market;</li> <li>- Beach huts and other waterfront properties will become unattractive or unviable as a business model;</li> <li>- Road links will be disrupted, causing severe indirect</li> </ul>	<p>In March 2021 Cabinet approved a new Initial Carbon Neutral Action Plan for 2021 which includes delivery of 10 immediate actions. Cabinet also agreed plans to develop a new Council Carbon Neutral Programme and a new community led Torbay Carbon Neutral Action Plan by April 2022. Torbay continues to work with Devon Climate Emergency Response Group and recently formally responded to the draft Devon Carbon Plan.</p> <p>A new Torbay Climate Partnership is also being established.</p>	15 ↔	Kevin Mowat / Jacqui Warren

					<p>interruptions to livelihoods and living;</p> <ul style="list-style-type: none"> <li>- Torbay's reputation as a premier beach resort will be impacted</li> <li>- increased health impacts such as heat stroke</li> </ul>			
RTCC 02	Climate change impact on Tor Bay.	5 – Almost certain	5 - Critical	25 ↔	<p>Expectation of more frequent extreme rainfall events. Sea level forecast to rise by 70cm by 2050 which will significantly increase the risk of coastal flooding of low-lying areas (particularly Paignton Green), increase in the frequency and power of storm events, increase rate of coastal erosion/damage to quays, slipways and other hard infrastructure on the shoreline. Increased disruption to maritime activities e.g. commercial fishing and marine leisure. Coastal, pluvial and fluvial flooding will also present significant risks to residential and business properties, as well as critical infrastructure.</p>	<p>There are a number of contingency measures being considered to respond to coastal and pluvial flooding e.g. enhanced coastal sea defences. The Port Master Plan also contains climate change countermeasures e.g. further rock armouring of Victoria Breakwater, but no funding routes have been identified yet.</p> <p>Work continues on the Flood Risk Management Plan and actions to address sustainable urban drainage systems (SUDS) and close collaboration with the Environment Agency is critical. The Devon Climate Emergency's Climate Impacts Group is also in the process of carrying out a new risk assessment and developing a new adaptation plan for Devon, Cornwall and Isles of Sicily. Local action where required will be led by the Local Resilience Forum and fed into the new Torbay Carbon Neutral Action Plan.</p>	20 ↔	Kevin Mowat / Adam Parnell / Simon Pinder
RTCC 03	Failing coastal infrastructure	5 – Almost certain	4 - Major	20 ↔	<p>A number of coastal assets are at a tipping point of deterioration and require significant investment to ensure longevity and fitness for purpose.</p>	<p>Periodic inspection regime to monitor degradation. Need to identify funding solutions to invest in hard infrastructure to 'hold the line' or agree a process of managed retreat with appropriate investment in soft infrastructure.</p>	16 ↔	Kevin Mowat / Adam Parnell / Simon Pinder

## Community and Corporate Plan Priority: Council Fit for the Future

Code	Title	Probability Score	Impact Score	Score and RAYG	Description	Mitigation	Score and RAYG After Mitigation	Risk Owner
RCFF 01	Difficulties in social work recruitment to frontline safeguarding teams	4 – Likely	3 - Moderate	12 ↔	There have been recent difficulties in recruiting social work staff both on a permanent and agency basis. The situation in the last year has been compounded due to potential recruits not wishing to relocate during the COVID-19 pandemic.	Changes are being made to the structure of the Children’s Service in line with our service redesign to make them fit for purpose. The new restorative social work model is currently being implemented (and all staff are being trained). There is now a social work offer in place for new staff which is having some positive impact on the recruitment process which is supported by a dedicated microsite and increased funding to expand the establishment. A learning academy went live on 07 September 2020 and this is already proving to be a positive attribute in our campaign to recruit and retain staff.	12 ↔	Nancy Meehan
RCFF 02	School High Needs Block spending pressures	4 – Likely	4 – Major	16 ↔	The School Forum currently have a deficit budget position of circa 2.5 million for 2020/21 and cumulative deficit from previous years of 3.8 million.	The School Forum is working with the Education Skills and Funding Agency (EFSA) to consider the actions that are needed to mitigate spend. The National system of funding pupils with higher need is under review. This could in part lead to additional funds being made available to the local area. The School Forum has established a Higher Needs Recovery Group to work through	16 ↔	Rachael Williams



						mitigating actions. These are being delivered and are anticipated to generate savings. Additional funds have been announced for 2021 – 2022 this will have an impact on the budget position but will not lead to a balanced in year budget.		
RCFF 03	SWISCo commissioning resource	3 - Possible	4 – Major	12 ↔	Insufficient commissioning resource for SWISCo.	Delivery expectations have been reduced. TUPE transfer key service areas into SWISCo and operate a ‘thin’ client model. Broaden the commissioning resource at Assistant Director level within Place.	8 ↔	Kevin Mowat
RCFF 04	Failure to comply with GDPR	5 – Almost certain	3 - Moderate	15 ↔	The General Data Protection Regulation (GDPR) tightens existing data protection requirements on organisations. The Council needs to be able to demonstrate compliance to the regulation in all of its processing activities. Failure to do so could result in enforcement action from the Information Commissioner’s Office, damage to reputation and potential increase in complaints and claims.	A GDPR compliance project has been undertaken and regular staff awareness campaigns are also undertaken to ensure staff keep data protection at the forefront of their minds, with the aim of reducing breaches.	12 ↔	Matt Fairclough-Kay
RCFF 06	Balancing 2021/2022 budget in light of COVID-19 financial pressures	1 - Rare	4 – Major	4 ↔	The financial impact of COVID-19 in future years is still being assessed. A number of the spending pressures seen in 2020/21 could reoccur in 2021/22. In addition, if the economy is impacted as predicted, a number of income	Budget 2021/22 approved by Council in February 2021. Incident management cells remain in place to ensure close monitoring of the key financial pressures as a result of covid-19. These include Temporary Accommodation, collection of Council Tax & Business Rates, Investment	4 ↔	Martin Phillips

					sources will continue to be affected. In addition, the Government announced the deferral to 2021/22 of the Fair Funding Formula and the changes to the National Non Domestic Rates (Business Rates) retention scheme. The timing and impact of any Spending Review and/or Emergency Budget are also unknown.	properties and the effective use of Covid-19 grant funding.		
RCFF 07	Achieving a balanced budget over the period of the medium term financial plan	4 - Likely	4 – Major	16 ↔	The projected budget gap over the life of the Medium Term Resource Plan (MRTP) is an estimated position and is subject to change and is based upon a series of assumptions and projections which will be regularly reviewed for future years to ensure they continue to be realistic. There is therefore a risk that the projections for the budget deficit may prove to be either under or over estimates.	The MTRP will be updated as appropriate to take account of changing circumstances and new intelligence. An influencing and lobbying campaign is in development to raise the profile of Torbay Council, and Torbay as a whole. The 2022/23 budget setting process began in May 2021 and the first round of star chambers has been completed. Revised service plans and a second round of star chambers will be completed during Q2 of 2021/22.	12 ↔	Martin Phillips
RCFF 08	Proportionality of borrowing and commercial risk – a measure of income risk on assets funded from borrowing.	4 - Likely	4 – Major	16 ↔	The risk that council will be unable to meet its fixed borrowing liabilities if income streams associated with that borrowing are not maintained or fluctuate. The more the council borrows and the more it relies on that commercial income to support services, the greater the risk. The Ministry of Housing	Regarding our investment properties; As part of the IMT recovery a sub group has been put in place for this key area and the TDA are in frequent contact with tenants to ensure timely payment or rent continues.  Investment management meetings have become more frequent.	16 ↔	Martin Phillips / Kevin Mowat

					Communities and Local Government refers to this as “proportionality”. This risk is compounded by the economic impact of COVID-19 and lockdown, impacting on investment property rental income.	The risk had been maintained at 16 as despite the mitigation it is uncertain how long the financial impact of pandemic on council rental income will last.		
RCFF 09	Corporate Fraud & Error.	4 - Likely	3 – Moderate	12 ↔	Risk that council is exposed to fraud and error in its operations in particular collection fund fraud and error.	Fraud and Error team established and focused on key areas of risk, such as in 20/21 the payment of over £50m of business grants. Additional staffing has also been approved for the Fraud & Error team.	12 ↔	Martin Phillips
RCFF 10	Corporate Health and Safety	3 - Possible	4 – Major	12 ↔	Non-compliance to health and safety requirements across the local authority increases the risk to public and staff safety, this includes gaining appropriate certifications for some of our assets.	Increased staffing structure in place due to increase demand, including dedicated Harbour’s specialist support. Staff training program now fully operational post initial C-19 delays. Further programmed SHE development timetable in place and on track. Robust C-19 management process in place,	9 ↓	Tara Harris
RCFF 11	Capacity of legal services to deal with care proceedings before the court	3 - Possible	4 – Major	12 ↔	As the numbers of children looked after increases, as does the requirement for legal services to support care proceedings which will go before the court. This increase could lead to lack of capacity to deal with cases in a timely and effective manner.	Required resources are kept under close review, and the teams are currently supplemented by agency workers, to give capacity and ensure that vacant posts are filled. This does however lead to a significant budgetary pressure.	8 ↔	Matt Fairclough-Kay

RCFF 12	Change management capability across the Council	3 - Possible	4 – Major	12 ↔	The Council is undertaking an ambitious programme of transformation, together with delivering changes required as a result of budgetary decisions. The risk is the workforce in unable to deliver the amount of Council-wide and service change service needed, whilst ensuring the continued delivery of services, and achieving required budgetary savings.	Council Redesign Programme Board is reviewing the prioritisation of projects, and workstreams therein so as to ensure that the workforce can deliver, or that additional resources are identified in order to deliver within required timeframes.	12 ↔	Anne-Marie Bond
RCFF 13 Page 44	Staff resilience	5 – Almost certain	4 – Major	20 ↔	Staff resilience on an on-going basis has been incredibly challenged given the 40% reduction in staff numbers during austerity. With the pressures that COVID-19 brings, there are some teams in the Council where the risks around resilience are now critical.	All Directors are keeping under constant review the pressures and resilience issues in their teams (especially those who are undertaking specific COVID-19 response/recovery activities), to identify those where additional resources are required,	16 ↔	All Directors
RCFF 14	Reputation and engagement	3 - Possible	4 – Major	12 ↔	The risk is that the Council's reputation deteriorates with its communities, when it needs to improve, and this has a detrimental impact on our ability to gain public support for the actions that will realise the Council's priorities.	The Council's Community and Corporate Plan sets a clear ambition for the Council to become an enabling Council, and one which has a very different and improved relationship with residents. This is supported by the Council Redesign programme, which aims to put residents at the centre of everything we do and which seeks to engage and empower them.	12 ↔	Anne-Marie Bond

RCFF 15	Response times in respect of Subject Access Requests, Complaints, Freedom of Information requests and Environmental Impact Assessments	5 – Almost certain	3 - Moderate	15 ↔	The Information Compliance Team is managing year on year increases in the volume of requests, and delays and non-compliance with timescales is common. There is a risk of a detrimental impact on the Council's reputation, and of investigation by the Information Commissioners Office.	In respect of complaints, a one stage process is now embedded, and the permanent appointment of two Complaints Officers who independently investigate/oversee complaints, has improved the Council's performance significantly. Subject Access Requests remain at record levels. An individual request can take hundreds of hours to complete and significant delays are common place. As well as using support from other Councils to undertake a small number on our behalf, we have recruited a dedicated post on a 12 month FTC to deal with the backlog.	15 ↔	Matt Fairclough-Kay
RCFF 16	Government Devolution White Paper	3 - Possible	4 – Major	12 ↔	The UK Government have pledged to bring forward a White Paper to set out their proposals for English Devolution. This could include proposals for local government reorganisation where existing Local Authorities are combined into single Councils.	The White Paper was anticipated to be published for responses in the autumn of 2020. However, the Ministry of Housing, Communities & Local Government's press office now say it will come out "in due course".	12 ↔	Anne-Marie Bond

# **Information Governance Annual Performance Report**

**Period covered: 2020-2021**

**Jo Beer**

**Head of Information Governance & DPO**

## Overview

The IG team are responsible for the following areas of work, the team is made up of 7.6FTE and in 2020/21 managed 4,800 cases incoming to the Council.

### Data Protection

- Data protection compliance
- Compliance submissions
- Breach management / investigations
- Training
- DPIA support / advice
- Transformation support
- Procurement support / advice
- Information Sharing support / advice
- General support / advice
- Development / maintenance of related policies

### Information Access

- FOI / EIR management
- Internal reviews
- Subject access requests management and provision
- Other data subject rights
- Police disclosures
- Other disclosures (DBS / SWE)

### Records management

- Management of records storage facility
- Records management policies
- Retention Schedule
- Advice and guidance
- Confidential waste / information disposal

### Customer feedback

- Complaints management
- Statutory Children's services complaints process
- LGSCO complaints
- Compliments
- Member / MP management and oversight
- Service Enquiries management and oversight
- Restricted contact

The team is made up of 7.6 FTE and in 2020/21 the team managed and processed 4,800 cases incoming to the Council.

As well as managing incoming cases, the team are responsible for supporting / advising teams to ensure they comply with the statutory placed on the Council in relation to:

- Data Protection
- FOI / EIR
- RIPA
- Children's services complaints.

## Key activities in the period

- Processed and handled 4,907 incoming cases to the Council.
- Handled 311 complaints, of which 50 were escalated to LGSCO. Assisted the LGO with 18 complaint investigations.
- Dealt with 1,205 member enquiries and 1,524 service enquiries.
- Dealt with 1,722 information requests cases coming into the Council across FOI / EIR and subject access.
- ICO Audit receiving reasonable assurance across all scope areas – Governance and Accountability, Information Security and FOI.
- Recruitment of fixed term post to process subject access requests.
- Provided IG support to a number of business change projects.
- Increased involved in procurement activities including Council re-design and Liquid Logic implementation to ensure the Council's compliance.
- Supported IG elements of SWISCo transfer.
- Supported departments with their inspection / audit frameworks i.e. reports for children's services on complaints for Ofsted.
- Awareness campaigns for staff, including screensavers and increased presence of items on staff news.
- Continued to identify service improvements from data breach reports.
- Completion of NHS Data Security and Protection Toolkit, achieving a 'Standards Met' outcome.
- Working with Policy, performance and Community Engagement team to ensure emerging issues from complaints / enquiries / social media are addressed in a consistent way.
- Continued to offer bespoke training to teams.
- Development of Customer Service Standards and associated training.
- RIPA inspection.



# TORBAY COUNCIL

## Key Performance Indicators

	Breaches	FOI&EIR	Individual Rights	SARs	Children's complaints	Complaints	Compliment	Member enquiry	Service Enquiry	Total
Apr-20	5	64	3	10	2	18	5	40	61	208
May-20	8	67	1	9	1	15	4	68	88	261
Jun-20	10	104	0	7	7	27	6	90	115	366
Jul-20	10	142	0	11	4	29	15	110	147	468
Aug-20	5	129	1	8	6	19	13	105	168	454
Sep-20	15	156	1	14	6	34	11	128	151	516
Oct-20	7	149	1	13	4	39	7	98	123	441
Nov-20	9	137	0	9	6	33	8	86	139	427
Dec-20	6	122	0	8	2	14	1	70	93	316
Jan-21	3	128	1	14	3	26	9	125	142	451
Feb-21	9	137	0	13	6	27	6	111	139	448
Mar-21	11	149	0	16	7	30	8	173	157	551
<b>TOTAL YEAR</b>	<b>98</b>	<b>1484</b>	<b>8</b>	<b>132</b>	<b>54</b>	<b>311</b>	<b>93</b>	<b>1204</b>	<b>1523</b>	<b>4907</b>

Title	Polarity	Status	Target 2020/21	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Year End 2020/21
Number of Corporate Complaints - Dealt with within timescales	It's better to be high		90%	57%	66%	61%	33%	54%
Number of Corporate Complaints upheld/partly upheld	It's better to be low		no target	17	18	33	20	88
Number of Children's Social Care - Dealt with within timescales	It's better to be high		90%	11%	36%	42%	31%	31%
Number of FOIs /EIRs - Dealt with within statutory timescales	It's better to be high		95%	85%	82%	82%	84%	83%
Number of subject access requests (SARs) - Dealt with within statutory timescales	It's better to be high		95%	29%	20%	17%	21%	21%
Number of subject access requests (SARs) - Dealt with within statutory timescales CHILDREN'S SERVICES	It's better to be high		95%	18.0%	0.0%	11%	24%	17%
Number of subject access requests (SARs) - Dealt with within statutory timescales CORPORATE SERVICES	It's better to be high		95%	67.0%	67.0%	25%	17%	35%
Number of MP/Member Enquiries - Dealt with within timescales	It's better to be high		90%	60%	72%	66%	63%	66%

### Key points from performance data:

- The number of subject access requests received has increased 140% from 55 in 2019/20 to 132 in 2020/21.
- Only 21% of SARs were responded to within statutory timescales.
- The number of FOIs/EIRs received has not increased from 2019/20 however requests are increasing in their complexity requiring additional input from senior officers.
- The number of FOI/EIRs received in 2020/21 reduced in April and May 2020 and this may have been due to the pandemic.
- The number of data breaches continues to increase from 72 in 2019/20 to 98 in 2020/21. This could be down to greater awareness and better reporting facilities available to staff.

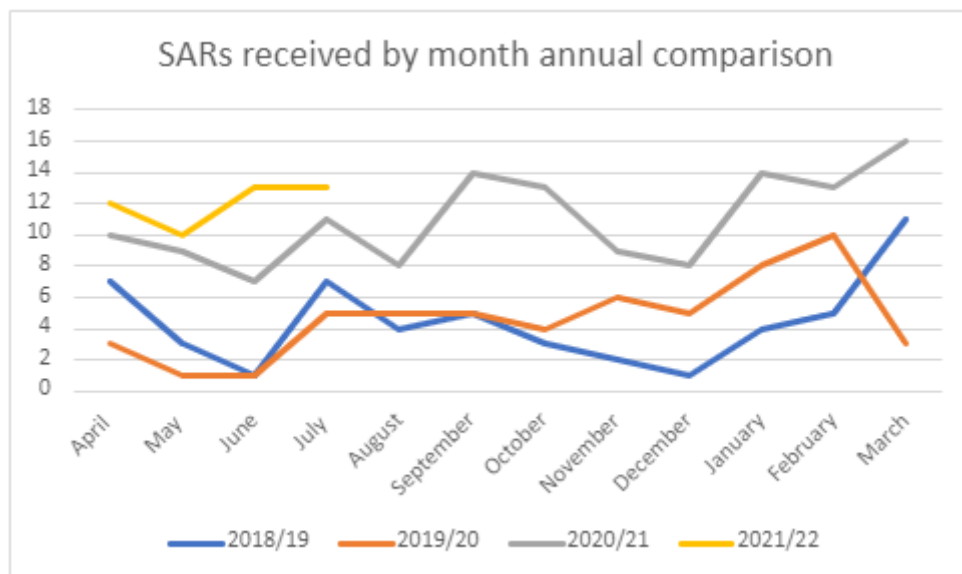
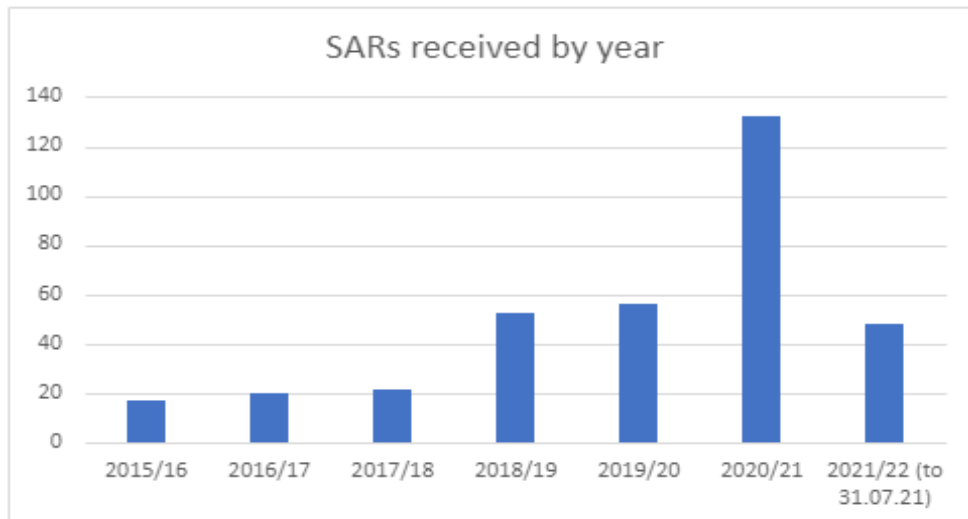
# TORBAY COUNCIL

- Eight breaches were referred to the ICO, resulting in no further action but with recommendations for the Council to put in place.
- Timescales for complaint responses and member enquiries are lower than target, with 54% complaints and 66% of member / MP enquiries handled in agreed timescales.

## Issues and risks

**Risk 1** - The biggest risk facing the IG team and Council at the current time is the lack of capacity to handle the increasing demand for subject access. We are currently receiving 12 requests a month and it is not possible for 1 member of staff to handle this many requests in the statutory timeframe of 1 month, given the size and complexity of requests.

The team are currently handling requests received in March / April 2020 and the delays are leading to increasing numbers of complaints to the Council and ICO. The risk of non-compliance is continued increased in complaints, reputational damage and enforcement action from the ICO which could be a financial penalty.



**Risk 2** - Poor management of records both electronically and within records storage facility. Lack of service areas reviewing and deleting records which are out of retention. Risk leading to poor decision making and inability to find records which support the Council's decision making.

**Risk 3** - Capacity to provide effective support to projects and advise on matters such as data protection impact assessments, leading to non-compliance.

**Risk 4** - Increasing complexity of requests under FOI / EIR requests requiring greater input from senior IG team and capacity of the senior team to effectively consider responses leading to increase in internal reviews and complaints to the ICO.

**Risk 5** - Lack of capacity to complete the actions from the ICO audit as the customer facing work takes priority. Failure to implement the actions from the audit could lead to enforcement action from the ICO.

**Risk 6** – Poor response rates to complaints / enquiries leading to reputational damage, increase in complaints escalated to the LGSCO and greater scrutiny from the LGSCO regarding our complaint handling.

## Key activities for forthcoming year

- Continue to prioritise subject access requests.
- Completion of actions identified from ICO audit, including policy updates.
- Continued support for key projects such as council re-design, implementation of Microsoft 365, customer relationship manager (CRM), Liquid Logic.
- Refresh and update of information asset register and training for information asset owners.
- Improve training from induction to annual refresher and i-learn modules.
- Improve performance data in relation to staff training.
- Refresh of retention schedule.
- Establish a programme of compliance spot checks.

## Local Government and Social Care Ombudsman Annual Letter 2020/21

### Jo Beer – Head of Information Governance

The LGSCO's annual letter sets out the complaints they have investigated against the LA in the last financial year. This purpose of this report is to provide further details in relation to the complaints the LGSCO investigated and upheld. The role of the Ombudsman is to consider whether the actions of a local authority has caused an injustice to an individual.

Of the complaints the LGSCO received regarding Torbay Council:

- 15 were closed after initial enquiries
- 14 were referred back for local resolution and advice was given
- 5 were not upheld

The table below shows comparison data to Devon and Plymouth. The LGSO have identified that across authorities similar to Torbay, 63% of complaints they investigated were upheld.

Year	Torbay	Devon	Plymouth
2020/21	72% (13/18)	54% (13/24)	78% (14/18)
2019/20	53% (8/15)	58% (21/36)	52% (12/23)
2018/19	71% (12/17)	65% (22/34)	90% (18/20)

The table on page 2 below sets out the details of the 13 cases which were upheld, the majority of which the LGSCO determined there had been maladministration and injustice to the customer.

The Ombudsman has identified in his letter that he is concerned about the erosion of effective complaints procedures in local authorities and therefore we will need to be able to demonstrate that our process is effective and that we are aiming to provide local resolutions and remedies where possible. Torbay Council will continue to welcome feedback from our customers about the services we provide and we will continue to welcome the independent oversight from the LGSCO.



\*The table shows the categories of services as the LGSCO categorises complaints, they do not necessarily reflect the same service structure at Torbay Council. For example, Education & Children’s Services is Children’s Services at Torbay Council, and Environmental Services & Public Protection & Regulation covers services which sit under Community Safety.

Category*	Decision	Decision Reason	Remedy	Service improvement recommendations
Education & Children’s Services	Upheld	mal & injustice	Apology, New appeal/review or reconsidered decision, financial redress: Loss of service, Financial redress: Avoidable distress/time and trouble	
Environmental Services & Public Protection & Regulation	Upheld	mal & injustice - no further action, BinJ already remedied		
Housing	Upheld	mal & injustice	Apology, Financial redress: Avoidable distress/time and trouble, new appeal/review or reconsidered decision, Provide information/advice	The Council will inform the Ombudsman what action it will take when people tell it they are subject to hate crimes.
Highways & Transport	Upheld	mal no injustice		
Adult Care Services	Upheld	mal & injustice	Financial Redress: Quantifiable Loss	
Planning & Development	Upheld	mal & injustice	Financial Redress: Quantifiable Loss	
Adult Care Services	Upheld	mal & injustice	Apology, Financial redress: Avoidable distress/time and trouble £150	
Highways & Transport	Upheld	mal & injustice	Reassessment	
Education & Children’s Services	Upheld	mal & injustice	Apology, Provide training and/or guidance	Remind its social workers to: Ask for contact information at the earliest possible opportunity where it seems likely reports or other documents will have to be shared. Ensure they send relevant reports to all participants well in advance of any meetings.
Environmental Services & Public Protection & Regulation	Upheld	mal & injustice	Apology, Financial redress (£50): Avoidable distress/time and trouble, Provide information/advice	
Adult Care Services	Upheld	Injustice remedied during complaint processes		

Corporate & Other Services	Upheld	mal & injustice	Apology, Financial Redress (£90): Quantifiable Loss	
Benefits & Tax	Upheld	mal & injustice	Apology, Financial redress (£400): Avoidable distress/time and trouble, Provide training and/or guidance	The Council has agreed to provide training or guidance to relevant staff, to ensure they are aware of the need to make evidence-based decisions and to keep a contemporaneous written record of decisions and reasons.







**Meeting:** Audit Committee

**Date:** September 2021

**Wards Affected:** All

**Report Title:** Regulation of Investigatory Powers Act 2000

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

**When does the decision need to be implemented?** N/A

**Cabinet Member Contact Details:** Cllr Christine Carter, Cabinet member for Corporate and Community Services

**Supporting Officer(s) Contact Details:** Jo Beer, Policy, Head of Information Governance  
[joanne.beer@torbay.gov.uk](mailto:joanne.beer@torbay.gov.uk)

---

## 1. Background

- 1.1 As a Local Authority, Torbay Council may wish to undertake an investigation under the Regulation of Investigatory Powers Act (RIPA) 2000.
- 1.2 RIPA 2000 regulates the use and method of surveillance which is carried out by public authorities. A Council is a public authority under RIPA 2000. A public authority may carry out covert surveillance where this surveillance is directed and not intrusive and only in relation to an offence for which there could be a custodial sentence of at least 6 months.
- 1.3 Torbay Council has not undertaken any main RIPA authorisation since 2008 and has not authorised any requests for communications data since the Trading Standards service transferred to Devon County council.
- 1.4 However, as the Council can rely on these powers should the need ever arise, it is important that all Members and staff are kept aware of the requirements of RIPA and that the relevant policies and procedures are kept up to date.

## 2. RIPA Update

- 2.1 Every 3 years the Council is subject to an inspection from the Investigatory Powers Commissioner's Office (IPCO). The latest inspection took place virtually in December 2020.

2.2 The inspector recognised that the Council does not carry out surveillance and also appreciated that we were in the middle of Chief Executive recruitment which would impact on the Council's RIPA Structure.

2.3 Actions identified through the inspection were as follows:

- Update the policies and procedures, to include a policy / procedure for social media surveillance.
- Update the Council's structure following Chief Executive recruitment to reflect officer roles and responsibilities.
- To ensure that training takes place for officers within the RIPA structure.

2.4 The above actions will be completed in this financial year.