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Wednesday, 22 February 2012

## Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Ballroom, Oldway Mansion, Torquay Road, Paignton, TQ3 2TE** on **Thursday, 1 March 2012** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

Elizabeth Raikes  
Chief Executive

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

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**Working for a healthy, prosperous and happy Bay**

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

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(i)  
**THE MJ**  
2010  
Achievement Awards  
COMMENDED

# Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

To confirm as a correct record the minutes of the meeting of the Council held on 1 February 2012 and the Adjourned meeting of the Council held on 8 February 2012.

(Pages 1 - 26)

4. **Declarations of interests**

(a) To receive declarations of personal interests in respect of items on this agenda

**For reference:** Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial 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 Democratic Services or Legal Services prior to the meeting.)

5. **Communications**

To receive any communications or announcements from the Chairman, the Mayor, the Overview and Scrutiny Co-ordinator or the Chief Executive.

6. **Petitions**

To receive petitions and any oral representations from the public in accordance with Standing Order A12 as set out below:-

- (a) Petition Against the Pool Closure at Cockington Primary School, Torquay  
Approximately 137 signatures, to be presented to Council.
- (b) Petition Requesting the Removal of Grass Verges to Make More Parking Spaces, to Reduce Accidents, Making it Safer for Children to Play and More Accessible for Using Woodend Project  
Approximately 65 signatures, this petition has been referred to the decision maker (Highways Services Manager, Patrick Carney in consultation with the Executive Lead for Safer Communities and Transport, Councillor Robert Excell).
- (c) Objection to St Michaels Traffic Action Zone Scheme  
Approximately 179 signatures, this petition has been referred to the decision maker (Highways Services Manager, Patrick Carney in consultation with the Executive Lead for Safer Communities and Transport, Councillor Robert Excell).

**7. Public question time**

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

**‘Dartmouth Road Crossing**

In 2011 I with a number of other people with a visual impairment attended a Transport Council meeting to ask for Dartmouth Road crossing to be relocated so that it could become a controlled crossing.

The Highways manager had already carried out a site visit and acknowledged that this would be the best position for a controlled crossing and that it would have been the most desirable position for the crossing when it was first installed.

At the meeting I presented a petition of over a 1000 signatures demonstrating support for the crossing, this included a number of older residents who are in support and have passed on comments to the council that the current crossing is unsatisfactory and dangerous.

The councillors in attendance of the meeting agreed that something should be done as I should not be left isolated in my own home and prevented from visiting my local shops, amenities and from using the bus stop to catch the local bus into town.

Despite strong support by the council and local residents a final commitment has not been made by the council to allocate money for the work to go ahead.

There has been opposition by local businesses because some

parking spaces will be lost, however, there is no evidence that alternative arrangements have been looked at, such as the use of additional parking at the pub ample car park or the use of the community church parking facilities.

I have been campaigning for this improved crossing for many years and want to be able to use my local shops and amenities, independently like other residents and members of the community.

Could the council please provide assurances that money will be allocated for this important work? Provide evidence that all avenues have been examined and carried out to find alternative parking and for local businesses to understand the need of local and vulnerable members of the community?'

**8. Members' questions**

To answer any questions asked under Standing Order A13.

**9. Notice of motions**

To consider the following motion, notice of which has been given in accordance with Standing Order A14 by the members indicated:

**(a) Regionalised Pay for the Public Sector**

This council is aware that the Coalition Government is considering the introduction of regionalised pay for the public sector. Such a policy could have the following negative impacts on Torbay:

- 1) It could reduce incomes in the public sector resulting in an even further reduction of wages.
- 2) Increase the brain drain that Torbay already suffers from.
- 3) Regional pay is unlikely to have any measurable impact in making house prices more affordable.

In light of the above this council requests the Torbay Development Agency to conduct research into the impact of this Government policy on Torbay and share with the Government its findings.

Submitted by Councillors Darling and Pentney

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|------------|---|-------------------|
| <b>10.</b> | <b>Mayoral Decision - A Tree and Woodland Framework for Torbay 2012-2017 - Subject to Call-In</b><br>To consider a report on the above.   | (Pages 27 - 114)  |
| <b>11.</b> | <b>Mayoral Decision - Revenue Budget Monitoring 2011/12 (Quarter 3)</b><br>To consider the attached report and any recommendations of the Overview and Scrutiny Board on revenue budget monitoring.                                 | (Pages 115 - 140) |
| <b>12.</b> | <b>Capital Investment Plan - Budget Monitoring 2011/12 (3rd Quarter)</b><br>To consider the attached report and any recommendations of the Overview and Scrutiny Board on the capital plan monitoring and variations for Quarter 3. | (Pages 141 - 164) |

- 13. Council Tax 2012/13** (Pages 165 - 170)  
To consider a report on the setting of the Council Tax for 2012/13.
- 14. Torbay Council Annual Pay Policy Statement** (Pages 171 - 180)  
To consider a report on the above.
- 15. Provisional Calendar of Meetings for 2012/2013** (Pages 181 - 186)  
To consider a report setting out the provisional calendar of meetings for 2012/2013.

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## Minutes of the Council

1 February 2012

-: Present :-

**Chairman of the Council (Councillor Mills) (In the Chair)**  
**Vice-Chairman of the Council (Councillor Stringer)**

The Mayor of Torbay (Mayor Oliver)

Councillors Addis, Amil, Baldrey, Barnby, Bent, Brooksbank, Butt, Cowell, Davies, Darling, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Morey, Parrott, Pentney, Pountney, Pritchard, Richards, Stockman, Stocks, Thomas (D), Thomas (J) and Tyerman

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### 517 Opening of meeting

The meeting was opened with a prayer.

### 518 Apologies for absence

An apology for absence was received from Councillor Scouler.

### 519 Minutes

The Minutes of the meeting of the Council held on 8 December 2011 were confirmed as a correct record and signed by the Chairman.

### 520 Communications

The Chairman:

- (i) reminded Members of the civic charity 'mad hatters' gala night which would be taking place on 2 March 2012 at the Riviera International Conference Centre; and
- (ii) referred to a recent visit to Greycliffe Residential Home in Torquay where he met four ladies who were all celebrating their 100<sup>th</sup> birthday.

### 521 Members' questions

Members received a paper detailing the questions, as set out at Appendix 1 to these Minutes, notice of which had been given in accordance with Standing Order A13.

Supplementary questions were asked and answered by The Mayor (questions 1, 3, 4, 5 and 7), Councillor Lewis (question 2), Councillor Richards (question 6), Councillor Thomas (D) (questions 8 and 9) and Councillor Pritchard (question 10).

## **522 Gas and Electricity Prices**

Members considered a motion in relation to gas and electricity prices, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Pountney and seconded by Councillor Darling:

This Council notes that Torbay suffers from increasing levels of deprivation and growing inequality.

A significant cost to local people is the rocketing cost of utility bills.

This council notes that the wholesale price of Gas and Electricity is the same as 12 months ago, but the cost to consumers has risen by 20%.

In the light of the above this Council instructs the Chief Executive to write to the appropriate Minister demanding more transparency in this market place to ensure that the neediest in our society are not continually disadvantaged.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor considered the recommendation of the Council as set out above at the meeting and requested the Chief Executive to write to Torbay's Members of Parliament raising the Council's concerns in connection with gas and electricity prices and inviting them to meet with the Council to discuss issues affecting Torbay.

## **523 Fair Banking for the People of Torbay**

Members considered a motion in relation to fair banking, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Darling and seconded by Councillor Pentney:

With the residents of Torbay struggling to cope in a deep recession caused in major part by reckless banking, this Council welcomes the report of the Independent Commission on Banking (The Vicker's Report) and the Coalition Government's decision to legislate in 2012 to curb the power of the commercial banks to use the deposits of their customers in casino banking practices, by divorcing the necessary functions of High Street banks from Investment Banking, but calls on Her Majesties Government to accelerate the implementation of this legislation so that banks have to comply during the lifetime of the present Parliament. This Council condemns the timetable proposed by the Chancellor of the Exchequer which gives banks until 2019 to comply. This is unacceptable to the hard working residents of Torbay whose deposits and savings will remain available as assets that can be put at risk to underpin highly speculative operations within those banks.



In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor considered the recommendation of the Council as set out above at the meeting and noted the motion. He advised that he was meeting with representatives from local banks on 2 February 2012 and he would raise the content of the motion at the meeting.

**524 Mayoral Decision - Torquay Waterside Regeneration - Marina Car Park, The Pavilion and Cary Green, Torquay - Subject to Call-In**

The Council made the following recommendation to the Mayor:

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

That the Mayor be recommended:

- (i) that the Chief Executive of Torbay Development Agency, in consultation with the Mayor and Executive Lead for Employment and Regeneration, the Commissioner for Place and the Environment, the Executive Head of Tor Bay Harbour Authority and the Chair of the Harbour Committee, be instructed to negotiate and agree terms for the sale of a long lease or leases to the Marine Car Park, The Pavilion and Cary Green to the Nicholas James Group (or a subsidiary company) ('the Developer'). Such terms to include an obligation on the Developer to obtain planning consent and carry out and complete the redevelopment of the Marina Car Park, the restoration of The Pavilion and redevelopment of Cary Green;
- (ii) that before any agreement is entered into, the Torbay Development Agency shall obtain a satisfactory independent valuation from a firm of Chartered Surveyors with the requisite experience in valuing such developments, demonstrating that the proposed terms represent best value that Torbay Council can reasonably obtain;
- (iii) that the Executive Head of Commercial Services, in consultation with the Chief Executive of Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, be authorised to enter into such documentation as may be necessary with the Council's present tenant, Marina Developments Limited ('MDL'), to allow the development to proceed, including but not limited to the acceptance of the surrender of part or all of MDL's existing leases and the grant of a new lease or leases to MDL or such other party on acceptable terms;
- (iv) that the new leases referred to in (i) and (iii) contain provisions to ensure that Torbay Council as Harbour Authority continues to receive at least the existing levels of income from the development and the marina and that, subject to the outcome of the valuation outlined in (ii) above, negotiations address the need to preserve this level of income during the construction phase; and

- (v) that the Commissioner for Place and the Environment with the Executive Head of Spatial Planning be instructed to determine the Council's exposure to flood risk liability in respect of the proposed development and ongoing Environment Agency funding for Haldon Pier and Princess Pier.

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

The Mayor considered the recommendation of the Council as set out above at the meeting and the record of his decision, together with further information, is attached to these Minutes.

**525 Mayoral Decision - Disposal of Amenity Land Forming Part of 'Old Maid's Perch', Torbay Road, Torquay - Subject to Call-In**

The Council made the following recommendation to the Mayor:

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

That the Mayor be recommended:

- (i) that the area comprising approx 87 square metres lying to the eastern side of the public footpath leading from Shedden Hill Road to Torbay Road (as shown cross hatched on Plan EM1961) be sold to the adjoining proposed owner/developer of the former Palm Court Hotel to facilitate the development of the combined site in accordance with an approved planning consent;
- (ii) that the land be sold to the proposed owner/developer of the former Palm Court Hotel site at a valuation to be recommended by the District Valuer;
- (iii) that the Chief Executive of the Torbay Development Agency be requested to advertise the intended disposal of the land in accordance with Section 123(1)(2a) of the Local Government Act 1972; and
- (iv) that subject to considering any objections raised pursuant to paragraph (iii) and being satisfied that any objections raised should not stop the disposal, the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency, be authorised to dispose of the land described in (i) subject to agreement of terms including a provision that contracts will be exchanged in respect of the land, completion of sale being dependent on completion of the approved planning consent in (i) above.

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

The Mayor considered the recommendation of the Council as set out above at the meeting and the record of his decision, together with further information, is attached to these Minutes.

**526 Mayoral Decision - Future Use of Chestnut Primary School Site - Subject to Call-In**

The Council made the following recommendation to the Mayor:

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

That the Mayor be recommended:

- (i) that the use of the Chestnut school site for a Primary Support Centre and the base for the Torbay Music service (Torbay Academy of Performing Arts - TAPA) be approved; and
- (ii) that the Director of Children's Services be authorised to enter into discussions with The South Devon Gym club to discuss the Chestnut school site being the long term venue for the club.

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

The Mayor considered the recommendation of the Council as set out above at the meeting and the record of his decision, together with further information, is attached to these Minutes.

**527 Members' Allowances - Recommendations of Independent Remuneration Panel**

The Council considered the submitted report which set out the recommendations of the Independent Remuneration Panel on its review of Members' Allowances.

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

- (i) that all proposed increases or decreases set out in the Independent Remuneration Panel's Report be rejected;
- (ii) that the rates for travel be the same as those set in the Torbay Council Expenses Policy and be paid for all approved duties (e.g. 40p for car, 24p for motorbike and 20p for bicycle per mile);
- (iii) that subsistence be paid in accordance with the rates set out in the Torbay Council Expenses Policy for approved duties (e.g. breakfast – depart from home before 7.30 a.m. £6.22; lunch – absent from normal place of work between 11.30 a.m. and 2.15 p.m. £7.35; and evening meal – not home before 6.30 p.m. £10.17);
- (iv) that the following be identified as approved duties for the purpose of travel, subsistence and childcare and dependent carers' allowances:

- (i) attendance at meetings as a duly appointed member of:
  - (a) the Council and any committee of the Council;
  - (b) any sub-committee appointed by a committee;
  - (c) the Executive or committee of the Executive (if appointed);
  - (d) working parties;
  - (e) scrutiny review panels;
  - (f) policy development groups;
  - (g) any outside organisation and their sub-groups appointed by the Council or the Mayor, provided that the organisation does not pay any such expenses (these are listed on each Councillor's details page on the Council's intranet at <http://democratic-svr1:9070/mgMemberIndex.aspx?bcr=1>);
- (ii) attendance at site visits for planning or licensing purposes or as part of overview and scrutiny;
- (iii) attendance at member development sessions;
- (iv) attendance at seminars and all member briefings organised by Torbay Council, except for those held immediately prior to a meeting of Council;
- (v) attendance at non-political conferences, subject to prior approval by the relevant Group Leader and Governance Support Manager and funding for the conference being available (in accordance with the Local Protocol for the Mayor and Political Groups);
- (v) that the Basic Allowances, Special Responsibility Allowances and Co-optees Allowances be indexed from 1 April 2013 to the annual local government pay percentage increase as agreed by the National Joint Committee for Local Government Services. The travel and subsistence allowances will be up-rated as and when the Council's Expenses Policy is adjusted and the whole allowances Scheme will be reviewed by no later than 2015;
- (vi) that the Governance Support Manager be requested to bring the Members' Allowances Scheme up to date and to ensure that approved duties are clear;
- (vii) that the Governance Support Manager be requested to investigate alternative methods of providing broadband for members to reduce the cost of this service whilst ensuring that no member is disadvantaged by the new arrangements, with a view to ceasing providing Council installed broadband lines and members making their own arrangements and being reimbursed for the cost of broadband through their expenses claims; and

- (viii) that the Executive Head of Business Services be requested, in consultation with the Group Leaders, to introduce a parking scheme for Members which allows for an annual parking permit.

An amendment was proposed by Councillor Pentney and seconded by Councillor Darling:

Deletion of the words 'or decreases' from paragraph (i) of the proposal so that it (i) reads as follows:

- (i) that all proposed increases set out in the Independent Remuneration Panel's Report be rejected and the reductions stand, which will save the Council £5,608;

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

A further amendment was proposed by Councillor Parrott and seconded by Councillor Cowell:

That paragraph (i) be amended to read as follows:

- (i) that all proposed increases and decreases set out in the Independent Remuneration Panel's Report be adopted, resulting in a saving of £3,196, but with the following adjustments:
  - (a) with regard to the Panel's recommendation (i) that the Special Responsibility Allowance (SRA) for the Elected Mayor be set at £46,500;
  - (b) with regard to the Panel's recommendation (n) that the SRA for the Overview & Scrutiny Co-ordinator be set at £8,000, thereby bringing it into line with the SRA payable to a Deputy Mayor without Portfolio (see (k)); and
  - (c) with regard to the Panel's recommendations (u) and (v) that the SRA for the Chair of the Harbour Committee and the Chair of the Audit Committee be set at £4,000, thereby better recognising the budgetary and auditing duties involved;

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

The original motion was then put to the vote and declared carried.

## **528 Treasury Management Strategy 2012/13 (incorporating the Annual Investment Strategy 2012/13 and the Annual Minimum Revenue Provision Statement)**

The Council considered the submitted report in relation to the proposed Treasury Management Strategy for 2012/13 which incorporated the Annual Investment Strategy for 2012/13 and the Annual Minimum Revenue Provisional Statement. It was noted that the Strategy aimed to support all Council services by the

management of the Council's cash flow, debt and investment operations and effectively control the associated risks. The formulation of the strategy was a requirement of the CIPFA Code of Practice in Treasury Management and the Council's Treasury Management Policy.

The Audit Committee reviewed the submitted report at its meeting held on 25 January 2012 and they endorsed the recommendations to the Council.

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

- (i) that the Treasury Management Strategy for 2012/13 (incorporating the Annual Investment Strategy 2012/13) as set out in the submitted report be approved;
- (ii) that, in line with the Council's Constitution and Financial Regulations:
  - (a) the Chief Finance Officer be authorised to take any decisions on borrowing and investments. (Delegations to the Section 151 Officer, paragraph 3.1(a)); and
  - (b) the Chief Finance Officer be authorised to invest temporarily or utilise surplus monies of the Council; (Financial Regulations, paragraph 14.5); and
- (iii) that the Annual Minimum Revenue Provision Policy Statement for 2012/13 as set out in Annex 7 to the submitted report be approved.

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

#### **529 Revenue Budget Proposal 2012/2013**

The Chairman advised that in accordance with Standing Order F2.13 in relation to the Budget and Policy Framework this item was referred to an adjourned meeting of Council to be held on 8 February 2012 to enable full consideration to be given to the implications of the proposals set out in the reports circulated at the meeting.

A copy of the record of decision setting out the recommendations of the Mayor in respect of the Revenue Budget is attached to these Minutes.

#### **530 Capital Plan Budget 2012/13 to 2015/16**

The Chairman advised that in accordance with Standing Order F3.12 in relation to the Budget and Policy Framework this item was referred to an adjourned meeting of Council to be held on 8 February 2012 to enable full consideration to be given to the implications of the proposals set out in the reports circulated at the meeting.

A copy of the record of decision setting out the recommendations of the Mayor in respect of the Capital Investment Plan is attached to these Minutes.

**531 Strategic Agreement between Torbay NHS Care Trust and Torbay Council - Policy Framework**

The Chairman advised that as the report relates to the budget this item was referred to an adjourned meeting of Council to be held on 8 February 2012 to enable full consideration to be given to the implications of the proposals set out in the report circulated at the meeting.

**532 Chairman and Vice-Chairman Selection 2012/13**

In accordance with the Council's Standing Orders (A9.1), the Council was required to select, by elimination ballot, the Chairman/woman-Elect and Vice-Chairman/woman-Elect for the next Municipal Year 2012/13.

It was proposed by Councillor Addis and seconded by Councillor Doggett:

That Councillor Stringer be selected as Chairman (Elect) for the 2012/13 Municipal Year.

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

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

That Councillor Parrott be selected as Vice-Chairman (Elect) for the 2012/13 Municipal Year.

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

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Chairman

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## Meeting of the Council

Wednesday, 1 February 2012

### Questions Under Standing Order A13

<p><b>Question (1) by Councillor Parrott to the Mayor and Executive Lead for Employment and Regeneration – Mayor Oliver</b></p>	<p>At the meeting of full Council held on 29 November 2011, Councillor Doggett and I tabled a motion that:</p> <p>'Torbay Council rejects totally the government's plans to implement a badger cull from 2012. In view of its stance, Torbay Council requires that the killing of badgers is prohibited on all land that is under the protection of the Torbay Coast and Countryside Trust. Furthermore, Torbay Council is completely opposed to any pilot cull taking place in the South West.'</p> <p>You decided that the motion would not be considered by full Council, but that it would be taken up elsewhere and that a view would subsequently be taken. The people of Torbay are still waiting for their Council to support their view that this is a disgusting cull, and that we totally reject the coalition government's pathetic attempts to justify the revolting activities of bloodthirsty gun fanatics. Please can we have an update on when we can expect the Council's statement that the infamous South West pilot will not apply on any lands within our borough?</p>
<p><b>Question (2) by Councillor Darling to the Executive Lead for Children, Schools and Families – Councillor Lewis</b></p>	<p>What areas of the children's services were inspected as part of the Ofsted safeguarding inspection in October 2011?</p>
<p><b>Question (3) by Councillor Cowell to the Mayor and Executive Lead for Employment and Regeneration – Mayor Oliver</b></p>	<p>A recent report published by the GMB Union, based on Office of National Statistics Data, shows that 1 in 4 of households in Torbay with members aged between 16-64 have no one in work. Clearly a distressing statistics on its' own.</p> <p>Add to this a further report from End Child Poverty which shows Torbay has the second highest rate of child poverty in the South West – 22%; three wards in Torquay Watcombe (35%), Ellacombe (30%) and my ward of Tormohun (29%) are among the worse in the region.</p> <p>Can the Mayor update us on what activity has taken place since the Employment Task Force was agreed on December 8<sup>th</sup> and has he now set a timetable and established any key targets with dates?</p>

<p><b>Question (4) by Councillor Darling to the Mayor and Executive Lead for Employment and Regeneration – Mayor Oliver</b></p>	<p>During the Mayoral Elections you promised to use a portion of your allowance as a fund for communities to bid for. Can you please advise of the awards made so far and whether you plan to continue this scheme for the full four years of your term?</p>
<p><b>Question (5) by Councillor Pentney to the Mayor and Executive Lead for Employment and Regeneration – Mayor Oliver</b></p>	<p>In this and last financial year how much money has been pledged/committed to the RICC?</p>
<p><b>Question (6) by Councillor Darling to the Executive Lead for Tourism and Environment – Councillor Richards</b></p>	<p>I have been advised by officers that unless over grown hedges from private land threaten a foot path that no action will be taken to stop this encroachment of public open space. Can you please confirm that the administration of the Council agrees with this approach to public open space?</p>
<p><b>Question (7) by Councillor Darling to the Mayor and Executive Lead for Employment and Regeneration – Mayor Oliver</b></p>	<p>Members of the public have raised with me their concerns that the budget consultation process only had closed questions. Was this a mistake?</p>
<p><b>Question (8) by Councillor Darling to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)</b></p>	<p>I understand that Torbay participates in the Devon wide textile bank contract. How has the local authority ensured that this contract has a low carbon foot print?</p>

<p><b>Question (9) by Councillor Darling to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)</b></p>	<p>What actions has Torbay Council taken to bring back into use or redevelop the former B &amp; Q building in Torre, that has been empty for years?</p>
<p><b>Question (10) by Councillor Darling to the Executive Lead for Business Planning and Governance – Councillor Pritchard</b></p>	<p>I note that Torbay Council refused the Speaking Out for Torbay petition comprising 800 signatures. Whilst this maybe constitutionally correct would you agree with me that it may have been in the public interest to accept this petition?</p>

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## **Minutes of the Adjourned Council**

**8 February 2012**

**-: Present :-**

**Chairman of the Council (Councillor Mills) (In the Chair)**  
**Vice-Chairman of the Council (Councillor Stringer)**

The Mayor of Torbay (Mayor Oliver)

Councillors Addis, Amil, Baldrey, Barnby, Brooksbank, Butt, Cowell, Davies, Darling, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Morey, Parrott, Pentney, Pountney, Pritchard, Richards, Scouler, Stockman, Stocks, Thomas (D), Thomas (J) and Tyerman

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### **533 Apologies for absence**

An apology for absence was received from Councillor Bent.

### **534 Order of Business**

In accordance with Standing Order A7.2, the order of business was varied to enable agenda item 13 (Revenue Budget Proposal 2012/2013), to be considered after item 14 (Capital Plan Budget 2012/2013 to 2015/2016).

### **535 Capital Plan Budget 2012/13 to 2015/16**

Further to the meeting of the Council held on 1 February 2012, Members considered the recommendations of the Mayor on the proposed Capital Investment Plan for 2012/13 to 2015/16 which incorporated the Summary Capital Strategy 2012/13, the Asset Management Plan 2012/13 and the Capital Investment Plan 2012/13 to 2015/16 (including Prudential Indicators 2012/13) as set out in the submitted report.

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

that it be recommended to Council:

- (i) that the Summary Capital Strategy 2012/13 set out at Appendix 1 to the submitted report be approved;
- (ii) that the Asset Management Plan 2012/13 set out at Appendices 2 and 3 to the submitted report be approved;

- (iii) that the Capital Investment Plan 2012/13 to 2015/16 set out at Appendices 4 and 5 to the submitted report be approved;
- (iv) that the initial four year indicative allocations of funding to schemes/services for planning purposes within the Capital Investment Plan 2012/13 to 2015/16 be approved;
- (v) that approval of specific capital schemes within the approved Capital Investment Plan in (iv) above be delegated to the Chief Executive, in consultation with the Mayor, Executive Lead for Finance and Chief Finance Officer;
- (vi) that the Prudential Indicators for 2012/13 set out at Appendix 6 to the submitted report be approved; and
- (vii) that the Combined Impact Assessment for the Capital Investment Plan set out at Appendix 7 be noted.

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

- (i) that the Executive Head Finance be requested not to allocate any Capital Plan Budget from the £2 million identified for employment schemes to the Riviera International Conference Centre; and
- (ii) that the Executive Head Finance be requested to allocate £252,000 to fund a councillor community fund for 2012/13 and this be funded from the £2 million employment scheme fund from within the Capital Plan Budget. The councillor community fund to provide £7,000 allocation to each councillor towards community needs within their ward and the Executive Head Finance is requested to identify funding for this project in future years.

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

The original motion was put to the vote and declared carried.

### **536 Revenue Budget Proposal 2012/2013**

Further to the meeting of the Council held on 1 February 2012, Members considered the recommendations of the Mayor in relation to the Revenue Budget for 2012/13. Representations were circulated at the meeting from SPOT (Speaking Out in Torbay), Torbay Sports Council and Julie Brandon and Susie Colley.

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

- (i) that it be recommended to Council:
  - (a) that the budget for 2012/13 set out in paragraph A2 to the submitted report and the associated fees and charges, be approved;

- (b) that the final notified Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;
- (c) that the Members' Allowances Scheme will be implemented in 2012/2013 in accordance with the decision of the Council at its meeting on 1 February 2012;
- (d) that the Chief Finance Officer in consultation with the Mayor and Executive Lead Member for Finance be authorised to approve expenditure from reserves and provisions in accordance with the terms of the respective reserve or provision;
- (e) that in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves be noted;
- (f) that the Chief Finance Officer, in consultation with the Mayor and Executive Lead Member for Finance, be authorised to prepare a report on the financial issues in respect of 2013/14 and later years and issue any appropriate spending targets that may arise as a consequence;
- (g) that the Chief Finance Officer in consultation with the Mayor and Executive Lead Member for Finance be authorised to make adjustments to and introduce new fees and charges within the budget during 2012/13 if it is in the best interest of the Council;
- (h) that the Chief Finance Officer, in consultation with the Mayor, Executive Lead Member for Finance and appropriate officers, be authorised to determine the allocation and expenditure of any new grant monies or unallocated grants that may be received during the year;
- (i) that the Chief Finance Officer be authorised to make adjustments to the budgets for any technical changes;
- (j) that the Review of Reserves report and the transfer of the surplus on a number of individual reserves to a Building Dilapidation and Contingent Liability reserve be approved;
- (k) that the Chief Finance Officer prepare the appropriate documentation for the Council to permit the Council Tax setting at the meeting on 1 March 2012 and all other returns to be made by the appropriate date; and

- (i) that the impact assessments as shown in annex 4 of the submitted report be noted; and
- (ii) that the risks in preparing this budget package be accepted. These risks have been identified in detail in this report and associated budget proposals prepared by officers for their respective Business Units.

In accordance with Standing Order A14.4, it was proposed by Councillor Darling and seconded by Councillor Pentney:

- (i) that the Revenue Budget for 2012/13 be amended to include:
  - (a) £655,000 allocated to Adult Social Care to support the transformations to domiciliary care and residential and nursing home placements. £500,000 of this allocation will support one off initiatives and will not be used to support ongoing commitments;
  - (b) £85,000 (50% of the original proposal to reduce Library Services) allocated back to the Library Service;
  - (c) a one off contribution of £100,000 to establish a South Devon Link Road employment opportunity fund to be administered by the Torbay Development Agency;
  - (d) £10,000 to reinstate the out of hours service for environmental health emergencies; and
  - (e) £200,000 to fund concessionary bus fares to reduce the proposed cut from £400,000 to £200,000;
- (ii) that the following funding be allocated to support the spending identified in (i) above:
  - 1. the Executive Head Finance to identify approximately 2% of Council reserves to achieve £500,000 to be allocated to Adult Social Care (part of (a) above) and £100,000 to the South Devon Link Road Employment opportunity fund ((c) above);
  - 2. the Commissioner of Place and Environment be requested to negotiate a reduction of £100,000 in the grant allocated to the Riviera International Conference Centre. This funding to be used for: Adult Social Care (£55,000) (part of (a) above); Library Service (£35,000) (part of (b) above); and out of hours service for environmental health emergencies (£10,000) ((d) above);
  - 3. the Executive Head Finance to review the Treasury Management Budget with a view to making an additional income of £150,000. This income to be used for Library Service (£50,000) (part of (b) above)



and £100,000 of this be allocated to the Adult social care (part of (a) above); and

4. the Executive Head Finance allocates £200,000 from the £500,000 budget contingency fund for concessionary bus fares ((e) above).

In accordance with Standing Order A19.4 and at the request of Councillor Darling, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), Morey, Parrott, Pentney, Pountney, Stocks and Stockman (14); Against: The Mayor, Councillors Addis, Amil, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (20); Abstain: Councillors Mills and Stringer (2); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Baldrey and seconded by Councillor Doggett:

while there is some understandable local support for 'local issues to be dealt with by local people' the proposed transfer of Brixham Town Hall and Shoalstone Pool to Brixham Town Council will impose additional costs onto the residents of Brixham because there has been no discussion of a counter-balancing reduction in Torbay Council tax for Brixham Residents. This would have the effect of taxing some Torbay residents more highly than others which would clearly be unfair and thus we believe would be of questionable legality.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Pentney and seconded by Councillor Faulkner (J):

that the Council expresses its concern that the Neighbourhood Youth Service will have a gap in service provider. It is important that the quality of the Neighbourhood Youth Service is maintained or improved.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Stocks and seconded by Councillor Faulkner (J):

objection to the loss of a Sexual Health Advisor within Torbay.

Torbay has suffered from high levels of teenage pregnancy for many years and with the appointment of the Sexual Health Advisor figures have finally begun to drop but this improvement has not yet been completely embedded. The loss of the Sexual Health Advisor would affect the delivery of:

- of the health and Schools team.
- National PSHE Programme
- And the loss of the strategic lead for reintegration of teenage mums back into education which reduces the chances of second teenage pregnancies.
- The strategic lead on reducing the spread of Chlamydia amongst the Bays young people.

While many local schools are going to academy status there will still be a demand for this kind of leadership in promoting teenagers' life's chances and enabling them to live more meaningful and rewarding lives.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Cowell and seconded by Councillor Ellery:

- (i) that the revenue budget for 2012/13 be amended to include £63,000 to reinstate the library opening hours reduction within the Residents and Visitors Services budget; and
- (ii) that the funding be allocated to support the spending in (i) above from the £500,000 proposed budget contingency fund.

In accordance with Standing Order A19.4 and at the request of Councillor Ellery, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Parrott, Pentney, Pountney, Stocks, Stockman and Stringer (16); Against: The Mayor, Councillors Addis, Amil, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (19); Abstain: Councillor Mills (1); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Parrott and seconded by Councillor Stockman:

- (i) that the revenue budget for 2012/13 be amended to include £100,000 to reinstate the reduction in early years provision within the Children's Services budget; and
- (ii) that the Commissioner of Place and Environment be requested to negotiate a reduction of £100,000 in the grant allocated to the Riviera International Conference Centre to fund the spending in (i) above.

In accordance with Standing Order A19.4 and at the request of Councillor Stockman, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), James, Morey, Parrott, Pentney, Pountney, Stocks and Stockman (14); Against: The Mayor, Councillors Addis, Amil, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (19); Abstain: Councillors Faulkner (J), Mills and Stringer (3); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Parrott and seconded by Councillor Morey:

- (i) that the revenue budget for 2012/13 be amended to include £20,000 to provide a fit for purpose out of hours service for environmental health services; and
- (ii) that the funding be allocated to support the spending in (i) above from the £500,000 proposed budget contingency fund.

On being put to the vote, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Ellery and seconded by Councillor Cowell:

- (i) that the revenue budget for 2012/13 be amended to reinstate £150,000 to the Youth Service to enable remodelling for utilising partnerships with the voluntary sector. This funding will support one off initiatives and will not be used to support ongoing commitments; and
- (ii) that the Executive Head Finance be requested to identify £150,000 of council reserves to be allocated to (i) above.

In accordance with Standing Order A19.4 and at the request of Councillor Cowell, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Parrott, Pentney, Pountney, Stocks, Stockman and Stringer (16); Against: The Mayor, Councillors Addis, Amil, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (19); Abstain: Councillor Mills (1); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Parrott and seconded by Councillor Stockman:

- (i) that, in view of the need to ensure continued reduction in Torbay's teenage conception rates, £85,000 be reinstated to the Children's Services budget to continue to fund the Strategic Lead Post for Teenage Pregnancies for 2012/13; and
- (ii) that the funding be allocated to support the spending in (i) above from the £500,000 proposed budget contingency fund.

In accordance with Standing Order A19.4 and at the request of Councillor Stockman, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), Morey, Parrott, Pentney, Pountney, Stocks and Stockman (14); Against: The Mayor, Councillors Addis, Amil, Barnby, Brooksbank, Excell, Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (19); Abstain: Councillors Butt, Mills and Stringer (3); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Parrott and seconded by Councillor Ellery:

- (iii) that the revenue budget for Adult Social Care be amended to include an additional £219,000 to accord with the Care Trusts original planning assumptions regarding inflationary pressures. This addition will be a one off provision; and
- (iv) that the Executive Head Finance be requested to identify £219,000 of council reserves to be allocated to (i) above.

In accordance with Standing Order A19.4 and at the request of Councillor Ellery, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), Morey, Parrott, Pentney, Pountney, Stocks and Stockman (14); Against: The Mayor, Councillors Addis, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (19); Abstain: Councillors Amil, Mills and Stringer (3); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

At this juncture and in accordance with Standing Order A11.2, the Chairman advised that the meeting had lasted four hours and the Deputy Chief Executive, the Monitoring Officer and Section 151 Officer had advised that the business remaining on the agenda should be transacted at this meeting.

On being put to the vote it was resolved that the meeting continues.

In accordance with Standing Order A14.4, it was proposed by Councillor Pountney and seconded by Councillor Baldrey:

this Council objects to the increasing of £5,000 to the Chairman's budget, as outlined in the budget proposal.

At a time when everybody has had to tighten their belts and make economies, it appears indefensible that this Council is without any real consultation preparing to spend £5000 on unexplained expenditure.

Only at the last Council meeting we were told that "now was not the right time to increase allowance to Councillors", but in this area there seems to have been an exception.

At a time of austerity, all unnecessary expenditure should be rejected.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Davies and seconded by Councillor Darling:

that the Council objects to the cuts to the service provided by PLUSS. Whilst recognising the need to make financial savings in this sensitive area and with the full knowledge of the cuts by Torbay Care Trust in Day Care for vulnerable adults, assurance is needed of how and where these adults' needs are to be met before considering support being taken away from PLUSS.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Doggett and seconded by Councillor Faulkner (A):

this Council objects to the £400,000 reduction in the reimbursement rate from the Council to bus companies from the concessionary fares due to the adverse impact on local bus services as identified by Overview and Scrutiny Board during the budget process. This reduction will have a negative effect on services to the public throughout the bay as bus operators are already suffering from increases in the cost of fuel and in April 2012 the 20% reduction regarding bus operators' grant will take place. Furthermore the Council will have to be vigilant that services to the outer lying areas of the Bay are not lost. These are essential to convey people and school children, who do not have access to a car or similar vehicle to the main link bus service running through the centre of the Bay from Brixham to Newton Abbot via, Paignton and Torquay.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Cowell and seconded by Councillor Morey:

- (i) that £100,000 is allocated to the Torbay Development Agency to support the delivery of the LABV and to develop Torbay's efforts for economic regeneration and new jobs. This funding will support one off initiatives and will not be used to support ongoing commitments; and
- (ii) that the Executive Head Finance be requested to identify £100,000 of council reserves to be allocated to (i) above.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

The original motion put forward by the Mayor was then put to the vote and declared carried.

Note: During consideration of Minute 536 the following personal interests were declared:

<b>Councillor</b>	<b>Nature of interest</b>
Faulkner (J)	Vice-Chair of Acorn, President and Chair of Chilled-Out and President of Windmill
Darling	Acorn and Councillor Stocks' deputy on PLUSS
Stringer James	Daughter works for Youth Service Trustee on Brixham Youth Enquiry Service
Stocks	Council nominated NED of PLUSS
Faulkner (A)	Director of TDA
Thomas (D)	Director of TDA
Tyerman	Director of TDA

**537 Strategic Agreement between Torbay NHS Care Trust and Torbay Council - Policy Framework**

The Council considered the submitted report on the Annual Strategic Agreement (ASA) for 2012/13 between the Council and Torbay NHS Care Trust for the delivery of Adult Social Care.

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

that the Strategic Agreement between Torbay NHS Care Trust and Torbay Council set out at Appendix 1 to the submitted report be approved.

In accordance with Standing Order A19.4 and at the request of Councillor Parrott, a recorded vote was taken on the motion. The voting was taken by roll call as follows: For: The Mayor, Councillors Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (14); Against: Councillors Addis, Cowell, Darling, Doggett, Ellery, Faulkner (A), Faulkner (J), Morey, Parrott, Pentney, Pountney, Stocks, Stockman and Stringer (14); Abstain: Councillors Amil, Baldrey, Barnby, Brooksbank, Butt, Davies, James and Mills (8); and Absent: Councillor Bent (1). Therefore, in accordance with Standing Order A19.2, the Chairman used his casting vote, voted for the motion and declared it carried.

Chairman

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Title: **A Tree and Woodland Framework for Torbay 2012-2017**

Public Agenda Item: **Yes**

Wards Affected: **All Wards in Torbay**

To: **Council** On: **1 March 2012**

Key Decision: **No** How soon does the decision need to be implemented: **1 April 2012**

Change to Budget: **No** Change to Policy Framework: **Yes**

Contact Officer: **Neil Coish**  
 Telephone: **207790**  
 E.mail: **Neil.coish@torbay.gov.uk**

## 1. What we are trying to achieve and the impact on our customers

### A Tree and Woodland Framework for Torbay

- 1.1 Driven by overarching policies contained within various National and Regional policies, strategies, legislation and statute duties, the Torbay Council Tree and Woodland Framework has been written to deliver these wider aspirations to the local level. The Tree and Woodland Framework has been written to act as both a stand alone document that defines our actions with regard to the management of our tree asset but also further and more importantly as a vehicle to link into the various local strategies and documents that are currently in place to deliver the wider green infrastructure goals of the council. To enable a more unified and therefore effective delivery of the various disparate strategies and documents the Torbay Green Infrastructure Delivery Plan is in its final stages of completion prior to delivery.
- 1.2 Natural resource strategies rarely work in isolation and, for this reason, Torbay Council is developing a framework of strategies and policies around how the natural resource assets on council-owned land, such as trees and woodlands, are going to be managed in the long term. This framework will provide guidance for the maintenance and enhancement of the trees in Torbay and will define the management approach required for the safe useful life expectancy for Council-owned tree stock. It will present a clear strategic aim and will explain the reasons why decisions and actions are taken through the adopted policies laid out within the framework.

- 1.3 The Council has a duty of care for the trees within its ownership and therefore seeks to be a responsible manager and to maintain its trees reasonably, subject to the wide range of constraints and demands presented to them. In view of the Council's ambitions and all the benefits that we receive from trees, as well as the Council's responsibility for tree management and protection, it is fitting for the Council to set out its approach to these issues in a framework.
- 1.4 The purpose of this framework is to address fundamental issues by laying down the basis of management practices to ensure all those involved are working to the same basic principles. This will result in an overall improvement in the standards of tree care which will in turn result in a healthier tree population and happier residents within Torbay.
- 1.5 The framework seeks to establish a point of reference for the public, Councillors, officers and professionally interested people to enable informed discussion and to establish a clearer, more structured approach to the issues affecting trees in the Torbay area.

## **2. Recommendation(s) for decision**

**That the Mayor be recommended:**

- 2.1 that the Torbay Tree and Woodland Framework 2012 – 2017 as set out in Appendix 1 to the submitted report.**
- 2.2. That the Executive Head (Residents & Visitor Services) and the Executive Lead for Tourism and Environment be authorised to make minor amendment to the Framework as required as a result of feedback from the community and stakeholders. If any major alterations are made the Framework will be brought back to Council.**

## **3. Key points and reasons for recommendations**

- 3.1 The overall aims of the framework are to ensure the safety of Council-owned trees; maintain and encourage biodiversity; maintain and improve landscape quality; and, through these elements, to improve the quality of life for residents and visitors both now and in the future. We will achieve this by:
  - maintaining and improving the tree cover for the future by taking advantage of different funding methods available;
  - to reduce the number of inappropriately planted trees by their phased removal and replacement;
  - encouraging the conservation, positive management and the appropriate planting of trees and woodlands within Torbay;
  - promoting the importance of trees and woodlands in shaping the distinctive local character and appearance of the Torbay's coastal, urban and rural landscapes;
  - recognising the significant aesthetic, landmark, ecological, cultural and historic value that trees provide;
  - effectively communicating, educating and engaging with the local community over trees;
  - continuing to move away from a reactive service towards the proactive cyclical

- management of council-owned trees using current best practice;
- managing the tree stock in accordance with good Arboricultural practice and current British and European standards;
  - providing clarity over why decisions and actions are taken;
  - managing any associated risk identified in line with Torbay Council's adopted Tree Risk Management Strategy, whilst balancing nuisance to persons and property against all other aims.
  - recognising the value of trees as a tangible asset.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Sue Cheriton  
Executive Head – Residents & Visitor Services**

## Supporting information

### A1. Introduction and history

A1.1 The Tree and Woodland Framework is an updated version with new policies, guidance and objectives following on from the Tree and Woodland Strategy 2003 – 2008.

A1.2 The framework identifies policies and procedures for Council Owned Trees, private trees and their management.

The key elements of the framework are:

- The benefits of Torbay's urban forest
- Council owned tree and there management
- Council owned woodlands and conservation sites and there management
- Trees on private land and development sites
- High Hedges guidance and authority responsibilities and involvement.

A1.3 Following the agreement wider work will be carried out on the Framework to seek community engagement and ownership.

A1.4 A copy of the draft framework is available on the Torbay Council website on the following link:

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

### A2. Risk assessment of preferred option

#### A2.1 Outline of significant key risks

A2.1.1 There are no additional key risks associated with accepting this report as the risk management of trees has been previously adopted and is concurrent (Tree Risk Management Strategy 2010). Key risks include the following:

- **Finance**, the Framework has been written to be cost neutral based on current levels of funding, reducing funding in the future will affect the levels of service provided.
- **Resources**, the loss of staff will affect the ability to implement the Framework effectively.
- **Legislation**, the Framework will have to be reviewed if there are any changes to legislation.

#### A2.2 Remaining risks

A2.2.1 **Unplanned events**, all of the Council's tree assets are subject to adverse weather conditions and can be affected by extreme high winds.

### A3. Other Options

A3.1 Continue with the existing tree and woodland strategy (now out of date), this strategy was currently unaffordable and lacked direction of proactive

management, low in environmental perspective and does not meet the high current customer service demands.

#### **A4. Summary of resource implications**

A4.1 The framework and its emerging delivery plan will be within the budget allocated for this service area. Developing the use of external grant and resources through proactive management.

#### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 The framework is for the presentation and promotion of environmental benefits of trees and their management. The framework outlines how the Council manages its tree holding within all areas of ownership.

#### **A6. Consultation and Customer Focus**

A6.1 The Framework has been consulted on internally within the Council during its development and a draft document has been issued to Key Stakeholders for consultation. Feedback to date has been positive and has led to some amendment to the framework, however, at the time of the publication of the report some further comments are expected which may lead to further amendments.

#### **A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for any other business unit by approving this framework.

### **Appendices**

Appendix 1- Tree and Woodland Framework

Appendix 2 – Consultation Responses

### **Documents available in members' rooms**

Tree and Woodland Framework

### **Background Papers:**

The following documents/files were used to compile this report:

A Strategy for England's Trees, Woods and Forests (DEFRA 2007)

Trees in Towns II (Department for Communities and Local Government 2008)

The London Plan – Spatial Development Strategy for Greater London (July 2011)

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## A Tree and Woodland Framework for Torbay



**2012 - 2017**

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- Appendix 2 Torbay Council Tree Risk Management Strategy
- Appendix 3 Torbay Pollarding Policy
- Appendix 4 Adopt a Tree and Tree-Memberance/Commemorative Trees Programme
- Appendix 5 Amenity Evaluation for Tree Preservation Order

## Foreword

### A Tree and Woodland Framework for Torbay

Trees and woodlands are an essential part of Torbay's character and identity. They help to breathe life into the area, providing a welcome respite from the hustle and bustle of everyday life. They tell us of the seasons and bring us into contact with nature.

Torbay is geologically and topographically complex, and comprises urban areas of Victorian and later periods developed over ancient countryside, looking towards its most important asset- the sea. The aesthetic aspirations of our forefathers in the towns of Torbay, and their love of trees and landscape, are reflected in the rich variety of landscape types and qualities. Some of the most important natural elements of the local environment are trees. These trees help define Torbay, and add to its attraction as the foremost UK Tourist resort. Trees, whether appearing as individuals, groups or as woodlands, have a significant effect on our quality of life by providing direct and indirect benefits. All local authorities have a duty to protect significant trees for their amenity value and most, Torbay Council being no exception, manage a large number of trees both directly and indirectly.



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## Policy context

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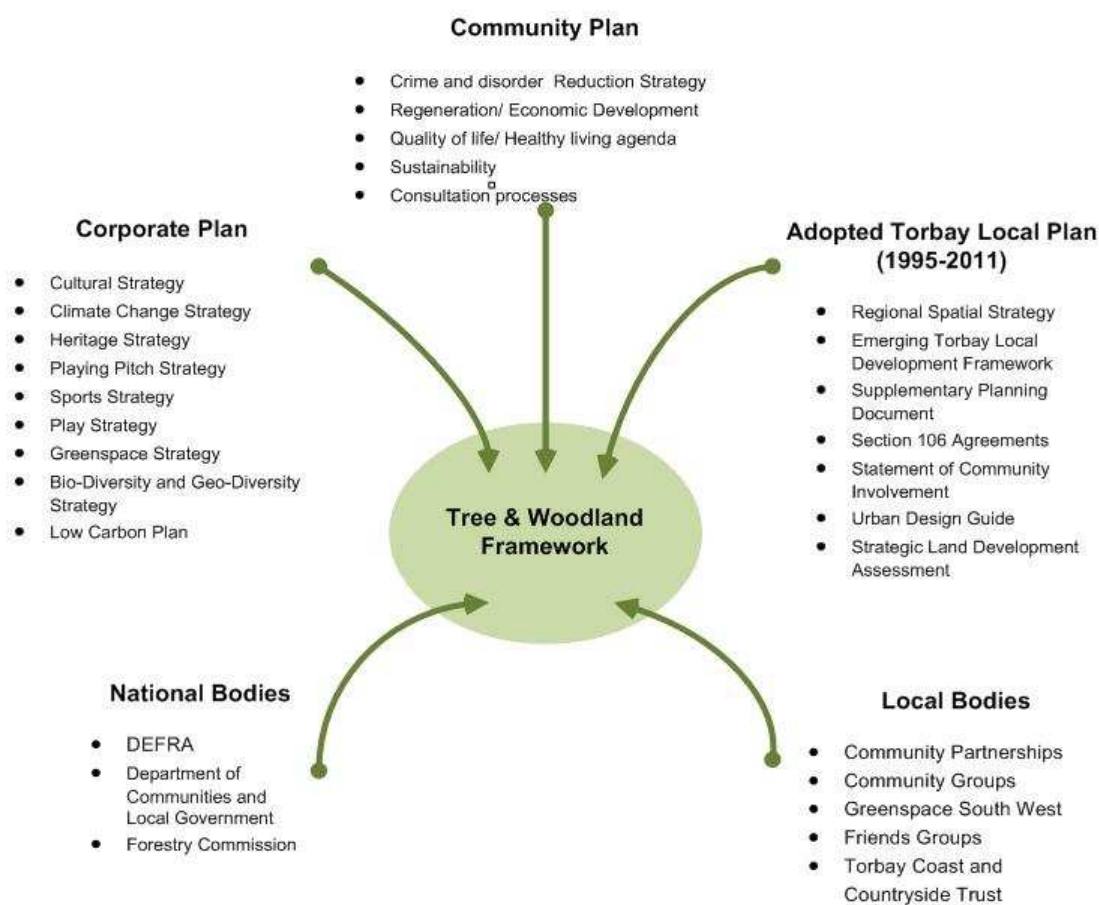
### 1.1. Local

Driven by the overarching policies contained within various National and Regional policies, strategies, legislation and statute duties, the Torbay Council Tree and Woodland Framework has been written to deliver these wider aspirations to the local level.

The Tree and Woodland Framework has been written to act as both a stand alone document that defines our actions with regard to the management of our tree asset but also further and more importantly as a vehicle to link into the various local strategies and documents that are currently in place to deliver the wider green infrastructure goals of the council.

To enable a more unified and therefore effective delivery of the various disparate strategies and documents the Torbay Green Infrastructure Delivery Plan is in its final stages of completion prior to delivery.

To place the Tree and Woodland Framework into a local strategy context the following chart has been prepared.



## **1.2. Regional**

At a regional level the Torbay framework is designed to reflect the targets set out within The London Trees and Woodland Framework. This is mainly due to the similarities in the current and predicted growth in housing density as well as the constant change within Torbay's urban grain, the relevant policy documents include 'The London Plan: Spatial Development Strategy for Greater London, July 2011' (Greater London Authority) and 'Connecting Londoners with Trees and Woodlands: A Tree and Woodland Framework for London' (Greater London Authority). The Torbay Tree and Woodland Framework has adopted the objectives of The London Plan, promoting the principle of right place, right tree. Regional Guidance includes 'Borough Tree Strategies: Guidance for Local Authorities on Producing a Comprehensive Tree Strategy' published under The London Tree and Woodland Framework. Torbay's Tree and Woodland Framework has considered the principles of The London Trees and Woodland Framework guidance and will aim to formalise a draft action plan with realistic targets and milestones.

## **1.3. National**

Torbay Council's Tree and Woodland Framework has been updated by a wide ranging review of the relevant policies at national, regional and local levels. The review enables consistency between the Torbay framework and the overarching policies in place. The key policy documents at the national level include 'A Strategy for England's Trees, Woods and Forests' (DEFRA, 2007) and 'Trees in Towns II' (Department of Communities and Local Government 2008). DEFRA's strategy aims to ensure that there is a resource of trees, woods and forests where they can contribute most in terms of environmental, economic and social benefits. 'Trees in Towns II' promotes investment in the urban forest.

Sustainability and its development is the main national policy driver, filtering through from international policy and legislation. 'Planning Policy Statement 1: Delivering Sustainable Development' (CLG 2005) is the overarching national planning policy and the central theme of this is the delivery of sustainable development. Sustainability is pictured as a balance between social, environmental and economic development. Tree benefits encompass these three pillars of sustainable development. A linked policy driver is to reduce vulnerability to climate change and to mitigate the impacts of climate change. Trees have a significant role in carbon sequestration and the moderation of microclimates. Main policy issues set at the international scale, and reflected in national policy, include the protection and enhancement of biodiversity and ecology, landscape and cultural heritage.

## 2. Introduction

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### 2.1. Why have a Torbay Tree and Woodland Framework?

Torbay Council is firmly committed to maintaining and enhancing Torbay's trees and woodlands as a vital part of the environment. As one of the UK's richest Local Authorities in terms of biological diversity, the Council seeks to ensure that its commitment to the environment is followed through with actions. The production of this document is such an action. This document's origins lie in the recognition that long term commitment and consistency are required if the Council's ambitions for environmental enhancement and protection are to be realised.

There are also important legal responsibilities associated with the ownership of trees, as in the case of Tree Preservation Orders and trees within Conservation areas; others are in the interest of best practice and health and safety. The Council has a duty of care for the trees within its ownership and therefore seeks to be a responsible manager and to maintain its trees reasonably, subject to the wide range of constraints and demands presented to them.

In view of the Council's ambitions and all the benefits that we receive from trees, as well as the Council's responsibility for tree management and protection, it is fitting for the Council to set out its approach to these issues in a framework. The purpose of this framework is to address fundamental issues by laying down the basis of management practices to ensure all those involved are working to the same basic principles. This will result in an overall improvement in the standards of tree care which will in turn result in a healthier tree population.

### 2.2. Framework Aims

The overall aims of the framework are to ensure the safety of Council-owned trees; maintain and encourage biodiversity; maintain and improve landscape quality; and, through these elements, to improve the quality of life for residents and visitors both now and in the future. We will achieve this by:

- maintaining and improving the tree cover for the future by taking advantage of different funding methods available;
- to reduce the number of inappropriately planted trees by their phased removal and replacement;
- encouraging the conservation, positive management and the appropriate planting of trees and woodlands within Torbay;
- promoting the importance of trees and woodlands in shaping the distinctive local character and appearance of the Torbay's coastal, urban and rural landscapes;
- recognising the significant aesthetic, landmark, ecological, cultural and historic value that trees provide;
- effectively communicating, educating and engaging with the local community over trees;
- continuing to move away from a reactive service towards the proactive cyclical management of council-owned trees using current best practice;

- managing the tree stock in accordance with good Arboricultural practice and current British and European standards;
- providing clarity over why decisions and actions are taken;
- managing any associated risk identified in line with Torbay Council's adopted Tree Risk Management Strategy, whilst balancing nuisance to persons and property against all other aims; and
- recognising the value of trees as a tangible asset.

### **2.3. How often will the Torbay Tree and Woodland Framework be reviewed?**

It is intended that the main framework should be reviewed every 5 years and it is hoped that its appendices will continue to develop during and with each planned review.

### **2.4. What and who is the Torbay Tree and Woodland Framework for?**

Natural resource strategies rarely work in isolation and, for this reason, Torbay Council is developing a framework of strategies and policies around how the natural resource assets on council-owned land, such as trees and woodlands, are going to be managed in the long term. This framework will provide guidance for the maintenance and enhancement of the trees in Torbay and will define the management approach required for the safe useful life expectancy for Council-owned tree stock. It will present a clear strategic aim and will explain the reasons why decisions and actions are taken through the adopted policies laid out within the framework.

The framework seeks to establish a point of reference for the public, Councillors, officers and professionally interested people to enable informed discussion and to establish a clearer, more structured approach to the issues affecting trees in the Torbay area.

### 3. The Benefits of Urban Trees

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Trees are known to be the largest living organisms on earth, they are essential to other life and therefore their value cannot be overstated. Their longevity poses a problem though, in that their life spans are generally outside the scope of individual human expectance and there may be a tendency to think that trees last forever.

There is a substantial body of research (see Appendix 5) that supports a wide range of benefits that trees provide and bring to urban areas. These benefits have been listed and set out in categories below:

#### Environmental

- Reduce localised temperature extremes (The Urban Heat Island)
- Provide shade, making streets and buildings cooler in summer
- Help to improve air quality by reducing dust and particulates
- Improve environmental performance of buildings
- Help to reduce traffic noise, absorbing and deflecting sound
- Help to reduce local wind speeds
- Increase biodiversity and provide food and shelter for wildlife
- Assist in land remediation
- Reduce the effects of flash flooding by rainfall interception

#### Social

- Improve the quality and perception of the urban environment
- Create community focal points and landmark links
- Create sense of place and local identity
- Benefit communities socially by instilling higher public esteem and pride for an area
- Positive impact on both physical and mental health and well being
- Positive impact on crime reduction
- Improve health in the urban population

#### Economic

- Have the potential to increase residential and commercial property values by 7% to 15%<sup>1</sup>
- Improve the environmental performance of buildings and therefore the economic performance through reducing heating and cooling costs
- Can provide mature landscapes that confer a premium for development sites
- Assist the appreciation of property values proportionate to their scale as they grow larger
- Creating a positive perception for prospective purchasers of property
- Enhance the prospects of securing planning permission

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<sup>1</sup>CABE Space 2005 *Does Money Grow on Trees?*



- Improve health in the urban population, thus reducing healthcare costs
- Provide a potential long term renewable energy resource
- Provide valuable timber resources.

There is increasing public awareness of the benefits listed above and the need for trees. People are beginning to place a higher priority on the environment in which they live. In urban areas this invariably means that there should be accessible recreational open spaces, tree-lined streets and woodlands within Torbay.

### 3.1. The Financial and Structural Value of Trees

The above lists are not exhaustive, but they clearly identify that the benefits of trees are enormous and wide ranging. In recent years there has been increased interest in quantifying these benefits and translating them into financial terms. Systems known as CAVAT<sup>2</sup> (Capital Asset Value for Amenity Trees), Helliwell<sup>3</sup> and i-Tree Eco have been used by Torbay Council to prepare valuations of their tree stock, which can then be used to justify managing the trees as if it were a financial asset of the community; i-Tree especially being a major step forward for Torbay Council as, traditionally, the management of trees and woodlands by local authorities has been seen solely as a cost, with no acknowledgement of the financial benefits and eco-services that trees bring.

Torbay Council has carried out a detailed monetary valuation by type of benefit (five categories: air quality, energy conservation, storm water, carbon reduction), total benefits, management costs and net benefits on their trees using the i-Tree system. A detailed assessment solely of the monetary value alone on trees in Torbay using the CAVAT system has not been carried out, although it is recommended as a target for the future. The Capital Asset Value identified within the i-Tree report states “Torbay’s urban forest improves air quality by removing over 50 tons of pollutants from the air every year, a service worth at least £1.3 million annually”.

### 3.2. i-Tree Eco model pilot project

Trees are an integral part of our urban ecosystems found in abundance throughout streets, parks, gardens and woodlands in Torbay. They provide a myriad of services that benefit our urban communities, such as offsetting carbon emissions, improving air quality by filtering pollutants and regulating local climate. These services improve the environmental quality of urban areas as well as human health and well being.

The first step to improve the management of Torbay’s Urban Forest is to evaluate its current structure and distribution, obtaining a base line from which to set goals and to monitor any changes. By measuring the structure of the urban forest (the physical attributes such as species composition, tree density, tree health, leaf area and biomass), the functions (benefits or ecosystem services) of the urban forest can be calculated and valued.

i-Tree presents a quantitative valuation of a range of benefits delivered by Torbay’s urban forest. Using collected field data, the i-Tree Eco model<sup>4</sup> and associated literature, the value of Torbay’s urban forest has been estimated and the findings

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<sup>2</sup> Neilan, C. (2008). CAVAT (Capital Asset Value for Amenity Trees) full method: user’s guide, revised edition: [www.ltoa.org.uk](http://www.ltoa.org.uk)

<sup>3</sup> Helliwell, D.R. (2008). Visual amenity valuation of trees and woodlands (the Helliwell System). Guidance Note No. 4. Arboricultural Association, Romsey.

<sup>4</sup> i-Tree (2008). i-Tree Software Suite User’s Manual: [www.itreetools.org](http://www.itreetools.org)

documented as a report - Torbay's Urban Forest: Assessing Urban Forest Effects and Values<sup>5</sup>. Torbay has approximately 11.8% forest cover made up of around 818,000 trees at a density of 128 trees/ha<sup>-1</sup>, these trees represent an estimated structural asset worth over £280,000,000. The Councils base line budget per annum is currently £313.300 which equates to approximately £0.38p to spend per tree.

In addition, Torbay's urban forest provides the equivalent of £345,811 in ecosystem services annually. An estimated 98,100 tonnes (approximately 15.4 t ha<sup>-1</sup>) of carbon is stored in Torbay's trees, with an additional gross carbon sequestration rate of 4279 tC/yr<sup>-1</sup> every year (approximately 671 kg ha<sup>-1</sup> yr<sup>-1</sup>). This equates to £1,474,508 in storage and £64,316 in annual sequestration. Contributions to improving the air quality of Torbay total over 50 tons of pollutants removed every year, which equates to an annual estimated value of £281,495.

The values presented in the Torbay i-Tree study represent only a portion of the total value of the urban forest found within Torbay because only a proportion of the total benefits have been evaluated. Trees confer many other benefits, such as avoided energy costs for cooling and heating, visual amenity, human health, tourism, ecological benefits, and other provisioning and regulating services such as the timber and natural hazard mitigation<sup>6</sup>, which currently remain un-quantified.

The importance of trees generally, and their association with the above benefits, will increase as the predicted effects of climate change (such as increased summer droughts and winter rainfall) become more apparent. Although there is scope to improve the approach used in the Torbay study with UK specific data, it still provides a useful indicator of the monetary value of urban trees and allows for a better analysis of tree planting costs and benefits to be undertaken. The findings should also raise awareness of the wide range of ecosystem services delivered by trees in urban areas, strengthening the case for increasing "urban greening", and promoting the sustainability of urban ecosystems within Torbay.

### 3.3. Trees and Climate Change

As the effects of climate change become better understood, it is becoming increasingly clear that one of the best ways in which we can make our towns and cities more hospitable over the next few decades is to increase the number, and size, of trees in urban areas. Trees have been identified as being a key element of any urban climate change adaptation strategy in England; climate change is likely to bring higher average temperatures and increasing incidents of sudden, heavy rain. Already, our cities have higher temperatures than the rest of the country due to the urban heat island effect. As the effects of climate change increase, the temperatures in our cities are likely to become more difficult to live with. In addition, sudden heavy rainfall on built-up areas will be increasingly likely to overwhelm drainage systems resulting in flooding.

Trees, however, can help with both problems. By providing shade for buildings and streets, and allowing water to evaporate through their leaves, they reduce the local environmental temperature. When it rains, tree canopies slow the rate at which water reaches the ground. This slows the rate at which the water enters the drains, giving them more time to carry away the water and so reducing the likelihood of flooding. This can be particularly effective as part of a sustainable urban drainage system

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<sup>5</sup> *Torbay's Urban Forest: Assessing Urban Forest Effects and Values*

<sup>6</sup> *de Groot et al 2010*

(SUDS). Consequently, it is becoming increasingly understood that trees will be an important ingredient in creating successful towns and cities of the future. This is now starting to influence urban development policy at both national and local levels.

### **3.4. General Tree Problems**

People often live in close proximity to trees, particularly in urban areas. These trees are either their own, their neighbours' or, quite commonly, belong to the Council. Inconvenience to residents can be caused by trees when they grow near dwellings. A dilemma often occurs when the tree makes an important contribution to the local environment but also causes inconvenience to those living nearby.

With any population of trees, there are a number of common sources of complaint including, but not limited to, overhanging branches, shade, leaf/fruit fall, obstruction and physical damage. Many of these problems are considered to be minor or seasonal and are considered to be social problems associated with living near trees. They can often be dealt with by prescribing the appropriate tree maintenance in order to resolve or alleviate the issue. However, sometimes the problem is a result of inappropriate species selection or poor past management and it may be difficult or impossible to resolve in all parties' favour.

Future nuisance issues can be minimized by following the principle of planting the 'right tree in the right place'. Careful consideration is given to the appropriate location of all new trees. Thoughtful species selection will also aim to select a tree which will give the greatest long term amenity and environmental benefit, while requiring minimal maintenance.

A document titled 'Tree Management and Protection: Frequently Asked Questions'<sup>7</sup> has been published by the Natural Environment department and is normally, where appropriate, sent out to all enquirers upon receipt of their enquiry.

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<sup>7</sup> *Tree Management and Protection: Frequently Asked Questions, see Appendix 1*

## 4. Trees on Council Land

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### 4.1. Council owned trees and their management

This part of the strategy sets out the Council's approach to the management of trees throughout Torbay for which it is directly responsible. Trees under the ownership of the Council are maintained on a reactive basis currently and in line with Torbay's Tree Risk Management Strategy<sup>8</sup>. Tree works are undertaken to fulfil the Council's 'duty of care' and, in accordance, with the management priorities of other particular services if deemed necessary.

Tree management encompasses the co-ordination of all maintenance operations to existing trees as well as new tree planting. The existing tree population is a valuable resource which requires more than just maintenance if it is to continue to provide the range of benefits that we expect. Management must include a long term view of the tree resource, providing for the future as well as for today.

There are FOUR major elements of the Council's tree population:

- **Street Trees**  
These are the trees planted in pavements or road verges along the streets. They help to filter traffic pollution, provide shade for car parking and improve the overall appearance of the street scene.
- **Trees in Parks, and Open Spaces**  
These are commonly the most significant trees in the area and have a profound effect on its appearance and, consequently, upon the leisure experience of users of the open space as well as for visual amenity for Torbay's residents and visitors alike.
- **Woodlands**  
Torbay Council owns approximately 300 Ha (800 acres) of semi-natural woodland. Part of this resource is managed by the Council's Natural Environment department, whilst part is managed by the Coast and Countryside Trust, under a 60-year lease. These woods are managed by the Trust in liaison with the Natural Environment Officers.
- **Trees on Private land Protected under Town and Country Planning Acts**  
A large proportion of both the urban and rural tree population is privately owned. The quality of private tree care is very variable and ranges from owners who are completely indifferent, to motivated but poorly advised owners, to those who take great pride in their trees and are anxious to seek the best advice and engage quality contractors to carry out required work.

#### 4.1.1. Pro-Active management

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<sup>8</sup> Torbay's Tree Risk Management Strategy, see Appendix 2

An arboricultural contract has been in place since 2002. However, due to the continuous high level of enquiries and internal requests for tree work, through perceived or actual problems with trees, as well as staffing and financial constraints, a pro-active element of the contract has never been implemented. A new contract is due to start in April 2012 and will be for 6 years with a possible 2 year extended option to the winning tender.

The introduction of a pro-active based contract/contracts system within the new tender will optimise use of available resources and suit the aging tree-lined streets and parks within Torbay. The aim of a pro-active contract is to provide the best possible quality of tree population within the physical restrictions and the resources available to the Natural Environment department. It is proposed to introduce a new rotational management scheme based on Torbay being divided into the known ward areas. Each ward area will receive priority once every 5 years with urgent, cyclical or management work being carried out in the non-priority areas when required. This enables our resources to be manageable and concentrated to best effect and should ensure that all trees, that require it, receive appropriate maintenance within a 5 year cycle.

This will allow appropriate consultation and survey work to be undertaken well in advance of the work programme. In the other non-priority areas, management and cyclical work (such as recommended tree maintenance and basal growth removal) and urgent works will be carried out. It is anticipated that a large amount of tree work will be required during the first 5 year cycle in some wards. However this will stabilise when the backlog of essential work has been cleared.

In order for a pro-active tree work and management framework to be effective and in line with Torbay Council's Tree Risk Management Strategy, the Council will need to invest in the inspection of all its trees and woodlands to update its inventory of the trees currently held on the Council's tree data base system, EzyTreev.

At present, only principle highways trees and some high use parks are inspected on a set cyclical programme. All other remaining council owned trees are managed on an 'as needs' basis with no regular programme of inspections. The Council recognises it has a duty of care to ensure that trees in streets, parks and open spaces are maintained in a safe condition and it will urgently seek to secure officer time and/ or funding to allow a programme of regular inspections to take place.

As a minimum, the Council will carry out an initial assessment of all trees on principle highways, public parks and open spaces in 2012/13 to assess any potential risks and identify any works required to maintain the trees are in a safe condition. As a general management policy, Torbay Council will only undertake works identified as necessary in the interest of public safety and will not undertake the topping, thinning or felling of trees to prevent branch overhang, the accumulation of leaves, seeds or minor debris, where the trees in question would not require any work normally.

#### **4.1.2. EzyTreev database**

It has been clearly identified within the Natural Environment department that there needs to be a comprehensive inventory of Council-owned trees with a clear line of communication between the tree inspection regime and the tree works ordering system. The system comprises of a proprietary central electronic database, EzyTreev. The EzyTreev Management System is a comprehensive computer programme which enables tree inspectors to record and store all inspections and

public enquiries with a clear audit trail. Information is recorded against individual trees or groups irrespective of whether works are specified or not. All inspections are supported, where possible, by photographic evidence which is attached to the specific tree inspection data field for future reference.

All enquiries when received are inputted into the EzyTreev system and then acknowledged with a pro forma letter and the leaflet Tree Management and Protection: Frequently Asked Questions (FAQs) (see Appendix 1). The initial acknowledgement letter sent, and any further correspondence from EzyTreev to the enquirer, has been designed around the Tree Risk Management Strategy and the FAQs leaflet. If the officer feels that the matter has been addressed by the FAQs, the Council will consider the matter concluded.

#### **4.1.3. Permit to work**

Torbay Council receive numerous enquiries and requests from domestic and business holders, service providers, statutory bodies and their agents, to undertake pruning and removal works to trees and shrubs within or on parks, open spaces and highways for a variety of reasons. The Council will consider these enquiries against the criteria laid out in the "Tree and Woodland Framework" which highlights the management policies adopted by the Council.

It is however not always possible for the Council to allocate sufficient funding to undertake all the works that are requested and that are not considered being statutory requirement. The Council's permit to work allows remedial works to be undertaken by the enquirer if they are funded externally and carried out by a qualified council-approved arboricultural contractor.

#### **4.1.4. Policies for General Tree Management (T)**

These individual policies for General Tree Management below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

Policy T1	To ensure the effective implementation of policies in this framework the Council will allocate appropriate resources specifically for surveying, arboricultural work including tree planting and, where possible, seek external funding through partnerships or grant schemes.
Policy T2	The Council will ensure that the tree population continues to be protected developed and enhanced where appropriate.
Policy T3	The Council will aim to provide a sustainable, high quality tree population.
Policy T4	The Council will aim to encourage and enable better understanding of the management of trees in order to promote greater community pride and awareness of the tree stock.
Policy T5	The Council will aim to maintain the highest possible standards of tree care and management in order to act as an example of best practice for others to follow. The Council will ensure tree works will be carried

	out to current Best Practice standards BS: 3998 (current version) and the European Tree Pruning Guide.
Policy T6	The Council will take reasonable steps to fulfil their obligation to ensure the safety of people and property. Trees will be inspected in accordance with the Tree Risk Management Strategy.
Policy T7	The removal of trees, and the carrying out of inappropriate or damaging works to trees, will be restricted unless there are sound safety or arboricultural reasons to indicate otherwise.
Policy T8	The Council will seek to deter any damage to its tree stock by investigating and testing initiatives to reduce vandalism to trees and, where council-owned trees have been damaged, the Council will seek to recoup the cost of reinstatement and replacement and, where appropriate, report criminal damage.
Policy T9	Opportunities will be sought for planting additional trees within the borough with a preference for large maturing species wherever space and ground conditions permit. Species selection for new planting will avoid species likely to be intolerant to climate change.
Policy T10	The Council will carry out an initial tree survey of all council-owned and managed trees so that the collected and up-to-date information can be used to manage the tree resource in a planned and efficient way, which allows for the development and implementation of long term management plans, work schedules and the prioritisation of tree work.
Policy T11	The Council will seek to ensure that tree and woodland planting and management contributes to the overall biodiversity of the borough and will ensure that it is not detrimental to the aims and objectives of Torbay's Biodiversity Action Plan.
Policy T12	The Council will seek to support Biodiversity Action Plan aims and objectives through tree and woodland planting and management. In particular, new planting will be used to create and strengthen urban and rural wildlife corridor links across the Torbay.

## 4.2. Street Trees

Trees planted along streets are very important features and help to define and frame the streetscape giving visual identity whilst also enhancing the street scene. The character of the scene varies between different parts of Torbay depending on the period of development, the species of trees planted, and management techniques used.

The importance of street trees should not be underestimated. People in Torbay will come into contact with street trees more often than trees planted in other locations. Often, they are the only significant vegetation growing in streets. Unfortunately, the visual amenity provided by street trees is often only truly appreciated when a tree is pruned heavily, or removed, and the difference is noticed.

The particular benefits that street trees provide include:

- Enhanced quality of life for people living and working in Torbay through promoting a sense of well-being and so promoting health
- Increased privacy in residential roads and gardens through screening
- Increased local property values: a survey of any Estate Agent's window will often show more expensive properties being in "tree-lined streets"
- Providing shade for car parking
- Provide habitat for urban wildlife
- Historical importance – many of Torbay's street trees are from Victorian design
- Linking areas of green space
- Filtering airborne dust and traffic pollution
- Reducing temperature extremes at street level
- They absorb some traffic noise.

#### **4.2.1. Highways maintenance works**

There can be a significant conflict between the need to manage the Council's highway infrastructure and the need to manage the Council-owned trees, as work often requires excavation and construction within the root zone of trees.

Street trees are often already subject to a poor rooting environment as a result of the intense pressure for space from constraints such as underground cables and pipes, traffic, buildings, street lights, road signs. In addition, the limited space is often polluted by car emissions, road salts, oil and other pollutants that challenge the tree's survival. Despite all of this, trees can and do survive, although with a more limited safe useful life-expectancy and with varying degrees of success.

Maintenance of the highway, service routes and street furniture is an ongoing process in Torbay and is undertaken by a number of different parties including utilities companies and the Council's Highways department, joint venture partner and contractors. Such works are essential for both economic and social needs. Where these works are planned, the Council will provide advice and recommendations, referring to published guidance, on the most efficient methods to avoid damage to trees. The Council will endeavour to make all utility companies and their contractors aware of the revised version of National Joint Utilities Group: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG4) and will expect compliance with the guidelines.

In order to maintain the quality of Torbay's street trees, it is important that any damaged trees are either removed; replaced or appropriate remedial works are undertaken. Costs will be recovered from the organisation responsible for damaging the tree to cover the cost of remedial works or removal and replacement.



#### 4.2.2. Cyclical Maintenance programme

It is important that the Torbay's street trees are effectively managed to ensure that they continue to deliver positive benefits to the character and quality of life in the borough both now and in the future. At the same time, the potential for damage and nuisance caused by street trees needs to be recognised and appropriate planning and management measures need to be put in place to ensure these issues are minimised.

Torbay Council will aim to inspect and prune trees within a 5 year pro-active management cyclical programme. All inspections will be carried out by a suitably qualified Officer employed by the Council and in line with Torbay Council's adopted Tree Risk Management Strategy. During inspections information such as species, size, condition, risk and any suitable works recommended are programmed into a tree inventory database EzyTreev. The information contained in the database is used to keep management and subject records for each individual tree. This information can be used to analyse the history of the tree for ongoing enquiries, complaints, and claims queries as well as both asset and risk management.

Torbay Council's main aim for the future is that all tree pruning recommended within a cyclical programme will be undertaken by qualified tree surgeons on a programmed ward by ward basis. Proactive, rotational management gives a fair and equitable approach as well as enabling ward members and residents advance information of tree maintenance works. Trees will not be pruned outside of the 5 year cyclical pruning programme unless there is a real risk of health and safety issues or threat of legal action. This ensures a sound approach to management both financially and contractually.

#### 4.2.3. Torbay Pollards

The Unitary Borough of Torbay is extremely fortunate in containing large numbers of pollarded trees within its boundaries, contributing as they do to many diverse benefits ranging from their visual and aesthetic value, as well as helping to increase biodiversity by providing food sources and valuable shelter for wildlife and even helping us in our goals of climate change mitigation.

Pollarding should not be confused with either topping or lopping which can be described as the removal of large diameter upper branches in order to reduce the height of a tree considerably. This is poor practice and usually creates large wounds, which often allow decay to invade the tree. New branches are often weak and break off after a few years. Topping looks unattractive, leaving the tree with a stunted appearance.

There is little public understanding of the meaning of what really constitutes a pollarded tree. Common definitions found in arboricultural texts refer to pollarding as the following:

**Pollard** - "tree that has formed a crown consisting of numerous branches arising from the same height on a main stem or principle branches"<sup>9</sup>

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<sup>9</sup> BSI Publication (2010), *Tree Work-Recommendations BS 3998:2010*

**Pollarding** - “cutting a tree so as to encourage formation of numerous branches arising from the same height on a main stem or principle branches”<sup>10</sup>

Our rich legacy of mature and maturing pollarded trees is mainly due to the foresight of the Victorian Torbay Town Planners who understood the importance of including trees when laying out the new suburbs. They intuitively understood that large trees could successfully coexist with residential properties, and our highways, if regularly managed by pollarding.

The aim of Torbay Council is to adopt the attached Torbay Pollard Policy (see appendix 3) in order to raise public awareness that the large numbers of pollards within the Bay should not be considered as a forgotten and troublesome legacy, but rather as a positive feature within our unique landscape that contributes to the health and well being of our population. These aims are supported by a goal to integrate the management of our pollarded trees within the needs and aspirations of the public of Torbay, in conjunction with the Tree and Woodland Framework and Tree Risk Management Strategy recently adopted, which also links into the Greenspace Strategy adopted as part of the Torbay Local Development Framework.

By developing a strategic approach to both pollard and pro-active management it will be possible to identify the resources required to implement a planned cycle of action and to maximise budgets set, grants and other possible forms of income. There is also a recognised need to increase public education of the importance and benefits of pollarded trees in our environment and also involve residents in decisions on repollarding trees in their area.

#### **4.2.4. Tree planting**

There is a general presumption by the public that when the Council removes a tree, it will replant with a new tree soon afterwards. Planting opportunities after a tree has been removed are becoming increasingly more expensive and difficult as a new tree pit not only has to contend with the underground pipes and cables but also has the aerial competition from street lamps, traffic signs, vehicle sightlines.

The Council has not had any significant dedicated planting budget for many years. Consequently it has been unusual for a new tree to be planted following the removal of a tree in recent years. Any planting that is carried out in the street is paid for by one of four methods: private sponsorship, discretionary budget fixed annually, traffic schemes or Section 106 payments through the planning system. Given the medium term financial plans of the Council, this situation is unlikely to change in the next 5 years. However, long-term future planning should consider this budgetary implication to ensure the percentage of tree cover within Torbay is not only maintained but increased.

The Council will therefore aim to maintain the number of street trees in Torbay at a consistent and sustainable level. A discretionary programme of tree planting to replace those removed will contribute to this objective. The planting season for new street trees is normally from October to the beginning of March.

In the case of newly planted trees being put back into a street scene, the maintenance and management of the tree continues for 2 years after planting. This

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<sup>10</sup> BSI Publication (2010), *Tree Work-Recommendations BS 3998:2010*

includes regular watering during the summer months and regular inspection of the stakes and ties. These inspections are undertaken outside of the cyclical maintenance survey. Once two years has passed the tree will be passed to the minimum 3 year inspection regime.

#### **4.2.5. Phased replacement of inappropriate street trees**

In some situations maintenance and associated problems of a tree are so great that removal and replacement can not only improve the environment for residents, but avoid substantial financial liabilities for the Council.

Where the problems and likely future maintenance costs are so great that appropriate pruning cannot remedy the situation, trees will be removed and replaced with a more suitable species. Trees may also be removed which are over mature and require frequent expensive maintenance, or have a reduced safe useful life expectancy and replaced with either younger trees of the same species or a more suitable species altogether

Thoughtful planned removal of unsuitable trees, or trees reaching the end of their safe useful life expectancy, and replanting with appropriate replacements will produce a more sustainable tree population that is diverse in age and species. This long term approach to street tree management will produce both short and long term improvements to the environment, reduce nuisance issues, maintenance costs and release resources to be used for other improvements within the local environment.

General street tree maintenance and highways works options to include footway ramps, root pruning, build outs and the general acceptance of the risk will all be considered first before a tree is removed. The process of identifying, recording and managing highways defects is documented within the Torbay Highways Safety manual.

Identification of trees for phased removal and replacement will be carried out with due consideration to all factors, including proximity to buildings, adjacent highways, species choice for replanting and the amenity value trees provide. The phased removal and replanting process will be assessed on individual merits and evaluated objectively.

#### **4.2.6. Policies for Street Trees (S)**

These individual policies for Street Trees below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

**Policy S1** The Council will reject requests for the removal of, or carrying out of inappropriate work to trees which are healthy but subject to complaint; unless the basis of the complaint is an overriding justification and no alternative management practice can be implemented. Works will only be carried out following The Tree Risk Management Strategy priorities (see Appendix 2).

**Policy S2** The Council will prioritise the replacement of missing or removed street trees in historic parts of Torbay, particularly where these adjoin major traffic routes, planting large growing trees where appropriate.

Policy S3	The Council will seek to plant new street trees in appropriate sites, with priority given to sites where street trees are currently or have in the past been located subject to meeting The Highways Act.
Policy S4	The Council will endeavour to protect street trees and the growing environment from threats such as: loss of and damage to verges, the activities of statutory undertakers and others excavating near trees and inappropriate parking.
Policy S5	The Council, where appropriate, will consult with all interested parties such as community partnerships and local friends groups regarding proposed major tree work programmes.
Policy S6	Torbay Council's Highways department, TOR2 and all utility companies and their contractors, will be required to work to the revised version of National Joint Utilities Group: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG 4)
Policy S7	Where trees are damaged through failing to comply with the NJUG guidelines, the Council will seek compensation from the organisation responsible.
Policy S8	The Council will continue to develop an accurate electronic database of all highways tree stock to allow effective management and protect its liability.

### **4.3. Parks and Public Open Spaces**

The provision of green spaces is of vital importance to the community. They contribute significantly to health, prosperity and well being. Trees in parks and open spaces are commonly the most significant trees in an area and have a profound effect on its appearance and on the leisure experience of users of the open space, as well as providing visual amenity for Torbay's residents and visitors alike. Trees are a high value resource in parks that require pro-active management to thrive and benefit Torbay.

The nature of tree populations of different parks and green spaces within Torbay is as variable as the character of the sites themselves. At one extreme there are the older parks, with a population of mature trees including a number of rare and interesting specimens. At the other extreme are the newer parks, with a developing tree population, characteristic of the period in which they were laid out.

#### **4.3.1. Tree planting**

Parks and open spaces provide the opportunity for new planting with a variety of size and species of trees. Unlike many other areas of Torbay, the air quality, ground conditions and space available provide conditions which are suitable for the planting of native and non-native species. The planting of native species will be promoted due to the wildlife benefits and the cultural and historical associations of native species within Torbay. However, non-native and ornamental species also bring potential benefits of diversity and visual interest and, in some instances, may be more appropriate to the park's character and will therefore be planted in some locations. The implications of climate change will also need to be considered and species will be selected which can cope with changes in climate.

Consultation and notification of any significant work to trees in parks will be by the use of notice boards, enabling residents advanced information.

#### **4.3.2. Adopt a Tree and Tree-Memberance/Commemorative Trees Programme**

'Adopt a tree' and Tree-Memberance Tree Programme (see Appendix 6) provides the opportunity for businesses, community groups or individuals to sponsor a new planting or existing tree in Torbay's parks and open spaces. It is a great way to give something back to the community and can be used by businesses wanting to highlight their green credentials, or an individual wanting to give a special gift or dedication to someone. Interested groups or individuals can identify locations for new tree planting, select an appropriate species (in consultation with the Natural Environment department) and sponsor the cost of the planting and maintenance works as it establishes.

The initiative could take one of two options:

- Option One: the resident will pay for a tree (from a species list supplied by the Natural Environment Officer) to be sourced, planted and cared for, for the required 2 year maintenance period by the Council.
- Option Two: the resident will pay for a tree (from a species list supplied by the Natural Environment Officer) to be sourced and planted by the Council, the resident will then care for the tree for two years. After that it will be maintained in the 5 year cyclical maintenance programme by the Council.

#### **4.3.3. Community involvement**

It is essential that local people play a part and feel engaged in the process of protecting and improving their local environment. There has been an extensive network of friends groups and community partnerships who participate in the management of parks, open spaces and woodlands within Torbay.

The Natural Environment department will ensure consultation is undertaken with residents regarding any new large scale tree planting projects and inform them in advance of programmed tree works and all tree removals as a result. Consultations will consist of a variety of methods including notifying residents associations and friends groups, notices being erected on the trees, lamp columns and letter drops, if considered necessary. Councillors will also be notified of programmed tree works and tree removals within their wards, which may cause areas of concern within the community.

It is important to communicate to the local community why changes and decisions are made, and to provide an opportunity for those to have involvement if they wish to do so. This may be by sponsoring or adopting a tree in their street, or by residents developing a group that could get involved in enhancing their local neighbourhood such as a Tree Warden and Community Orchards Scheme.

#### **4.3.4. Tree wardens**

The Tree Warden Scheme is a national initiative to enable people to play an active role in conserving and enhancing their local trees and woods. The scheme was

founded by the Tree Council and is co-ordinated by the Council with the support of the government department, Communities and Local Government.

Tree Wardens are volunteers, appointed by Torbay Council or other community organisations, who gather information about their local trees, get involved in local tree matters and encourage local practical projects to do with trees and woods.

Local residents who care about their community will be encouraged to branch out and play a key role in protecting their environment by signing up to the Tree Warden Scheme being re-launched by Torbay Council.

Further information on the Tree Warden Scheme can be found on the Torbay Council and Tree Council website.

#### **4.3.5. Community Orchards**

The Government recognises the value for communities of green spaces– parks, orchards, allotments, gardens– and, as part of the localism and decentralisation agenda, has committed to measures that will enable individuals and communities to gain access to the land they need. Whether your ambitions are to create or conserve a community orchard, to get together with neighbours to maintain the local park or playground where you walk your dogs, to just relax with friends and family or to play with your children, our suite of guides, on topics such as allotments, playgrounds and nature reserves will help you make the most of the green space in your local area.

The UK Government has urged local authorities to handover land to support local group set-up community orchards to grow their own produce. The call was made as a new, simple 'how to' guide for communities wanting to start up, share or save their own community orchards that could help reverse the national decline in traditional orchards has been published by Communities and Local Government Council's by making land available. It can help communities grow their own and improve sustainability whilst fostering a growing sense of community.

Communities and Local Government (CLG) have produced guidance on setting up your own community orchard called: The Communities Orchards 'How to guide'<sup>11</sup>. The 'how to' guide includes details of the new powers in the Localism Bill that will enshrine in law a package of powerful new rights for community and voluntary groups wanting to play a bigger role in their community or takeover and preserve local assets.

The Council will explore the possibility of community led tree planting initiatives such as community orchards on public land.

#### **4.3.6. Policies for Parks and Open Spaces Trees (P)**

These individual policies for Parks and Open Spaces below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

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<sup>11</sup> [www.communities.gov.uk/publications/communities/orchardshowto](http://www.communities.gov.uk/publications/communities/orchardshowto)

Policy P1	The Council will seek to establish and encourage new individual and area urban tree planting which offer multiple benefits to residents, wildlife and the landscape.
Policy P2	The Council will seek to maintain a characteristic, varied and sustainable tree population in its Parks and Public Open Spaces.
Policy P3	The Council will continue to develop an accurate electronic database of all Parks tree stock to allow effective management and protect its liability.
Policy P4	The Council will reject requests for the removal of, or carrying out of inappropriate work to, trees which are healthy but subject to complaint; unless the basis of the complaint is an overriding justification and no alternative management practice can be implemented. Works will only be carried out following the Tree Risk Management Strategy priorities (see Appendix 2).
Policy P5	The Council will seek to secure commemorative tree donations for appropriate sites to augment its own tree planting and management budget; where such trees will enhance the area and would be likely to survive without damage or vandalism.
Policy P6	The Council will endeavour to involve the community by consulting residents and/or community groups on proposed large scale tree works, where it is practical, allowing time for the comments to be received and taken into consideration. The Council will establish schemes which involve the public more directly with the trees in their neighbourhood, whilst giving support where possible to community initiatives that promote the planting and care of trees.

#### **4.4. Woodlands and Conservation Sites**

Torbay Council contains a wide variety of habitats and dependant wildlife and their protection is paramount in order to retain and enhance biodiversity. The range of different flora and fauna found within an urban environment can affect our quality of life by providing contact with the natural world. Biodiversity increases the value of a site for educational and recreational activities.

Some of Torbay's woodlands can be classified as ancient/semi-natural woodland, which can be described as land that has had uninterrupted tree cover for several centuries. However, much of Torbay's woodlands are secondary woodland meaning they have arisen on land which was once something else; agricultural fields, quarries, coastal slopes, marshes, all of which have now been identified and recorded as woodland sites throughout Torbay. Lastly, a proportion of the Torbay's woodland comprises of plantations; areas of land planted with exotic or non-native tree species. These may have been planted on previous woodland sites or on agricultural land.

Torbay Council owns approximately 300 Ha (800 acres) of semi-natural woodland. Part of this resource is managed by the Natural Environment department; whilst part is managed by the Coast and Countryside Trust, under a 60 year lease. These woods are managed by the Trust in liaison with the Natural Environment Officers within the Natural Environment department. The Council's management objectives

are landscape, nature conservation and public access. Other objects such as timber production are limited and are usually only pursued when the above criteria are met

Effective management is important if the character and quality of the woodlands is to be both preserved and enhanced. To ensure that the woodlands are managed effectively and appropriately, all woodlands in Torbay will need a Woodland Management Plan/s. These will identify management objectives for the woodland and an appropriate management regime. Applications will be made to the Woodland Grants Scheme (administered by the Forestry Commission) for funding to assist with the management plans and the proposed works associated within the woodland sites identified.

The Council will look to fund woodland tree planting projects by utilising funding streams such as the Forestry Commission Woodland Grants Schemes and Section 106 agreements through local planning agreements.

#### **4.4.1. Policies for Torbay Woodlands (W)**

These individual policies for Torbay Woodlands below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

- Policy W1 The Council will ensure its woodlands have management plans in place where any works are proposed and encourage the production of plans for woods in the private sector. If any works are proposed, the Council, where appropriate, will consult with all interested parties such as community partnerships and local friends groups of proposed major tree work programmes.
- Policy W2 The Council will ensure that its woodlands are managed with landscape, nature conservation, access, education, and timber production as the main objectives.
- Policy W3 Natural regeneration will be supported on appropriate sites.
- Policy W4 Where appropriate the Council will ensure dead and fallen wood is left onsite unless there are sound conservation and safety reasons for its removal, and will leave arisings from management operations on-site in strolls or dead hedges to encourage the biodiversity of the site.
- Policy W5 The Council will encourage community involvement with woodland management, and promote the education of the community to improve understanding of the principles of woodland management.
- Policy W6 The Council will enhance any economic potential of woodlands through the production of high quality timber and other woodland products.
- Policy W7 The Council will encourage expansion of the urban woodland in appropriate locations ensuring that the layout and selection of species reflects the local woodland character.
- Policy W8 The Council will manage woodland to fulfil its obligation as owners to ensure the safety of people and property whilst remembering that woodlands are natural places and the level of acceptable risk must



reflect this. Trees will be inspected in accordance with the Tree Risk Management Strategy (see Appendix 2).

Policy W9 The Council will encourage all major woodland owners to adopt best practice in the care of their woodlands, especially where those trees contribute to the character of Torbay.

#### **4.5. Vandalism and damage to Council trees**

Vandalism is an increasing pressure on trees throughout parks, open spaces and highways in Torbay. Usually it is the young newly planted trees that are damaged; however mature trees are also often damaged too. There are various ways in which vandalism can be deterred, but none of these are 100% effective against determined attacks.

The main methods of deterring vandals or damage to trees are to plant larger robust trees with suitable guards or fencing around them, but these have to be large enough and strong enough to offer real protection. The latter approach tends to be the most expensive method and only appropriate in high profile locations. In the long run, increasing environmental awareness within schools and communities should help reduce vandalism.

A growing trend of tree damage has been identified as dogs ripping the bark off the lower stems of trees. Several trees within our most important parks have been damaged to such an extent they have either had to be removed or will be unlikely to survive. Whether this is under the encouragement of the owner as a means of strengthening their jaws, or for another reason, the net result is that many young trees have been lost. We are currently trialing methods of protecting vulnerable trees to reduce this growing trend of vandalism.

There are cases where Council owned trees have been irreversibly damaged or even removed without permission. There is legislation available to deal with this, for example the Criminal Damages Act 1971. Successful actions should be publicised to deter further offences.

#### **4.6. Other Service**

The Natural Environment department, on behalf of Torbay Council, directly manages many areas of land, principally for the parks and public open space and, of course, those as part of the adopted highway network.

The Natural Environment department will inspect trees and recommend maintenance works when requested to do so at a rechargeable rate to the relevant department. Any requested inspections would follow Torbay Council's adopted Tree Risk Management Strategy in accordance with Quantified Tree Risk Assessment of which all Torbay tree inspectors are licensed. The survey will record all relevant information and stored using an electronic tree data base EzyTreev, full reports and work schedules are available at all times during the use of the system. All information will be held on Torbay Council's system.

## 5. Private Trees

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The greatest resource of trees in Torbay is that within private ownership. The exact number of individual trees is not known; however, from aerial and coastal photography, areas such as Cockington with Chelston, the Lincombes and the Warberries show a high percentage population of canopy cover.

Individual landowners and residents have the greatest influence over the type of trees planted, the level of management they receive, the range of species and the quality of these trees.

As with street trees, the fear of property damage is an issue. Also, converting front gardens to hard standing and built development in rear garden blocks have caused significant losses to tree cover. Such losses can contribute to increased water run-off having a negative impact on drainage management. Garden trees can, and should, play a positive role within such developments. The Council's policies on trees in private land have been covered within the planning and development section titled Trees on Private Land and Development Sites (see section 5). This section gives an overview of how the Council supports this management and has a statutory duty to protect these trees under the Town and Country Planning Act 1990 (as amended).

### 5.1. Trees adjacent to the highway and public spaces

Torbay Council has a duty under Section 154 of the Highways Act 1980 to ensure that all trees and shrubs growing on private land are maintained so as not to endanger users of the highway. It is intentionally not detailed prescriptively in this legislation how this should be achieved but it should be so that free and safe passage of the public highway network can be undertaken by the public.

The Council may use its powers to issue Notices to ensure that vegetation is maintained as noted.

A further requirement for landowners with trees adjacent to the Highway, or indeed any public space, arises from the Occupiers Liability Act 1957. This Act places a duty of care upon tree owners with regard to those third parties who may be affected by their property, in this instance trees or vegetation. To comply with their duty of care, tree owners must ensure that trees that may affect third parties are inspected and that the recommendations of these inspections are enacted, subject to the relevant permissions from the Council.

#### 5.1.1. Policies for privately-owned trees (PO)

These individual policies for privately-owned trees below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

Policy PO1 The Council will encourage owners of tree populations to seek professional advice on best practise tree management, wherever possible.

Policy PO2	The Council will encourage all major tree owning organisations to adopt best practise in the care of their trees, especially where those trees contributing to the character of Torbay.
Policy PO3	The Council will seek to ensure users of the highway are not endangered by privately owned vegetation by considered use of its powers under the Highways Act.

## 5.2. Advice on hedges

Government guidance identifies that it is not the role of the Council to mediate in hedge disputes but are to be the deciding authority where communication has broken down and a 'High hedge' complaint is taken on using its powers under the Anti-Social Behaviour Act 2003.

Torbay Council has adopted a clear, fair, reasonable and impartial procedure in order to deal with these new powers.

The first stages of any formal complaint are to offer advice on how the situation may be resolved. Various literature and guidance is available from the Department for Communities and Local Government on the subject of hedges including:

- Over the Garden Hedge
- High Hedges: complaining to the Council

There is a fee of £400 payable to the Local Authority for the processing of the complaint, including any costs associated with subsequent appeals. If a complainant is currently receiving Job Seekers Allowance, Housing/Council Tax Benefit, or any other means tested benefit, and can produce evidence of this, they will be entitled to 50% concession, giving a total fee of £200.

The fee is payable on lodging the complaint, unless paid the complaint will not be entertained. If the complaint is made invalid an administration charge of £50.00 will be retained.

### 5.2.1. Policy for High Hedges (H)

The individual policy for High Hedges below has been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

Policy H1	The Council will use its powers under Part 8 of the Anti-Social Behaviour Act 2003 to deal with High Hedge complaints by ensuring that a careful procedure is followed using government guidance, adopting guidance prepared by the Building Research Establishment (BRE) entitled 'Hedge height and light loss' and issuing remedial notices where appropriate.
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## **6. Trees on Private Land and Development Sites**

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### **6.1. Trees protected by the Town and Country Planning Act 1990 (The Act)**

Torbay Council has a statutory duty to protect trees that are considered to be significant in terms of the positive contribution they make to the natural and built environment. Whether the trees are mature and the benefit is present or if they are young and need to be protected to allow them to successfully mature, this duty still applies.

Many of these trees of merit are under increasing pressure given the urban setting they arise from. Pressure may be felt due to proposed developments, interactions with roads and traffic, the desire to create or retain eroding views, apprehension from people who live adjacent and / or debris fall affecting neighbours. Torbay Council will, when assessing requests to undertake tree works, make a balanced judgement based upon the needs of the applicant against the council's duty to preserve the amenities they contribute.

This duty falls into two distinct areas of responsibility as follows:

#### **6.1.1. The protection of trees by way of Tree Preservation Orders (TPOs)**

Section 198 of the Act grants Local Authorities powers which allow for the serving of Tree Preservation Orders on individuals, groups, woodlands or areas of trees that are considered to be suitable for protection. A broad range of reasons for any new TPO may be considered; ranging from their natural visual form, contribution to the character and appearance of a Conservation Area, to screen a development, to respond to the threat of inappropriate pruning. No complete list has been produced as each request is considered on an individual basis on its own merits.

To ensure that the legislation is applied evenly and objectively, the Natural Environment department has devised a visual tree assessment procedure that is applied to each request to serve a TPO. To qualify for any new TPO, the tree/s must fulfil a certain criteria that are open to evaluation in an even and open manner. This is known as the Amenity Evaluation for Tree Preservation Orders (see appendix 7).

#### **6.1.2. Trees within Conservation Areas**

Trees located within Conservation Areas that have a diameter of over 75mm when measured at breast height are automatically protected by the Conservation Area regulations. The Local Authority must be notified of any proposal to work on these trees. This allows a six week period for the Local Authority time to:

- Object to the tree works and serve a new TPO
- Notify that the works will not be objected to, or
- Allow the notification to lapse and the works may then commence in default of a notice from the Authority at the end of the six week period.

Only those trees judged to be of importance in their contribution to the character and appearance of the Conservation Area will be the subject of an objection from the

Local Authority, with the serving of a new TPO likely to occur to preserve its amenity contributions.

## 6.2. Applications to work on protected trees

Works to trees protected by TPO's or trees within Conservation Areas can be submitted to the Council via the Planning Portal or by using the Tree Work Application form available online on Torbay Council's website. There is no duty to use this standard form for Conservation Area notifications, however it may be found useful to do this as clearer information is gathered which may ensure a more efficient processing of the notification. There is currently no fee chargeable for the tree work applications.

## 6.3. Unauthorised works to trees

Section 210 of the Act makes it a criminal offence to undertake unauthorised works to trees protected by either TPOs or Conservation Areas if it would be a tree worthy of continued protection. Torbay Council will use these powers at their discretion to seek prosecution of those responsible for illegal works to those trees deemed to be important to the visual amenities of the wider public.

### 6.3.1. Policies for the protection of privately-owned trees (A)

These individual policies for the protection of privately-owned trees below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

Policy A1	The Council will support owners of tree populations to seek professional advice on best practise tree management wherever possible.
Policy A2	The Council will use its powers to protect those trees assessed as being of suitable quality using our amenity evaluation procedure when it is considered to be in the wider public interest.
Policy A3	The Council will appropriately use conditions to achieve good tree work and to replace trees removed under the TPO regulations as appropriate.
Policy A4	Subject to resource constraints, Torbay Council will continue to review older TPO area orders in line with government guidance detailed within guidance 'Tree Preservation Orders: A Guide to the Law and Good Practice'. This review is seeking to strategically vary older area orders to smaller groups, woodlands or individual orders protecting those trees of greatest public importance.
Policy A5	Enforcement advice will be given to relevant departments to encourage and support action against parties undertaking unauthorised works to protected trees. This would need to be proved to be expedient and in the public interest.
Policy A6	The Council will give consent for works to individual trees, groups, areas or woodlands protected by a Tree Preservation Order provided it is satisfied that:- <ul style="list-style-type: none"><li>• the long term health and appearance of the tree will not be impaired;</li><li>• the work will not unjustifiably inhibit or prevent the full and natural development of the tree;</li></ul>

- The work is necessary to its continued retention and consistent with the relevant British Standard, and that the work will be carried out to British Standard 3998:2010 as a minimum standard;
- in the case of a woodland, the proposed work is consistent with the principles of sound woodland management.

#### **6.4. Trees as part of the development process**

A further, but equally important, duty to protect trees arises from Section 197 of the Act which states that:

‘it shall be the duty of the Local Planning Authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees’.

The continuity of those trees retained will initially be preserved by way of planning conditions. Torbay Council seeks to strategically protect those trees of most importance with the serving of new TPOs of whatever form.

To inform and support this requirement, a varied level of information is required from those parties seeking to develop land upon which trees grow. The Natural Environment department follows the guidance and advice identified within British Standard 5837:2005 ‘Trees In Relation to Construction’.

A document, ‘Trees and Development’, is currently under revision to help guide home owners and agents through the technical process of what level of tree protection, survey and retention methodologies may be required as part of any formal application.

##### **6.4.1. Policies for trees as part of the development process (D)**

These individual policies for trees as part of the development process below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

- |           |   |
|-----------|---|
| Policy D1 | The Council will seek to work with developers and the planning department to ensure that planning applications are supported by the appropriate level of tree survey/ study detail as noted above.          |
| Policy D2 | Those arboricultural features of most merit will be presumed to be retained as supported by the adopted Local Plan.   |
| Policy D3 | Balanced and pragmatic decisions will be made upon tree removal if adequate mitigation space is left for strategic replacement tree planting post development, if adequate supporting evidence is included. |
| Policy D4 | The Council will appropriately use planning conditions to retain, improve and mitigate for the loss of trees and tree groups.   |

Policy D5	The Council will resist development where it is considered that inadequate provision for the retention and protection of important trees is made.
Policy D6	The Council would not normally grant planning permission for any development which would result in the loss of, or would be detrimental to, any areas of ancient or semi-ancient natural woodland or other established woodland or areas of tree cover of landscape or wildlife value.
Policy D7	Developer S106 contributions will be used when possible to undertake park, woodland, group and individual tree planting and general maintenance. Not intended to replace normal budgetary works, but rather to support and enact one off improvement schemes.

### **6.5. Protection and management through advice**

The Council adopts an open approach to provide advice for the positive improvement and protection of the local tree population. There are, unfortunately, many people willing to offer tree advice which can be inaccurate and may have serious consequences for the tree and its owner.

Arboriculture is an established technical discipline where qualifications at various levels are available, research is carried out to further the knowledge of trees and their care; good advice is available and should be sought from reliable sources. Tree owners should be aware that research has updated and substantially changed tree management in the last 20 years. Consequently, any person offering advice should keep themselves up to date, usually through membership of an appropriate professional body such as the International Society of Arboriculture or the Arboricultural Association and/or by subscription to the Tree Advisory Trust's research notes and reading list.

A large number of people claim to carry out tree surgery work, but whose technical abilities are poor. This can lead to low standards of work, which are not in the interests of the tree or its owner. Reputable companies, capable of working to recognised standards of work (such as British Standard 3998: 2010 Recommendations for Tree Work) are few in Torbay; this factor alone causes many trees to be unnecessarily damaged by inappropriate and unsympathetic pruning.

The Arboricultural Association produces a list of contractors and consultants who have been examined and found to reach recognised standards. The International Society of Arboriculture administers a Certification Scheme for Arborists that ensures up-to-date knowledge for those within the programme. However, whilst both lists continue to grow, the numbers are at present fairly limited and not well spread geographically.

## 7. References

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1. **London Assembly Environment Committee**  
Chainsaw Massacre, A Review of London's street trees May 2007
2. **Chris Britt & Mark Johnston**  
Trees in Towns II 2008: A new survey of urban trees in England and their condition and management; Research for Amenity Trees No.9 published by the Department for Communities and Local Government
3. **Gill, SE, Handley, JF, Ennos, AR & Pauleit, S**  
Adapting Cities for Climate Change: The Role of The Green Infrastructure. Built Environment 3 (1) pp115-133 2007
4. **Forest Research**  
Particulate Pollution 2007
5. **Stewart H, Owen S, Donovan R, Mackenzie R, Hewitt N, Skiba U and Fowler D**  
Trees and Sustainable Urban Air Quality: Using Trees to Improve Air Quality in Cities, Lancaster University, Lancaster 2003
6. **Broadmeadow MSJ and Freer-Smith PH**  
Urban Woodland and the Benefits for Local Air Quality, Research for Amenity Trees No.5 HMSO, London 1996
7. **Anderson LM and Cordel HK**  
Influence of Trees on Residential Property Values in Athens, Georgia: A Survey Based on Actual Sales Prices, Landscape and Urban Planning 15:153-164 1988
2. **Morales DJ**  
The Contribution of Trees to Residential Property Value: Journal of Arboriculture 6 (11):305-308 1980
3. **CABE Space**  
Does Money Grow on Trees? Commission for Architecture and the Built Environment, London 2005
4. **Greater London Authority**  
The London Climate Change Adaptation Strategy 2008
5. **Defra**  
A Strategy for England's Trees Woods and Forests 2007 London
6. **London Tree Officers Association**  
A Risk Limitation Strategy for Tree Root Claims 2007
7. **Huang YJ, Akbari H, Taha H and Rosenfeld AH**  
The Potential of Vegetation in Reducing Summer Cooling Loads in residential Buildings, Journal of Climate and Applied Meteorology 26 (9): 1103-1116 1987
8. **Kennedy CJ and Southwood TRE**  
The Number of Species of Insect Associated with British Trees: A Re-analysis, Journal of Animal Ecology 53: 453-478 1984
9. **Fuller RJ**  
Bird Life of Woodland and Forest, Cambridge University Press, Cambridge 1995
10. **Kirby KJ and Duke CM**  
Dead Wood Matters: the Ecology and Conservation of Saproxylic Invertebrates in Britain, English Nature Science No.7 English Nature, Peterborough 1993
11. **Speight MCD**  
Saproxylic Invertebrates and their Conservation, Nature and Environment Series No.42, Council of of Europe, Strasbourg 1989
12. **Corbet GB and Harris S (eds)**  
Handbook of British Mammals, 3rd Edition, Blackwell Scientific Publications Oxford 1991



13. **Stearns F**  
The City as Habitat for Wildlife and Man, in Detwyler R and Marcus MG (eds) Urbanisation and Environment, Duxbury Press Belmont California 1972
14. **De Graaf RM and Wentworth JM**  
Avian Guild Structure and Habitat Associations in Suburban Bird Communities, Urban Ecology 9: 399-412 1986
15. **Botkin DB and Beveridge CE**  
Cities as Environments, Urban Ecosystems 1: 3-19 1997
16. **Soltis D**  
Loss of Trees Increase Stormwater Runoff in Atlanta, Water Engineering and Management 144: 6 1997
17. **National Urban Forestry Unit**  
Trees and Healthy Living, National Conference, Wolverhampton, UK, National Urban Forestry Unit, Wolverhampton 1999
18. **Mudrak LY**  
In the Environmental Benefits of Vegetation at a Global Local and Personal Level: A Review of the Literature, Green Releaf, Horticultural Trades Association and Royal Botanical Gardens, Kew 1982
19. **Ulrich RS, Simmons RF, Losito BD, Fiority E, Miles MA and Zeison M**  
Stress Recovery During Exposure to Natural and Urban Environments, Journal of Environmental Psychology 11: 201-230 1991
20. **Moore EO**  
A Prison Environment's Effect on Health Care Demands, Journal of Environmental Systems 11(1): 17-34 1981-82
21. **Kuo, F.E & Sullivan W.C**  
Environment and Crime in the Inner City- does vegetation reduce crime. Environment and Behavior Vol. 33 No 3 pp 343-367 2001
22. **MIND**  
Ecotherapy 2008 [www.mind.org.uk/ecominds](http://www.mind.org.uk/ecominds)
23. **Forestry Commission England**  
A Woodfuel Strategy for England 2007
24. **Shaw, R, Colley, M, and Connell, R**  
Climate change adaptation by design, a guide to sustainable communities TCPA 2007
25. **Forestry Commission and Greater London Authority**  
London Tree and Woodland Framework 2005
26. **Defra**  
An introductory guide to valuing ecosystem services 2007
27. **Patrick McKernan & Matthew Grose**  
An Analysis of Accessible Natural Greenspace Provision in the South East (ANGSt)
28. **Natural England**  
The Forestry Commission & The High Weald Area of Outstanding Natural Beauty Unit 2007
29. **National Joint Utilities Group**  
Volume 4- Guidelines for the planning installation and maintenance of utility apparatus in proximity to trees 2007
30. **De Groot, R, Alkemade, R, Braat, L, Hein, L, Willemen, L**  
Challenges in integrating the concept of ecosystem services and values in landscape planning, management and decision making. Ecological Complexity 7, 260-270 2010
31. **Tree Design and Action Group**  
No Trees No Future Nov 2008
32. **London Tree Officers Association**  
Bark better than bite- damage to trees by dogs best practice note

## 8. Useful internal and external links/ websites

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Ancient Tree Forum	<a href="http://www.woodland-trust.org.uk/ancient-tree-forum">www.woodland-trust.org.uk/ancient-tree-forum</a>
Arboricultural information exchange	<a href="http://www.aie.org.uk">www.aie.org.uk</a>
Arboricultural Association (AA)	<a href="http://www.trees.org.uk">www.trees.org.uk</a>
Books about trees	<a href="http://www.treesource.co.uk/acatalog/">www.treesource.co.uk/acatalog/</a>
Botanical Society of the British Isles	<a href="http://www.bsbi.org.uk">www.bsbi.org.uk</a>
British Standards Institute	<a href="http://www.bsigroup.com">www.bsigroup.com</a>
British trees	<a href="http://www.british-trees.com">www.british-trees.com</a>
Communities and Local Government	<a href="http://www.communities.gov.uk">www.communities.gov.uk</a>
English Nature	<a href="http://www.english-nature.org.uk/default.asp">www.english-nature.org.uk/default.asp</a>
Environment Agency	<a href="http://www.environment-agency.gov.uk/">www.environment-agency.gov.uk/</a>
Forestry Commission	<a href="http://www.forestry.gov.uk/home.html">www.forestry.gov.uk/home.html</a>
Institute of Biology	<a href="http://www.iob.org">www.iob.org</a>
International Society of Arboriculture	<a href="http://www.isa-uki.org/">www.isa-uki.org/</a>
National Association of Tree Officers	<a href="http://www.nato.org.uk/">www.nato.org.uk/</a>
Planning Portal	<a href="http://www.planningportal.gov.uk">www.planningportal.gov.uk</a>
Royal Botanic Gardens, Kew	<a href="http://www.rbgkew.org.uk">www.rbgkew.org.uk</a>
Royal Forestry Society (RFS)	<a href="http://www.rfs.org.uk">www.rfs.org.uk</a>
Royal Horticultural Society (RHS)	<a href="http://www.rhs.org.uk">www.rhs.org.uk</a>
Tree Advice Trust	<a href="http://www.treeadvice.service.org.uk">www.treeadvice.service.org.uk</a>
Trees For Cities	<a href="http://www.treesforcities.org">www.treesforcities.org</a>
Tree Register of the British Isles (TROBI)	<a href="http://www.tree-register.org">www.tree-register.org</a>
The Tree Council	<a href="http://www.treecouncil.org.uk">www.treecouncil.org.uk</a>
The Woodland Trust	<a href="http://www.woodland-trust.org.uk/index/htm">www.woodland-trust.org.uk/index/htm</a>



# Tree management and protection

Frequently asked questions



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

## INTRODUCTION

Torbay Council is firmly committed to maintaining and enhancing Torbay's trees and woodlands as a vital part of the environment. Torbay is one of the UK's richest areas in terms of biological diversity, and as such, the council seeks to ensure that its commitment to the environment is followed through with actions.

In view of the benefits we receive from trees and the council's responsibility for tree management and protection it is fitting that we set out our approach to these issues. The purpose of this document is to identify and address fundamental issues raised by members of the public. If the advice in this document does not answer your enquiry a tree officer may make further contact with you and respond to your concerns.

## The benefits of urban trees in Torbay

There is a substantial body of research that supports the following benefits that trees bring to urban areas.

### Environmental

- Reduce localised temperature extremes
- Provide shade, making streets and buildings cooler in summer
- Help to improve air quality
- Help to reduce traffic noise, absorbing and deflecting sound
- Help to reduce local wind speeds
- Increase biodiversity and provide food and shelter for wildlife
- Assist in land remediation
- Reduce the effects of flash flooding by rainfall interception.

### Social

- Improve the quality and perception of the urban environment.
- Create community focal points and landmark links
- Create sense of place and local identity
- Benefit communities socially by instilling higher public esteem and pride for an area
- Positive impact on both physical and mental health and wellbeing
- Positive impact on crime reduction
- Improve health in the urban population.

### Economic

- Have the potential to increase residential and commercial property values by between 7% to 15%
- Improve the environmental performance of buildings and therefore the economic performance through reducing heating and cooling costs
- Can provide mature landscapes that increase development site values
- Assist the increase of property values as trees grow
- Creating a positive perception for prospective purchasers of property
- Enhance the prospects of securing planning permission
- Improve health in the urban population, thus reducing healthcare costs
- Provide a potential long term renewable energy resource.



## GENERAL GUIDANCE

**This general guidance and advice will hopefully answer the most frequently asked questions about trees.**

### **The tree is too big, moves in the wind and looks dangerous...**

Torbay Council Arboricultural Officers are qualified tree experts who will inspect a tree following an enquiry or inline with the tree risk management strategy following routine inspections. All inspections are recorded electronically. It is recognised that the movement of trees in the wind does not automatically signify that the trees is dangerous, our inspection will determine its condition.

### **The tree outside my house in the pavement is blocking the passage of pedestrians and/or vehicles...**

Trees will be pruned to meet the legal requirement as stated within the Highways Act as identified by the council's highways inspectors.

### **The tree outside my house has not been pruned for ages. It is too tall and needs to be lopped back...**

Trees in Torbay are regularly inspected and any safety or maintenance related works are reported at this time. Torbay Council does not reduce the height of trees as a matter of course, as this can stimulate rapid regrowth and/or cause significant defects in the tree's structure, which are hard to detect.

### **A council owned tree is shading my property...**

Householders have no right to light from across a neighbour's land. Likewise there is no right to a view, and a view obstructed by the growth of trees cannot legally be regarded as a nuisance. Where requests are made to prune trees to increase light levels, each instance will be assessed on its merits. The householder may be assisted where appropriate, if this is possible without excess damage to or removal of healthy trees or branches. As a general policy the council will not undertake the topping, thinning or felling of trees simply to allow more light to a property, where the trees in question would not otherwise require any surgery.

### **Tree branches are growing across my boundary...**

There is no requirement in law to prevent trees spreading over a boundary. However, whilst there is no obligation to prune trees, if branches or roots encroach on to neighbouring land they are legally regarded as a nuisance. Under the terms of law the tree owner is not obliged to cut back the branches overhanging their neighbour's garden. The owner of the adjacent land has the legal right and 'abate the nuisance' by cutting the branches or roots encroaching on other property. Where requests are made to prune trees that overhang a boundary each instance will be assessed on its merits. As a general policy, the council will only undertake work where a tree's branches touch or are very close to a building. Where overhang of the boundary is relatively minor or at considerable height, works may not be undertaken by the council. They may be considered for re-inspection within two years, depending on the size, type and growth of the trees concerned. Where tree roots are deemed to have encroached, works will only be undertaken where damage to property can be shown, beyond reasonable doubt, to have been a causal factor or damage is reasonably foreseeable in the future.

### **The tree is affecting my television and satellite reception...**

There is no legal right to television reception. Existing trees on neighbouring land which interfere with television reception, especially with satellite transmissions, are unlikely to be regarded as a nuisance in law. As a policy the council will not undertake the topping, thinning or felling of trees simply to improve television or satellite reception, where the trees in question would not otherwise require any surgery.

### **The trees are in the wrong place and a general nuisance...**

Although trees may be considered an inconvenience to those living adjacent to them, by law they must be shown to be a substantial interference to a neighbour's comfort and convenience to be considered a nuisance. As a general policy the council will not undertake the topping, thinning or felling of trees simply to prevent the accumulation of leaves, seeds or minor debris

on adjacent property, where the trees in question would not otherwise require any surgery.

## **The tree is making a sticky mess on my car or garden...**

The problem is caused by aphid infestation and is known as honeydew. This is a particular problem with tree species such as lime and sycamore. Unfortunately this is a problem that cannot be solved by pruning or spraying with insecticides. Torbay Council will prune trees where the work complies with best practice but will not fell or disfigure trees to deal with this issue. Honeydew is a mild sugar solution and should not affect paintwork on cars, if they are washed regularly.

## **DU Birds roosting in the trees outside my house are creating a mess on my car or drive...**

THEY inconvenience is not sufficient justification to remove or disfigure the tree. Unfortunately pruning the tree is not the solution either, as the birds will simply roost on the remaining branches.

## **The tree is causing damage to my utility services...**

Instances of underground pipes being broken by the growth of tree roots are very rare, but penetration and blockage of damaged pipes is not uncommon. As a general policy the council will not undertake the topping, thinning or felling of trees to prevent roots entering damaged pipes. Repair of the defect in the pipe is the only certain remedy that will prevent future problems. Modern materials and joints will significantly reduce pipe damage and subsequent root encroachment in the future.

## **The tree is covered in ivy and is killing it...**

Ivy is a climbing, scrambling plant abundant as a groundcover shrub in many rural woodlands. It has a variety of conservation benefits and forms an integral part of a woodland's habitat. In the urban environment there is a need to balance three main considerations for its retention: tree safety,

conservation and aesthetics. Ivy causes no direct damage to trees. However, in some situations it may be considered unsightly and more importantly can create problems for efficient management by obscuring structural defects and fungal fruiting bodies. It also increases the weight of a tree's crown and the 'sail' effect during the wet, windier, winter months, when deciduous trees have shed their leaves. As a general policy the council undertakes the removal of ivy from trees only where it is considered necessary to aid visual tree health assessment.

## **My neighbour's trees are blocking my light. What can I do?**

Technically your neighbour only has a duty to ensure their trees are safe. There is currently no height restriction on trees. If you have concerns regarding a tree ask your neighbour how they intend to maintain it. You may be able to cut the overhanging branches back to the boundary. However, before either you or your neighbour undertakes works to any trees it is important to check the trees are not covered by a Tree Preservation Order, or located within a Conservation Area. For further information you can contact the council's Tree Section on (01803) 207977 or email [trees@torbay.gov.uk](mailto:trees@torbay.gov.uk)

## **My neighbours have a high hedge. What can I do about it?**

The high hedges legislation was introduced on 1 June 2005 under Part 8 of the Anti-social Behaviour Act 2003 and applies to evergreen and semi-evergreen hedges of over two metres in height. Information relating to this matter, including three leaflets, may be viewed on the Department for Communities and Local Government's website. The legislation provides for those who feel that a neighbour's hedge is hindering the reasonable enjoyment of their property to submit a formal complaint to the council. The council will then investigate the matter and may, if considered appropriate, serve a notice on the hedge owner requiring them to reduce the hedge's height. The complaint form is available by request from the Tree Section (01803) 207977. In most cases, it is possible for neighbours to agree on a course of action without a formal complaint being necessary. This is certainly the preferable approach for all concerned. If you are unable to reach agreement with your neighbour, try contacting a local mediation service as

the mediation process is essential before making a formal complaint to the council.

## **I have a big tree near my property. I am worried about the damage the roots may be doing to my house. What should I do?**

Tree roots may potentially cause damage to built structures in two ways:

**Direct damage** – this is caused when the physical expansion of tree roots or stem lifts paving stones or cracks walls etc. Due to the weight of a house no amount of physical expansion will affect it, but garden walls and small structures such as garages or outbuildings might be at risk.

**Indirect damage** – this can be caused to larger structures such as houses when trees roots grow underneath the foundations, extract the water there causing clay soils to shrink and the structure to subside. If a building has been built on clay soil near an existing tree, and that tree is then removed, the soil may expand which can cause heave (the opposite of subsidence).

Modern building standards mean that the risk to newer buildings tends to be isolated and the council will expect new buildings to be built to industry guidance and therefore they should not subside due to trees that were in existence at the time they were built. It must be noted that tree related subsidence is fairly rare in Torbay because there are few areas of the highly shrinkable clay needed to cause significant structural problems to houses. However, should you believe that trees are the cause of cracking to property then you should consult with your insurers to determine the probable cause?

There is no evidenced based or credible guidance as to how close trees need to be to cause damage although there is some information on the internet, which the council has found to be quite misleading. In our experience given our knowledge of the topography of the Bay and the constraints this poses on land use we find that many trees and houses are able to co-exist happily in often close proximity.

## **The tree roots are blocking my drains. What can I do?**

It is very unusual for roots physically to break drains and associated pipe work. However, tree roots can be opportunistic and if an old pipe with poor joints is leaking into the surrounding soil this will attract the roots that may then exploit the existing weakness. Then, when repairs are required, a proliferation of tree roots often leads to the blame being placed with a nearby tree. However, replacement of faulty drains/pipes with modern materials will usually eliminate the leak and stop problems from re-occurring. If you believe tree roots have caused damage to structures you should consult your insurers or an expert.

As a general policy the council will not undertake the topping, thinning or felling of trees to prevent roots entering damaged pipes. Repair of the defect in the pipe is the only certain remedy that will prevent future problems. Modern materials and joints will significantly reduce pipe damage and subsequent root encroachment.

## **A tree is lifting paving slabs/affecting my drive. Can I cut the roots of a protected tree?**

Cutting the roots of any tree is generally ill-advised as it may affect the tree's health and stability. If a tree is covered by a Tree Preservation Order, or if it stands in a Conservation Area, an application will be required before root pruning can take place. An application form is available for download on the Torbay Council website in the Planning pages of [www.torbay.gov.uk](http://www.torbay.gov.uk) or you can contact the Tree Section on (01803) 207977 or email [trees@torbay.gov.uk](mailto:trees@torbay.gov.uk)

## **How can I tell if my tree is safe?**

Such assessments are best made by qualified experts. This is not a service offered by the council's arboriculturalist, but details of tree contractors and consultants operating throughout the UK are available from the Arboricultural Association website [www.trees.org.uk](http://www.trees.org.uk)

# Tree management & protection

## **My tree doesn't look very healthy. Can the council advise me? If not, where else can I seek advice?**

Local tree contractors and consultants will be able to offer advice on the health and management of trees, but this is not a service currently offered by the council's arboriculturalist. Details of tree contractors and consultants operating throughout the UK are available from the Arboricultural Association website [www.trees.org.uk](http://www.trees.org.uk)

## **My tree has a fungus growing on it. Does this make the tree unsafe?**

There are many types of fungi that affect wood. They are often indicative of a wider problem and are a valuable tool in diagnosing what may be wrong with your tree. They are also an invaluable habitat for rare insects and beetles and should not be removed from the tree. Removing fungal fruiting bodies from trees will not get rid of the fungus as it is usually by this stage well established within the tree. If you find fungi growing on your tree call an expert to help identify the potential problem. Further details of tree contractors and consultants operating throughout the UK are available from the Arboricultural Association website [www.trees.org.uk](http://www.trees.org.uk)

## **What do I do if I think someone is carrying out work on a protected tree or intends to do so?**

Contact the Tree Section on (01803) 207977 or at [trees@torbay.gov.uk](mailto:trees@torbay.gov.uk) immediately and we can check to see if the work is authorised and take appropriate action, if necessary. All queries regarding potentially unauthorised works will be dealt with in the strictest confidence.

## **I have a tree outside my property with prolific basal growth and want it removed.**

Basal growth is the term used to describe the growth from the base and/or stem of a tree in the spring and summer. This growth occurs on a range of tree species, and it is usually most pronounced on Lime trees.

As this problem is growth related, it often means that all trees will develop the problem at the same time. This is often in late May/early June although it depends on weather conditions. Due to this type of growth we look to pool resources into the worst affected roads first, attending to all the lime trees before moving to another road. If the growing seasons are particularly favourable, it is possible that some trees may have to be treated two or three times within a calendar year.

If your ward is shown as being completed and the tree outside a property has been missed (rather than just re-grown), please contact the Tree Section immediately on (01803) 207977 or at [trees@torbay.gov.uk](mailto:trees@torbay.gov.uk) immediately and we can check to see if the work has been ordered.







This document can be made available in other formats. For further information please contact 01803 207796.

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**TREE RISK  
MANAGEMENT STRATEGY 2010**

## INTRODUCTION

The Council has a statutory duty of care under the Health and Safety at Work Act 1974 and the Occupiers Liability Act 1999 to ensure that members of the public and staff are not to be put at risk because of any failure by the Council to take all reasonable precautions to ensure their safety.

A Risk Assessment is required under the Management of Health and Safety Regulations 1999. There is a need to inspect trees in or near public places, or adjacent to buildings or working areas to assess whether they represent a risk to life or property, and to take remedial action as appropriate.

The Local Authority, either in its capacity as owner or manager, is responsible for trees located on land for which it manages or has total control over. As such, it has a common law and statutory duty of care in relation to its trees. Compliance with the duty will require the operation of a reasonable systematic inspection of all its trees, which has been determined in accordance with a sufficient and informed risk assessment.

This document sets out minimum standards of inspection, competence and record keeping that the Council will commit to and is in accordance with the industry guideline document. [Tree Risk Management User Manual. \(Version 3\)](#)

## THE NATURE OF TREE FAILURE RISK

Where land is constantly occupied by people or by valuable property, a moderately small tree might, by virtue of its position, represent a significant 'Risk of Harm'. On the other hand, a large tree in an area of low access such as a remote woodland or country park will represent only a very low 'Risk of Harm' even where its stability is substantially compromised.

In the latter scenario, access to a remote area will be considerably reduced during the high wind events that are most likely to result in failure of trees and as a result the risk from tree failure in these areas is further reduced.

## THE SYSTEM

Torbay Council has adopted a system known as Quantified Tree Risk Assessment (QTRA). This methodology has led the way in the field of tree safety management with a risk assessment approach that is led by the usage and value of the targets having potential to be affected by trees. The target led approach to tree safety management is a considerable shift from the generally accepted wisdom where the tree assessor focuses on identifying defects in trees and then seeks to avoid legal liability by removing or modifying the tree.

This defect led approach results in the allocation of disproportionate resources to both tree safety surveys, inspections and to the remediation of defective trees where the risks are low if only they were actually assessed.

One of the greatest benefits of QTRA is that it enables an informed overview of the risks associated with a tree population to be carried out as a desktop exercise before the survey of trees. When the risk overview is complete, the assessment will usually record only the general attributes of groups or collections of trees.

Assessing and recording individual trees will be necessary only where they are likely to be significant in relation to the targets.

## TARGET

A 'Target' is anything of value, which could be harmed in the event of tree failure.

## VALUE OF STATISTICAL LIFE

*The 'Value of Statistical Life' and 'Hypothetical Life' are terms used in risk management to facilitate proportionate allocation of resources to the reduction or risk in terms of lives saved. In the UK, this value is currently in the region of £750,000 - £1,000,000 to correlate the loss of or damage to property with the value of human life.*

## **DEFINITION OF TREE-FAILURE HAZARD**

For a tree-failure hazard to exist, two criteria must be fulfilled. There must be potential for failure of the tree and potential for injury or damage to result. The issue that the tree officer must address is the likelihood, or risk, of a combination of factors resulting in harm, and the likely severity of the harm. The starting point of the QTRA process is to establish that there is potential for significant harm to occur and in this regard there must be something of significance (a significant 'target') that is exposed to a risk from tree failure. There cannot be a significant risk of significant harm in the absence of something significant to be harmed.

At all times, hazards are to be assessed in relation to the target. Parts of the tree or group that are not significant in their relationship with targets will not be assessed further for tree failure.

## **HAZARD**

*A hazard is the disposition of a thing, a condition or a situation to produce injury (Health and Safety Executive 1995). A tree-failure hazard is present when a tree has potential to cause harm to people or property.*

## **PROBABILITY**

Statistical probability is a measure of the likelihood of something happening. There are rules of addition and multiplication in the probability theory. Using the QTRA system, the probability that the three primary components of the risk will combine to produce a common outcome is the product of their independent probabilities.

## **RISK**

Risk is the probability of something adverse happening. QTRA is a risk assessment which uses numerical estimates.

## **ACCEPTABLE RISK**

The Local Authority are constantly exposed to risk and accept or reject risks of varying degrees.

*For example, if we desire the convenience of electric lighting, we must accept that, having implemented control measures such as insulation, there is a low risk of electrocution; this is an everyday risk taken and accepted by millions of people.*

When evaluating tree-failure hazards, two types of risk will be considered. Consideration is given to the person upon whom a risk is imposed.

The level of acceptable risk is identified within The British Medical Associations Guide "Living with Risk" (Henderson 1987)

The conclusion of which states '*few people would commit their own resources to reduce an annual risk of death that was already as low as 1/10,000*'. It is therefore suggested that a 1/10,000 might be a suitable place to start with the limit of acceptable risk. The Health and Safety Executive identified that '*For members of the public who have a risk imposed on them 'in the wider interest' HSE would set this limit at 1/10,000 per annum.*'

*Britain in the view of former Prime Minister Blair is "in danger of having a wholly disproportionate attitude to the risks we should expect to run as a normal part of life. ... The result is a plethora of rules, guidelines, responses to 'scandals' of one nature or another that ends up having utterly perverse management in Britain leads me to the conclusion that it is disproportionately risk averse and is having utterly perverse consequences." My introduction to the world of tree risk management in Britain leads me to the conclusion that it is disproportionately risk averse and is having "utterly perverse consequences".*

## **COST AND BENEFIT**

The benefits of trees are always underestimated; they are essential to our well being and generally enhance our built and natural environments. It is essential within our management principles to maintain a balance between the benefits of risk reduction and the cost of risk reduction; not only financially but also in terms of the lost amenity and other tree related benefits.

## **THE TREE INSPECTION PROGRAMME.**

It is the responsibility of the Council to ensure that tree inspection procedures are in place and that they are undertaken only by staff or others who meet the requirements of competence set out within the following sections.

The tree inspection programme has four stages;

- An assessment of risk.
- An assessment of hazard.
- A prescription for remedial action.
- A plan for the recording and re-inspection process

These actions need not all be undertaken by the same person.

### **ASSESSING THE LEVEL OF RISK**

This is undertaken by the appropriate Council Officer with sufficient local knowledge and with advice from relevant on site staff and colleagues.

The inspection regime for council-owned trees is informed by a desktop exercise which will identify risk zone categories. The application of the categories is broad based and is designed to focus resources to the highest risk areas. As groups and individual trees are inspected, each area is assigned a refined risk zone which will in turn inform the re-inspection regime for that tree or group.

For a programme of tree inspection to be manageable, most resources need to be directed to areas where there is potentially most risk to people and property. This is initiated by designating each part of a site to one of three Risk Zones. These should be clearly documented.

These zones will reflect normal usage but must be kept under review. The level of risk changes over time. For example, plans to hold an event involving many people in a moderate risk zone will change its status to high risk for the duration of the event; new facilities or activities may change the patterns of public usage permanently and may require a review of the designated risk zone originally associated with the area in which the trees or tree groups are located.

The designation of Risk Zones is a matter of informed judgement and periodic review. It is the responsibility of the Council to ensure that Risk is periodically reviewed, realistically assessed and decisions documented.

***The criteria to define Torbay Council tree risk zones shown in table1 below, are as follows:***

- Highway characteristics are prioritised according to traffic volume, speed and emergency accessibility. Top priority areas include congested junctions, major roads and emergency access routes.
- Public areas and buildings are prioritised according to occupancy. Top priority areas around schools, shopping precincts, emergency and medical facilities.
- Tree population characteristics are primarily prioritised according age and species. Discrete populations of trees that are mature to over mature or are known to be inherently prone to failure e.g. Planes, Willows, or key single specimen veteran specimens will be prioritised.

**Table 1 – Tree risk zone categories and examples**

<b>Hazard Zone Categories</b>	<b>Examples of target criteria</b>
<b>High Hazard</b>	<ol style="list-style-type: none"> <li>1. All emergency access routes</li> <li>2. Medical and emergency facilities and shelters, handicap access areas</li> <li>3. Overhead utility lines, especially Electricity (LV or HV) and alarm systems</li> <li>4. School playgrounds</li> <li>5. In High-use parks/public areas: Permanent structures with a constant target.</li> <li>6. Permanent structures with a value in excess of £50,000 or are habitable.</li> <li>7. Seating areas.</li> <li>8. Campsites</li> <li>9. Known informal recreation “hotspots” used for impromptu “gatherings” of school children</li> <li>10. Car park areas adjacent to high use public areas.</li> <li>11. Footpaths/access ways with greater than 36 pedestrians per hour.</li> <li>12. Individual trees or neighbourhoods with very high-risk tree characteristics such as:               <ol style="list-style-type: none"> <li>a. standing dead trees or those with very poor condition class ratings severely storm damaged trees</li> <li>b. trees that visually obstruct traffic signs, traffic lights, or street lamps</li> <li>c. tree roots causing severe footpath buckling</li> </ol> </li> <li>13. Railway lines.</li> <li>14. Trunk roads (all areas) &amp; above.</li> <li>15. Principle Roads in built up areas.</li> </ol> <p><b>Guide: Pedestrian rates over 36 per hour, Structures over £50,000.</b></p>
<b>Moderate Hazard</b>	<ol style="list-style-type: none"> <li>1. Main Roads: Congested junctions and visually obstructed traffic lights/signs.</li> <li>2. In High use Parks/Public areas: informal play areas, minor paths, grass recreation areas.</li> <li>3. Golf Courses (excluding areas in High Hazard Zone)</li> <li>4. Car parks adjacent to moderate/low use areas.</li> <li>5. Bus stops in high use thoroughfares</li> <li>6. Individual trees of neighbourhoods with high risk tree characteristics, such as:               <ol style="list-style-type: none"> <li>a. Old and veteran trees</li> <li>b. High density of large, mature or “problem” tree species</li> <li>c. Areas of recent root disturbance such as footway reconstruction, trenching, drainage etc.</li> <li>d. Storm damaged trees</li> </ol> </li> </ol> <p><b>Guide: Pedestrian rates between 1 – 36 per hour, Structures 2,000 – 50,000.</b></p>
<b>Low Hazard</b>	<ol style="list-style-type: none"> <li>1. Secondary and low use roads: congested junctions and visually obstructed traffic lights/signs.</li> <li>2. Neighbourhoods with moderate to low canopy densities of large diameter, mature or “problem” species trees.</li> <li>3. Moderate to low use parks, playgrounds and picnic areas.</li> <li>4. Public areas with dispersed recreation.</li> <li>5. Open areas, woods, riparian and peripheral areas with limited use or access.</li> </ol> <p><b>Guide: Pedestrian rates lower than 1 per hour and structures up to 2,000.</b></p>

## ASSESSING HAZARD

This is undertaken in high risk zones by an Arboriculturally qualified Officer as specified within the Tree Risk User Manual.

It is the responsibility of the inspector to ensure that hazard is assessed to the best of his/her ability and recorded accurately.

Many trees are potentially hazardous but only the conditions most likely to lead to injury or damage to people or property can reasonably be addressed by inspectors, unless a more detailed individual inspection is recommended. In practice

only visible defects are likely to be identified during an initial drive by or walkover survey.

The frequency, condition and method of inspection will reflect the designated Risk Zones shown within the tables below.

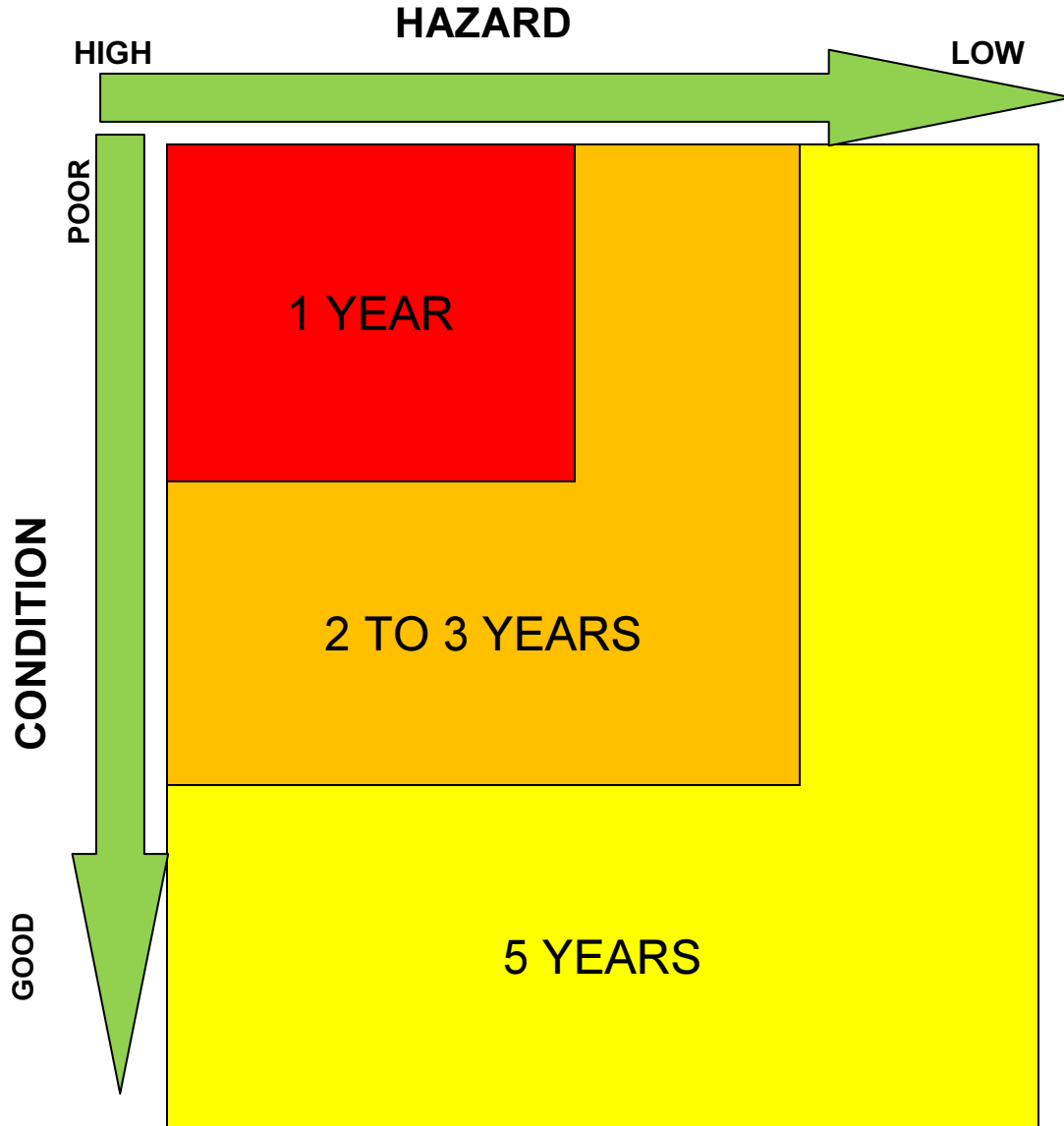
*you are thus only under a duty to protect those who are 'reasonably' likely to be affected by any omission on your part, and only if you can 'reasonably' foresee that they are likely to be injured as a result; even then you are only required to take reasonable care to avoid such omissions.'* MEGAW L.J

**Table 2- Frequency and method of inspection showing the reflection of designated Risk Zones:**

Hazard Zone Categories	Timing of Inspections	Recommended Inspection Methods	Comments
High Hazard	Annual	Walk-by/individual Level 2 tree inspections	Consideration could be given to extending the period to 18months (leaf on/leaf off regime?)
Moderate Hazard	2 to 3 Years	Walk-by/individual Level 2 tree inspections.	Consider a drive-by survey in off years.
Low Hazard	5 yearly	Walk-by/individual Level 2 tree inspections or Drive-by survey.	
All Zones	After storm conditions occur	Drive-by survey	If potentially hazardous trees are noted then follow up with a walk-by survey



Table 3 Frequency of inspection showing target and tree condition for re-inspections



The timing of inspections is to be lead by two components, if for example a tree in good condition in a high hazard area the inspection regime will be 5 years, if a tree is identified as in poor condition and in a low hazard area the inspection would still be 5 years.

## RECORDING INFORMATION

There needs to be a clear line of communication between the tree inspection regime and the tree works ordering system. The system comprises of a proprietary central electronic database. The EzyTreev Management System is a comprehensive computer programme which enables tree inspectors to record and store all inspections and public enquiries with a clear audit trail.

Information is recorded against individual trees or groups irrespective of whether works are specified or not. All inspections are supported where possible by photographic evidence which is attached to the specific tree inspection data field for future reference.

## WORK PRIORITIES

A record of action proposed and action taken must be maintained using the

means described in the Tree Risk user Manual.

The priority for implementing remedial action will depend on both the assessment of risk and hazard and related to the subsequent risk score.

In a high risk area trees which show obvious signs of imminent collapse or are otherwise seriously hazardous should be dealt with immediately on the best advice of the inspector.

Provision must be made in departmental budgets for the implementation of tree inspection programmes and necessary remedial action on an annual basis as revenue expenditure.

Works identified during inspections will be prioritised as follows within the table 3 below:

**Table 4- Prioritisation of recommended works**

FUNDING	EZY TREEV WORK CATEGORY	DETAILS	TARGET RESPONSE TIME
<b>ARBORICULTURAL SERVICES BUDGET</b> (Listed in priority order)	Emergency	Response to trees that are perceived Imminently as dangerous.	Onsite within <b>1</b> hour. (Or <i>barriered off until resources available</i> )
	Urgent Works	Response to trees that are perceived dangerous but where works needs to be undertaken at a safe time.	Works completed within <b>7</b> days. (Or <i>barriered off until resources available</i> )
	Normal	Works on trees posing less of a risk as identified though Torbay Risk Management System.	Works to be completed with within <b>42 days</b> of inspection.
	Nuisance	Work to abate or remove actual or potential nuisance caused by council trees (see <i>appendix 1</i> )	Completed within <b>12</b> months of inspection.(Budget constraints)
	Management (Budget Constraints)	Improvement works to enhance street scene or public space.	Works to be dealt with within <b>60</b> months of inspection.
<b>EXTERNAL PAYMENT</b> (Listed in priority order)	Private Emergency	Emergency response to deal with hazardous private trees blocking or threatening the public highways or POS.	Onsite within <b>1</b> hour (Or <i>barriered off until resources available</i> )
	Private Planned	Agreed works to deal with hazardous on council leased land.	Works completed with <b>7</b> days
	Recharge	Tree work projects for Council partners.	As and when required. Dependant on time scale as set by clients.
<b>Target response times follow the Arboriculture Contact AR/R/0091</b>			

## **COMPETENCE**

The rating of target area's (zoning) must be done in accordance with the guidelines in table 1 above and by a member of staff or volunteer with specific local knowledge.

The HSE (2007) considers that someone to be competent requires a working knowledge of trees and their defects, but need not be an arboricultural specialist.

Those trees that influence high to moderate risk areas should be inspected by a professionally trained Arboriculturalist at the prescribed intervals set. However staff or volunteers undertaking the initial assessment of tree hazards in low risk zones should ideally be appropriately trained or at the very least have some basic experience of trees and must be aware and acknowledge the limitations of their knowledge and experience in the particular matters under consideration.

Similarly any recommendations for remedial work must come from an appropriately qualified Arborist. Any external Consultants should normally be registered as consultants by the Arboricultural Association, a list is published annually or be approved by the Council's Principal Arboriculturalist.

## **GENERAL LEGAL DUTY**

No matter how low the risks, the need remains to consider the safety of trees under the Local Authority control. Torbay Council as owners have a duty (under English Law) to ensure, insofar as reasonably practicable, that people and property are not exposed to unreasonable levels of risk from the mechanical failure of trees under Torbay Councils control.

To achieve this, evaluation of tree hazards are only carried out by Council Tree Officers, Tree Inspectors and experienced or qualified Arboriculturalists. Torbay Councils Arboricultural Officers are qualified, experienced tree experts who will apply their knowledge of tree anatomy, tree physiology, tree biomechanics, geology and environmental conditions.

## **REASONABLE PRACTICABILITY**

The concept of 'reasonable practicability' is a central tenet of English law, which is evident throughout the English Health and Safety legislation and guidance (e.g. Health and Safety at Work Act 1974), and in judgements of the higher courts in relation to tree failure.

## **TREES IN PRIVATE OWNERSHIP**

Trees on private land within falling distance of a highway can also present a hazard to the public. Under the Local Government (Miscellaneous Provisions) Act 1976, if a tree poses a danger not only to the public highway but also to a neighbouring property this may be dealt with accordingly at the discretion of the Local Authority pursuant to section 23 of the Act.

Any inspections carried out for Torbay Council are noted only on hazardous trees on private land that can be seen from outside the property. A clear auditable trail is kept of hazardous private trees and any actions that have been taken to reduce the risk.

## **MEASURING PERFORMANCE**

The following local indicators have been developed to measure the performance of all the key areas of the system.

- Percentage of work required on council owned trees falling in the emergency category.(target annual reduction)
- Percentage of planned work undertaken on time.(target annual increase)
- Number of incidence recorded in the failure log each year.(target annual decrease)
- Percentage of re-inspections undertaken within the assigned re-inspection date.

Performance targets will be further defined as data becomes available from tree inspections. These will be informed by national statistics.

## REFERENCES

- Ellison, M.J. (2005) Quantified Tree Risk Assessment (QTRA)
- Lonsdale, D. (1999) Principles of Tree Hazard Assessment, Stationary Office
- Health and Safety Executive. (1996) Use of Risk Assessments within Government Departments. HSE Books
- Health and Safety Executive (1998) Five steps to risk assessment INDG163, HSE Books
- Heliwell, D. R. (1990) Acceptable Level of Risk Associated with Trees
- Mynors. C. (2002) The law of Trees, Forests and Hedgerows
- Adams, J. Arboricultural Journal 2007 Dangerous Trees?



## **Pollarding Policy**

### **Introduction**

The Unitary Borough of Torbay is extremely fortunate in containing large numbers of pollarded trees within its boundaries, contributing as they do to many diverse benefits ranging from their visual and aesthetic value, as well as helping to increase biodiversity by providing food sources and valuable shelter for wildlife and even helping us in our goals of climate change mitigation.

Torbay is one of the UK's richest areas in terms of biological diversity and as such the council seeks to ensure that its commitment to the environment is followed through with the actions proposed within this policy.

Hand in hand with these benefits may come some negative factors such as leaf fall, shading concerns, and possibly even their very presence in some of our more densely urbanised streets may lead to safety concerns from neighbours of the trees.

The aims of this policy are to raise our awareness that the large numbers of pollards within the Bay should not be considered as a forgotten and troublesome legacy but rather as a positive feature within our unique landscape that contributes to the health and well being of our population. These aims are supported by a goal to integrate the management of our pollarded trees within the needs and aspirations of the public of Torbay, in conjunction with the Tree and Woodland Strategy and Tree Risk Management protocol recently adopted, which also links into the Green space strategy adopted as part of the Torbay local Development Framework.

By developing a strategic approach to pollard management it will be possible to identify the resources required to implement a planned cycle of action and to maximise budgets set, grants and other possible forms of income.

There is also a recognised need to increase public education of the importance of the pollarded trees in our environment and also involve residents in decisions on re pollarding trees in their area.

### **What is a Pollard?**

Pollarding should not be confused with either topping or lopping which can be described as the removal of large diameter upper branches in order to reduce the height of a tree considerably. This is poor practice and usually creates large wounds, which often allow decay to invade the tree. New branches are often weak and break off after a few years. Topping looks unattractive, leaving the tree with a stunted appearance.

There is little public understanding of the meaning of what really constitutes a pollarded tree. Common definitions found in arboricultural texts refer to pollarding as the following:

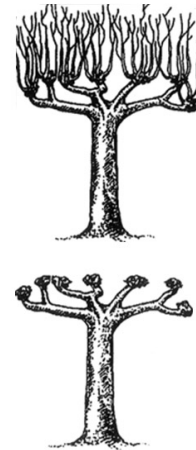
## Terms and Definitions

**Pollard** - “tree that has formed a crown consisting of numerous branches arising from the same height on a main stem or principle branches”<sup>1</sup>

**Pollarding** –“cutting a tree so as to encourage formation of numerous branches arising from the same height on a main stem or principle branches”<sup>2</sup>

Below are an interpretation of Torbay Councils terms and definitions of the three types of pollarding associated with trees in Torbay.

1. Pollarding - beheading a maiden tree by initially cutting through the main stem or leader and sub-sequently to cut on a regular basis back to this point.
2. Pollarding or Repollarding - Re-establishment or continuation of a pollard cycle on trees not too long out of cycle involving cutting back close to the initial cut.
3. Restoration Pollarding - Re-establishment of a pollard cycle on trees long out of cycle by means of selective branch reduction.(There may be situations when it may not be necessary or desirable to do this)



## History

Pollarded trees were historically found within open countryside and parklands, both open grown and within hedgelines. They were historically pruned at approximately 2 to 4 metres and then managed on a cyclical basis from that point (Pollard Head, the bolling), to produce new straight regrowth for fodder, fuel and building materials. This system of tree management if carried out correctly can prolong the life of a tree so it can live beyond its normal life span. Regrowth from a pollarded tree is usually rapid and the trees will soon regain their characteristic volume and form.



The realisation that field sized trees could be managed in size to fit the urban landscape by regular cyclical pruning became apparent during the Victorian/Edwardian era.

The introduction of pollarded trees into the urban environment took place predominantly within the eras mentioned above, with many of the larger pollards

<sup>1</sup> BSI Publication (2010), Tree Work-Recommendations BS 3998:2010

<sup>2</sup> BSI Publication (2010), Tree Work-Recommendations BS 3998:2010

within Torbay dating from this time. This introduction coincided with the laying out of the Victorian street scene we know today.

A correctly Pollarded tree that has been planted in a group, line or avenue, can be a fantastic architectural feature, which complements the area in which they are situated and historically belong.

A second class of pollard is present in much smaller numbers and comprise of now isolated mature hedgerow and field grown trees that have become integrated within spreading urban areas throughout Torbay and are now absorbed in to developments, but retained within small property gardens.

## **Torbay's Pollard's**

Our rich legacy of mature and maturing pollarded trees is mainly due to the foresight of the Victorian Torbay Town Planners who understood the importance of including trees when laying out the new suburbs. They intuitively understood that large trees could successfully coexist with residential properties and our highways if regularly managed by pollarding.

There are presently over one thousand pollarded (or topped) trees within our total holding of approximately fifteen thousand trees within Torbay. This equates to more than **5%** of Torbay's street trees being Pollards of one form or another.

The Torbay Tree Officers have carried out an analysis of the numbers of enquiries raised by residents against these pollards and revealed a higher ratio of enquiries against these trees than those raised against unpollarded trees, or 'Maiden' trees (those having received only minor tree works if any through their life). This has led to recognition of the need to apply a policy driven cyclical management process for these trees.

## **Benefits of Urban Pollards**

In recent years, and in light of increased awareness of ecological and conservation concerns, a greater understanding of the importance of the retention of pollards within the urban environment has developed.

Some associated benefits related to pollards (and urban trees generally) are identified within the Torbay Councils Tree and Woodland Management Policy; however in summary Pollarded trees may provide the following specific benefits:

- A tree-lined avenue of well managed pollards positively affects property prices and arguably provides greater aesthetics when reaching a worthwhile size within a developed urban street scene.
- Large trees can be retained in small urban spaces, where trees would not normally be an option.
- From a purely practical point of view the larger species of street tree can more satisfactorily provide the height and stem clearance required for highways clearance.
- A positive desire to grow trees as pollards because they represent a traditional feature of the formal landscape or townscape.
- Advanced wildlife ecosystems may be present, which require the presence of mature trees as a habitat.

- Studies undertaken in the U.S. show residents enjoy living in a mature tree lined road more than those not and that crime rates are lower.

### **Negative effects of Urban Pollards**

- Neglected pollards can give rise to a situation where the size of the tree creates a nuisance or where heavy and potentially poorly attached regrowth could be a hazard.
- Potential root interference with foundations and other structures, as a result of the overall size of the tree.
- Debris falls due to dense competition of vigorous regrowth (sap, leaves, fruit, twigs and branches).
- The perceived psychological risk of living near of under mature trees.
- May attract undesirable habitat for wildlife e.g. bees, pigeons (and their waste), and squirrels.
- People find pollarded trees unattractive in winter months due to their structurally usually frame work.

It would appear that there are as many advantages as disadvantages, when living near pollarded trees and further complicating the issue are the personal views of groups of people who may live near the tree or trees. (Whether the above issues are relevant or not they should be considered within the trees management process. This will depend on a number of other variable factors eg species, site type, targets)

### **Types of Pollards in Torbay**

A study of the general make up of Torbay's urban pollard tree population revealed that our pollards can be divided into three categories as identified within Torbay Councils Arboricultural work contract and as listed below:

1. Lapsed pollards. (15 years growth plus)
2. Semi lapsed pollards. (5 to 15 years growth)
3. Actively managed pollards. (Up to 5 years growth)

### **The Lapsed Pollard**

These pollards comprise our most important Victorian planting characterised by highly prominent aesthetically important mature trees. Large-sized stems emerge from above the historic pollard points (Pollard heads or knuckles) subsequently leading to large and broadly spreading crowns. The pollard cycle has now lapsed considerably and a study of the size of regrowth suggests that this may have happened approximately 20 years ago on average. Branch attachment is typically good from the original pollard framework with little sign of dysfunction to any tree part or surrounding the swollen pollard head itself. Great wildlife, historic and visual amenity benefits are conferred by these trees which, despite their size, lead to a limited number of contentious enquiries to the Council.





## Semi Lapsed Pollards

These pollards appear to be mainly post Victorian planting which have undergone some routine maintenance or cyclical pollarding for a significant portion of their lives. The pollard cycle has now lapsed and a study of the regrowth suggests this may have happened approximately 15 years ago on average. A schedule of non-cyclical pollarding has occurred in some trees with others having undergone minor crown reductions either to address residents concerns or to alleviate developing structural issues as a result of previous neglect.



This gap within the pollard cycle has led to the forming of crowded drawn out maturing stems, with acute unions from the previous pollard heads or knuckles. This type of stem and union formation can result in the maturing stem regrowth from either the pollard head or stem itself potentially becoming hazardous and breaking out.

This category can create the largest volume of enquiries within the Council due to their noted structural issues in conjunction with their typical location in narrower streets often causing a poor relationship with other trees and their neighbours.

## Actively Managed Pollards

A category relating to pollarded trees that have been actively managed throughout their lives. Normally applying to trees in some of Torbay's more formal areas, hence why pollard management has continued and a permanent branch framework has formed with good pollard head formation. These trees, due to their active cycle of management appear to enjoy a good relationship with their neighbours and are aesthetically pleasing within the surrounding landscape/street scene. They also seem to generate very few contentious enquires to the council unless they are physically looking overgrown.

The pollard cycle is usually undertaken within a 5 year time span and would normally include the removal of all growth (Including epicormic growth) back to a pre determined



framework of larger limbs or to a point on, or points close to the main stem to the height above ground as specified by the supervising officer.

New pollards can be developed on pre selected nursery stock before it has been lifted and containerised or if required recently planted trees, but it would be fair to say that a minimum requirement for this new cycle on a recently planted tree/s is that the tree/s to be worked on have been established for a minimum of 5 years within the planting location. Managing a tree as a small pollard from the onset of a pre determined cycle has some advantages as the pollard heads would be formed and defined more quickly, making future maintenance easier.

Members of public would also see the new trees going in as pollards and therefore understand the planned management from the offset, reducing the likelihood of protest of any future pollard works undertaken.

The frequency of a cutting cycle can vary according to requirements, or as specified by the supervising officer within Torbay's Natural environment services.



Typical street scene Fareham, Hampshire

## **Examples of pollard categories at sites within Torbay**

### **Lapsed pollards**

Trees that have been repollarded from a lapsed state most likely to be category 5 and above and have visibly been pollarded in the past: Plane trees at Crown Hill Park, Torquay and Plane trees at Thurlow Road, Torquay: approximately 15+ years regrowth present.

### **Semi lapsed pollards**

Trees repollarded from semi lapsed state most likely to be category 2 to 4 that have been visibly pollarded in the past: Lime trees at Solsbro Road, Torquay and Lime trees at Elmsleigh Road, Paignton, approximately 5 to 15 years regrowth present.

### **Actively managed pollards**

Trees pollarded from Maiden or repollard as per current tree work schedule: Plane trees at Torquay Harbour and Lime trees at Goshen Road steps, Up to 5 years regrowth present or managed on 5 year cycle.

## **Management options and when the Council will intervene**

The presence of such large numbers of urban pollards in our highly urbanised towns often leads to complex and often contentious relationships between the trees, residents and the wildlife they support. Currently there are many lapsed Plane and Lime pollards of varying ages on the streets of Torbay that are in need of management or maintenance in some way. These larger trees however could also be felled due to their previous lapsed management as an option and not replaced due to their location and current budget restrictions within the Natural Environment Services team. Therefore rejuvenating some of the lapsed/semi lapsed pollarded trees might still be a better option long term, otherwise potentially the numbers of

these older Plane and Lime pollards, for example, will dramatically decrease as a result of neglect in the forthcoming years.

Ideally the Council would prefer to create new pollards where possible in order to help maintain the succession of this historic practice in Torbay and create awareness of this cycle of management. Starting with young trees which have a better chance of responding to the treatment prescribed within this policy and surviving long term within an urban environment.

### **Lapsed Pollards**

Due to the nature of our lapsed pollards, Torbay council's tree officers will aim to inspect such trees as a priority in line with the tree risk management policy, which may result in recommendations for works.

Another trigger point for potential management intervention may come in the form of repeated correspondences for a tree or group of trees (pollards), Councillors' enquiries or similar.

Given the importance of our pollards and the difficulties they pose in management terms. Any proven need for intervention to lapsed pollards will require further detailed tree assessments, than would normally be undertaken for general tree maintenance. An **Individual Tree Management Plan (ITMP)** will be created for each tree or tree group operation.

### **The assessment may include the following:**

- Non-invasive decay detection;
- Detailed study of species response to cutting, present tree vigour including branch extension, bud proliferation, foliage densities, and chlorophyll tests;
- Study of relationship with the trees' neighbours; (consultations)
- Any wildlife considerations; (may require specialised ecologist assistance)
- And possible cultural matters e.g. tree as a landmark, part of a historic landscape, providing cover to playgrounds etc.

This list is not exhaustive but serves to demonstrate the extra requirement for information before any possible pruning can be undertaken.

It is unlikely that a tree identified as a lapsed pollard will be repollarded in one operation, as it is felt that complete repollarding of these trees would be poor arboricultural management in terms of tree health, loss of habitat and/ or historical associations.

If the tree is considered suitable for management intervention, a phased works program may be created extending over several years dependant on the level of works required in conjunction with the health of the tree, as dictated by the ITMP.

### **The ITMP will be based upon the following considerations:**

Once an assessment has been undertaken in conjunction with the desired outcomes of the ITMP, then works can commence dependent upon current budgets.

a) The objectives of restoration pruning for the tree concerned with respect to its structural integrity, desired crown shape and size, vitality and with regard to the desires of the local residents.

- b) The suitability of pruning as a means of improving or safeguarding the mechanical Integrity of the tree, taking in to account its predicted tolerance to pruning by species, age, current vitality and vigour.
- c) Whether to try to achieve the desired size and shape of crown in a single operation (in consideration of the previous decision).
- d) The number of phases of work, the predicted details of each phase and the timescale (duration).
- e) The date for starting the work (assessment of priority for different trees).
- f) Pragmatic options to be implemented in tandem with prudent financial planning.

### **Semi Lapsed Pollards**

It is considered that these groups of trees will require some management intervention to continue their safe presence within the urban landscape.

Torbay Council will aim to repollard all semi lapsed pollards as identified and recommended by the Council Tree Officer. All regrowth will then be maintained within the 5 year pollarding cycle proposed for actively managed pollards.

Phased pollarding by way of staged crown reductions and/or selective stem or pole thinning and reductions may be considered. However, before any works are implemented the assessment will be undertaken as for lapsed pollards in addition to the present criteria for triggering tree pruning that may apply, and the ITMP may be created.

### **Actively Managed Pollards**

Torbay Council will continue to actively manage these tree groups within a 5 year time span by way of cyclical pollarding to maintain their presence in the locality without allowing a lapse in pruning that may lead to these trees moving into the latter categories of pollards.

Actively pollarded trees will not be pruned outside of the cyclical pruning programme in place, unless a significant risk is identified or an actionable threat of legal action is received. The 5 year cyclical pollarding time span proposed ensures a sound approach to management of the trees once pollarded both financially and contractually.

If due to reasons out of the Natural Environment teams control an active pollard cycle has been allowed to lapse. All safety works to pollarded trees will still be undertaken in line with the Tree Risk Management Policy, however given the potential long term hazard constraints pollarded trees can pose in an urban environment, alternative solutions may be considered before any further tree surgery recommendations are undertaken to continue a cycle of pollard management.

### **Intervention or Not - The Risk?**

With regard to the lapsed urban pollards concerned within Torbay, a decision not to introduce a cutting cycle may lead into a situation where the size of the trees will at some point create a 'nuisance' or where the trees maturing regrowth, from the original pollard heads may become too heavy and drawn out, potentially becoming a hazard to surrounding targets beneath the tree.

For urban pollards that have been allowed to grow past any form of cyclical management for many years the main options are as follows:

## **Pollard Intervention**

Any tree surgery carries a risk of promoting full or partial tree decline and therefore careful consideration will be given to works to pollarded trees of any stage. The need for intervention will arise from either the result of a regular inspection, resident enquiry or other communication raising concerns regarding the state of the tree or a poor relationship with its neighbours. The first option to restore a cycle of pollarding back at the original pollard heads identified would be the most desirable; however this carries the greatest risk of harm to the tree due to the size of the pruning wounds taking longer to heal and being more susceptible to decay. Other physiological and environmental factors would need to be taken into consideration when the above option is chosen.

The second option of a cutting cycle which is staged and requires the shortening of the original pollard regrowth, to form secondary pollard heads, allows the retention of younger wood and branch growth less susceptible to decay. The retention of a taller framework may however cause a problem if decay has been identified within the original pollard heads to which it is attached and the taller framework may also require more work in order to manage and maintain it, compared with the primary pollard structure. Consideration will also need to be taken that from an aesthetic point of view the trees may appear to look unsightly in the early stages of restoration.

Choosing between the above two options will need to be based on the experience of the supervising Council Tree Officer, known tree tolerance and the overall condition of the tree/s. The frequency of a cutting cycle can also be varied, either shorter or longer if necessary to address any significant issues identified and raised by members of the public and/or supervising Council Tree Officer.

## **Lapsed Pollards**

Given the present low frequency of enquiries against our larger lapsed pollards, it is felt that complete repollarding of these trees would be poor arboricultural management in terms of tree health, loss of habitat and/ or historical associations. Target pruning of secondary limbs above the pollard heads/bollings may be considered to address specific concerns, but requests for whole tree pollarding intervention would be likely to be resisted unless a professionally submitted case study was presented, that did not greatly affect the wider public interest nor lead to the loss of an important tree.

## **Semi-lapsed Pollards**

These groups of pollarded trees raise a disproportionate level of enquiries to the arboricultural section, mainly in relation to debris fall, size of tree, light issues etc.

The often crowded nature of branch formation above the pollard heads/bollings can lead to potential significant structural issues that if left unmanaged could pose a potential serious risk from the tree.

If the supervising council Tree Officer has recommended pollard management or a professionally submitted case study found a tree to be suitable for the reintroduction of the pollarding cycle then, budget permitting, works would be undertaken or an Individual Tree Management Plan (IMTP) would be created for the tree/s which may involve staged crown reduction or selected thinning and/ or phased reduction of emerging stems.

We propose to return many of these semi-lapsed pollarded trees to an actively managed pollard cycle over a period of 5 to 7 years, restoring the original pollard framework identified to its previous size and shape, as specified within Torbay

Councils Tree and Woodland Framework and Tree Risk Management Strategy. (Budget realignment or other external factors may affect the numbers of semi lapsed sites or individual trees selected for repollarding each financial year) A List of 26 proposed semi-lapsed sites to be repollarded into actively managed sites throughout Torbay have been shown below:

Adelphi Lane, Paignton	Polsham Park, Paignton
Asheldon Road, Torquay	Rathmore Road, Torquay
Bampflyde Road, Torquay	Rawlyn Road, Torquay
Broadsands Road, Paignton	St Mathews Road, Torquay
Chelston Road, Torquay	St Lukes Road South, Torquay
Crownhill Park, Torquay	St Lukes Road North, Torquay
Daison Crescent, Torquay	St Vincents Road, Torquay
Elmsleigh Park, Paignton	Solsbro Road, Torquay
Higher Erith Road, Torquay	Thurlow Road, Torquay
Kents Road, Torquay	Underhill Road, Torquay
Livermead Hill, Torquay	Vansitart Road, Torquay
Old Mill Road, Torquay (Sections)	Walnut Road, Torquay
Parkhurst Road, Torquay	Windsor Road, Torquay

The exact number of semi-lapsed pollarded trees to be returned to active pollard management within Torbay and each of the sites above is currently unknown and can only be approximated. This is mainly due to a lack of significant data being collected during previous inspections carried out throughout Torbay. All of the above sites will be re-inspected prior to any repollard works being undertaken and the Council systems updated. Individual trees and sites chosen for repollarding will become actively managed after repollarding works have been undertaken and added to the actively managed list below.

### **Actively Managed Pollards**

Torbay Council continue to actively manage these trees on a cyclical basis by maintaining the original pollard framework in its present size and shape, as specified within Torbay Councils Tree and Woodland Framework and Tree Risk Management Strategy. A list of the 37 actively managed sites throughout Torbay, comprising of 189 trees in total are shown below:

Asheldon Road, Torquay	Princess Gardens, Torquay
Babbacombe Road, Torquay	Quinta Footpath, Torquay
Bridge Road, Torquay	Rawlyn Road, Torquay
Burridge Road, Torquay	Rousdown Road (path), Torquay
Cary Parade, Torquay	Solsbro Road (path), Torquay
Chelston Road, Torquay	St Lukes Road South, Torquay
Cleveland Road, Torquay	St Lukes Road North, Torquay
Croft Hill Road, Torquay	St Marks Road, Torquay
Croft Road, Torquay	Teignmouth Road, Torquay
Crownhill Park, Torquay	Thurlow Bank, Torquay
Headlands Grove, Paignton	Thurlow Park, Torquay
Higher Erith Road, Torquay	Thurlow Road, Torquay
Higher Furzeham Road, Brixham	Vansittart Road, Torquay
Kents Road, Torquay	Vaughan Road, Torquay
Lower Shirburn Road, Torquay	Victoria Park, Paignton
Lymington Road, Torquay	Walnut Road (path), Torquay
Manor Road, Torquay	Walnut Road (rear), Torquay
Oldway Gardens, Paignton	Walnut Road, Torquay
Parkhurst Road, Torquay	

## Time of Cutting

It is hard to give a good time of year to pollard due to the variation between species and environmental and physiological factors that need to be considered. However the times to definitely avoid are spring, when the leaves are just opening on the tree and autumn when they are being lost. At these times it is considerably more difficult for the tree to deal with the stress of heavy pruning. In Torbay cutting has been carried out traditionally in winter with the most ideal time being between January and March. Cutting before this time should be avoided if possible for example November to December, however this is still possible and it is best to avoid cutting at all in frosty weather. Mid summer cutting again is not ideal but can be achieved if carried out in the summer months of July and August, however drought seasons should be avoided. Other reasons for not cutting within the summer period are for example, birds nesting, herbivorous insects are abundant and it is difficult to see the shape of the tree in order to establish a good pollard frame work.<sup>3</sup>

## No Pollard intervention

The main risks from non intervention relates to the possible increased risk and expense to the Council as the maturing regrowth increases in size and offers a greater risk to targets identified below as well as the tree increasing in size within a confined street scene. This may result in a combination of management as with maiden trees in need of remedial action e.g. Crown reduction and thinning, followed by regular monitoring and priority maintenance or no action other than regular inspections to ensure that the tree maintains a strong branch structure, with no indications of significant structural defects due to decay and is potentially not to large for the site.

## References

- Lonsdale, D. (1999), Principles of Tree Hazard Assessment, Stationary Office
- Corporation of London (1996), Pollard and Veteran Tree Management Part 2, Richmond Publishing Co
- BSI Publication (2010), Tree Work-Recommendations BS 3998:2010
- Shigo, A. (1991), Modern Arboricultural, Shigo and Tree Associates
- Helen Read (February 2000) Veteran Trees: A Guide to good management
- CABE (March 2005) Does Money Grow On Trees

*This policy document will be reviewed in conjunction with the documents mentioned below and is not to be used on its own but in conjunction with Torbay Councils Tree Risk Management Strategy and Torbay's Tree and Woodland Framework.*

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<sup>3</sup> Shigo, A. (1991), Modern Arboricultural, Shigo and Tree Associates

Helen Read (February 2000) Veteran Trees: A Guide to good management

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# **Tree-memberance Commemorative Trees Programme**

Create a green environment  
for yourself, your family  
and generations in the future.

## **1. BACKGROUND**

The purpose of the Tree-Memberance Commemorative Tree Programme is to add trees to Torbay's urban forest and give the sponsor the opportunity to commemorate an event or person.

People plant trees as memorials to commemorate rites of passage or other life events. Your sponsorship helps in contributing to the development and management of Torbay's Tree Scene, creating a green environment for yourself, your family and generations in the future.

There are many places around Torbay where memorial trees are welcome. Opportunities exist where tree planting is part of a conservation program in parks and gardens or in establishment of avenues, hedgerows and new woods. For a variety of reasons it may be less easy to accommodate memorial planting in existing woods.

## **2. POSITION**

Torbay Council responds warmly to requests for commemorative tree planting. Planting sites for individual trees will be offered only when there is a very high probability that the planted tree will remain undisturbed to old age but this cannot be guaranteed.

All of Torbay's parks and open spaces are potential venues, as are existing tree lined streets. However, it is vitally important that any tree fits into the long-term landscaping of the area. The management for conservation of the surrounding landscape or its biodiversity will take priority over the protection of an individual tree.

## **3. PLANTING SEASON**

The main season for tree planting is from November to March. At this time of year trees are in a dormant state and are able to be planted with a minimum of distress and allow good establishment of your tree. However, if the tree is to be planted to commemorate a specific date then out of season planting may be possible upon request.

## **4. ACTION**

- In every case the location, species, tree size and type of protection will be determined by Torbay Council. Not every site will be the same therefore the cost of a commemorative tree may vary.
- In order to be satisfied about the quality of the trees and the way they are planted Torbay Council will always provide and arrange the planting.
- Charges for a commemorative tree planting will reflect all direct costs and include a provision for the continuing management of the tree.
- In some locations a planting plaque may be possible; however, this will be determined on a site by site basis by Torbay Council. All commemorative trees plantings will be recorded on the council's electronic tree database, to include the contact details of the donor.
- Dedication of a memorial tree will give the donor no right to determine or influence its future management in any way but by accepting responsibility for the care of memorial trees Torbay Council will ensure that proper maintenance shall be carried out in line with best practices.
- Sometimes it will be possible for the donor to be present at the planting stages for the commemorative tree, or a dedication ceremony can be catered for, but the timings of such events are entirely the decision of the Council.

## **IMPORTANT NOTE FOR DONORS**

As the sites for tree planting are for the passive and active enjoyment for all users, it is not permitted to under plant or to place flowers at the planting site.

Unfortunately, newly planted trees may fail to establish due to pests, disease or vandalism. Torbay Council will **NOT** guarantee that any tree will survive to full maturity and will not be responsible for any replacement costs deemed negligent on our part, due to things beyond our control.

## **HOW WE MANAGE THE FUNDS**

The funds received in the Commemorative Tree Programme are used to purchase trees to serve as a living reminder of the special people or occasions in our lives.

### **Sponsors may:**

#### **Adopt a Tree**

This option is the most readily available and the preferred form for commemorations. To "adopt" an existing tree and have a plaque attached to the tree, the sponsor must request a list of available trees, which includes the level of donation necessary for each tree. The more historic, regal, significant and long-lived the tree, the higher the level of donation required.

Since the cost of maintaining a tree in good health throughout the life of the tree is largely dependent on the longevity of the species and its predisposition to limb damage and disease, the donation level is highly variable.

Sponsor plaques will remain on the tree until the tree dies or is removed because it has become a hazard or in accordance with any new designations for the area. In some cases this could be as little as 5 to 10 years and in others (e.g. a long-lived Oak) it could be over 200 years. If a tree is removed for construction purposes (e.g. new building additions, relocation of sewer lines, etc) the sponsor will be informed and the care can be transferred to a comparable tree, providing one exists.

The plaque, rather than reading "This tree was planted in memory of John Smith" will read something like, "The care of this tree is being provided by Mrs. Jane Smith in memory of her husband, John Smith."

Just because a tree is adopted this does not give the right of the sponsor to manage the tree as they see fit; any management work will be undertaken and agreed solely by Torbay Council's tree officers.

#### **Commemorative Tree Option**

If a sponsor chooses to have a new tree planted, rather than adopting an existing tree, a formal request must be made to the Tree Services Manager, who will inform the potential sponsor whether or not there is a memorial tree space available in the preferred location, and whether the Council has the intent to add a tree to the landscape that could be designated as a memorial tree within the desired time frame.

The Council will choose the type of tree and the location of the planting site since these two decisions must be made with any management plans in mind. However, if multiple trees are available, the sponsor can choose from the list provided by the Council.

## **HOW MUCH DOES IT COST**

As stated above, the adopt a tree option will depend on the tree chosen for the commemoration but, as a guideline only, adopting a large Plane tree adjacent to a residential property would cost around £2000, but

to adopt one of the smaller Mountain Ash nearby would be in the region of £200, which is the minimum cost for any commemoration.

The cost for any new commemorative trees is estimated as £500, which would include the purchase of the tree, it's planting and aftercare and any associated ceremony at the time of planting, any plaques or tags are not included. Further details can be requested if required.

#### **WHEN CAN TREES BE PLANTED**

Planting of any commemorative tree will normally take place in the next available planting season, which is usually November to March of each year. Any trees planted outside of this time frame will incur a higher charge and will not be replaced should they fail in the first four years.

#### **WHAT SPECIES CAN BE PLANTED**

A list of trees recommended for planting can be requested and dependant on the location of planting. Special Request for other types of species will be considered, however the Council has the final approval.

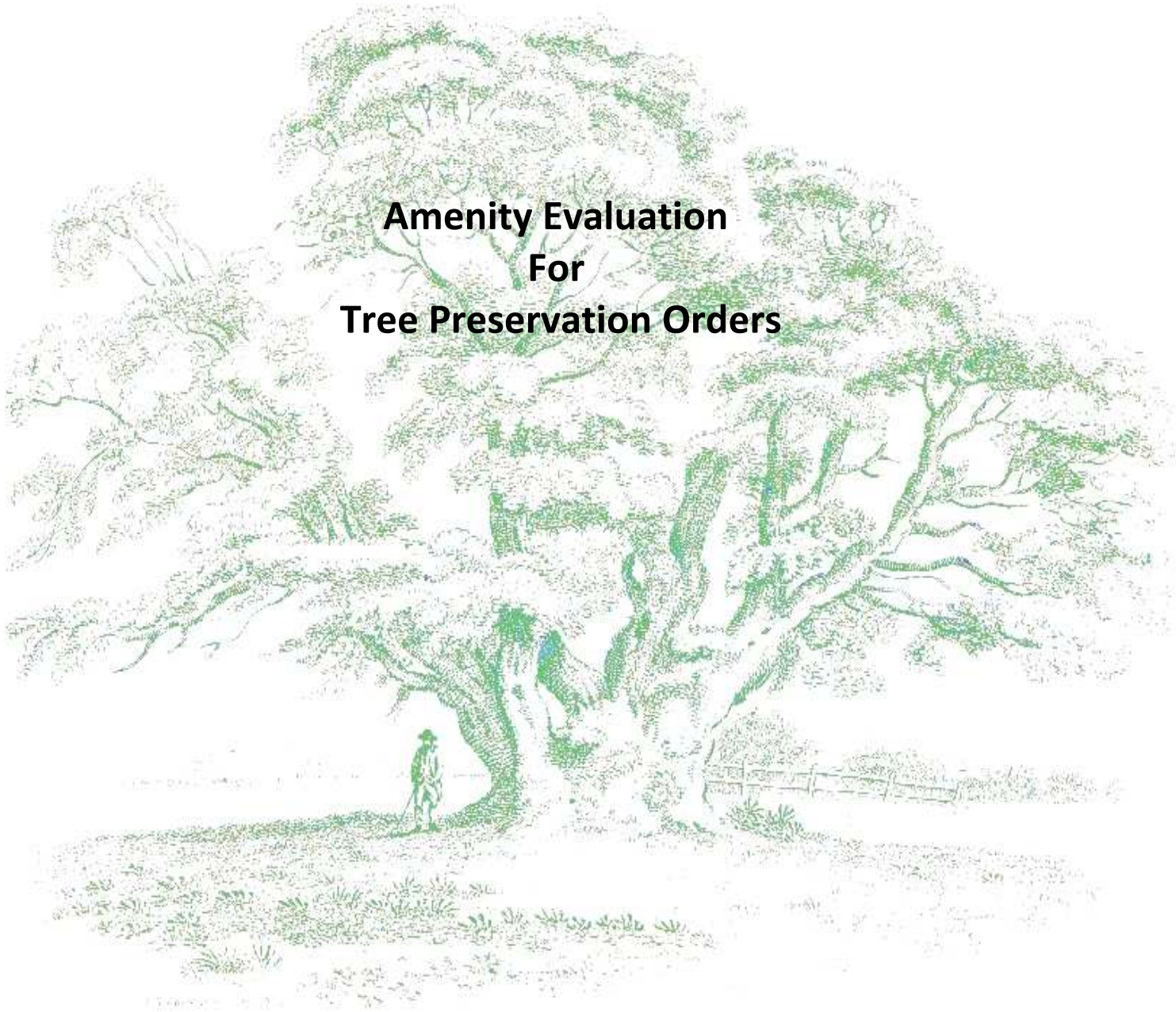
Every effort will be made to place the tree in the park, woodland or Highway verge of your choice. However, if conditions warrant, the Council reserves the right to place the tree in the location best suited for the tree.

#### **REQUEST FORM**

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

tel: 01803 207797

**Amenity Evaluation  
For  
Tree Preservation Orders**



## **INTRODUCTION**

**This Tree Preservation Order (TPO) Amenity Evaluation System** has been designed to provide a tool with which we, as local authority tree officers, can be consistent in our approach to applying TPO's, and is a method for dealing fairly with objections which may occur because of those evaluation judgements.

It is not considered appropriate to use the system on every tree or group, only where justification is warranted either for inclusion or exclusion, such as to objectors or even Planning committee within a Local Authority. It is unusual that the system will be used where the tree is obviously not one worthy of a TPO.

The system incorporates methods of evaluation similar to other recognised amenity systems, and includes the three relevant criteria as identified in the 2000 publication of The Blue Book '*Tree Preservation Orders: A Guide to the Law and Good Practice*', (1) Visibility, (2) Individual impact and (3) Wider impact.

The system has been in use now for 4 years and has since been adapted to be user friendly and as objective as possible. It is only a tool to help consider all the necessary factors and should only be used to help justify your reasoning for including a tree or groups of trees on a TPO.

There are many hoops to jump through when applying TPO's and complicated procedures may follow as a consequence. It is important to step through these procedures consistently and show how you eventually reached the conclusion that the tree or trees are worthy of a TPO.

A checklist is one way to ensure that this process has been followed and that all the implications of a TPO have been considered. A TPO can fail on a simple oversight, which can be very frustrating after months of work. We have included a list in *Appendix 1* that details all the relevant checks that should be followed. (*Reference Richard Nicholson East Dorset District Council*)

In accordance with Wilson (Journal of Planning Law 83) it is suggested there are four tests that can be applied before making a TPO:

- **Is it in the interests of amenity?** (see **benefits** in Appendix 1)
- **Is it expedient?** (see **justification/expediency** in Appendix 1)
- **Barring unforeseen accidents, will the trees last for a suitable period (over ten years)?** (see **site visit details** in Appendix 1)
- **Does the tree in the location show signs of causing damage?** (see **disbenefits** in Appendix 1)

Once it has been established that there is a need for a TPO, then and only then should an assessment for inclusion be carried out. Remember, that this normally only occurs when justification is warranted. Based on experience and the nine factors below, a **suitably qualified arboriculturalist** should be able to decide whether trees are worthy or not worthy of inclusion.

Before this evaluation system is used it is appropriate to consider the trees importance in the Landscape, and assess the prominence with regard to surrounding features such as buildings or other trees. They must have intrinsic value when seen from normal public vantage points.

## **Methods for evaluating the Amenity of trees placed under TPO's**

### **1. Size of tree**

Size of tree is measured as the area when viewed from one side. the height and diameter of the crown itself is estimated omitting the height of any clear stem. Multiply the two together to calculate the total area m<sup>2</sup>.

Where two or more trees grow close together or as a group, they form a single visual unit and are valued as one tree.

### **2. Life expectancy**

All identifiable problems surrounding the trees should be considered in order to assess the potential life expectancy, such as localised conditions and the proximity of the tree to obvious factors that may have a bearing on its future health. The score rating in this category must be made on Arboricultural grounds by a suitably qualified professional.

### **Typical useful life expectancy of common trees.**

**300+** Yew

**200-300** Oak, Sweet Chestnut, Plane, Sycamore, Lime

**150-200** Scots Pine, Hornbeam, Beech, Tulip Tree, Norway Maple, Lebanon Cedar

**100 - 150** Ash, Spruce, Walnut, Red Oak, Horse Chestnut, Field Maple, Monkey Puzzle, Mulberry, Pear.

**70 - 100** Rowan, Whitebeam, Apple, Wild Cherry, Catalpa, Robinia, Ailanthus

**50 - 70** Poplars, Willows, Cherries, Alders, Birches.

There are of course exceptions to the list and each tree must be judged on its merits, but these figures do give guidance.

### **3. Form**

The form of the tree is difficult to define precisely, but one should consider what is being offered in terms of its physical and structural attributes and how highly pleasing that may be in the aesthetic sense. Trees with good natural

characteristics or trees that contrast well with their location can be examples of trees with good form. The judgements for these characteristics must be made by professionally qualified Arboriculturalists.

#### **4. Public amenity assessment**

The Public amenity assessment is based on how much of the tree or trees can be seen, and from which point. The appropriate criteria are identified within the rating form.

#### **5. Other trees in the area**

The percentage of tree cover within the **visual area** considers the overall contribution of trees in the nearby surrounding area. It is intended to represent a visual impression as seen from ground level from different public viewpoints. The lower the surrounding tree population, then the higher the amenity value and vice-versa.

**Woodland surrounding** More than 70% of the visual area covered by trees, & at least 100 in total.

**Many** more than 30% of the visual area covered by trees and at least 4 trees in total.

**Some** more than 10% of the visual area covered by trees, and at least 4 trees in total.

**Few** Less than 10% of the visual area covered by trees, but at least one other tree present.

**None** No other trees present in the area under consideration.

#### **6. Suitability to the area**

As a general rule, one should aim to have the most suitable tree, or group that the available space will conveniently contain or maybe one with a suitable growing habit. Sometimes a tree or group of trees is particularly suitable to a certain setting or area with a particular character i.e. Weeping willows hanging down over water or a row of oak trees in a country lane.

#### **7. Future amenity value or potential to contribute**

An assessment must be made on the trees future, i.e. does the tree or group have room to develop, will it develop into a potentially large tree or group and will it eventually be seen by many to offer a reasonable degree of amenity value. There are several things to consider here, and a knowledge of the trees potential growth under various conditions is necessary to reach a reasonably accurate rating.

**0 Potential already realised** - If the tree or trees are of considerable size their amenity value is likely to have been realised, therefore it is fair to assume no rating is necessary.



1 **Some potential** - The tree or trees will develop to contribute some amenity in the future but are possibly blocked by lots of other features i.e. building or other trees.

2 **Medium potential** - The tree or trees will develop to contribute significantly to-amenity in the future but are possibly blocked by some other features i.e. buildings or other trees.

3 **High potential** - The tree or trees are in an appropriate place where they will develop well and eventually contribute well to the local amenity and landscape.

## **8. Tree influence**

Trees in urban situations are often found in close association with existing buildings and structures. This can lead to a perceived conflict between the differing features which can be difficult to quantify, but is, none the less real. For the purpose of this assessment what is being considered is the relationship between the tree and nearest inhabited building.

-1 **Significant** - The tree or trees are medium to large or have potential to become so and have a significant influence over a nearby inhabited building.

0 **Slight** - The tree or trees are small to medium, or they only have potential to become so, and so have only a slight influence on inhabited buildings nearby.

1 **Insignificant** - The tree or trees are either too small or far enough away from an inhabited building to be a significant influence.

## **9. Added factors**

Where there is some special value to the tree which has not been considered by the previous factors additional value ratings can be used. The factors included on the rating form include; important screening value, relevance in The Local Plan, wildlife potential and historical association. Other factors may be suggested by individual circumstances but it is important to be clear that such factors really do add an extra value to the trees under consideration.

It is important that if more than one factor is relevant, then it should still score just one point. It is considered that the amenity value should have already been recognised in the other eight factors and that this extra score is only help maintain its importance and not to help it reach the benchmark.

## **Benchmark Total score**

Once the figures have been collected for all 9 factors they are added together for a total amenity evaluation rating.

The Benchmark figure allows us to be consistent with the evaluation of amenity, taking into consideration 9 different factors. The top score of 31 is

for a perfect tree, and a tree with a rating of 2.5 would be the lowest. It is fair to say that a tree worthy of inclusion should be one that is well above the low rating but within a range which does not exclude them to be otherwise relatively important trees

The top score is based on a top score from numbers 1,2,3,4,5,6 and 8 which can only produce a maximum of 26. Because all these factors determine the importance of the tree/trees then number 7 will only be able to produce a maximum of 1 due to the fact that the potential would have already been recognized. Factor 9 the last to be included can only add a maximum of 2 extra points even if more are relevant.

The lowest score is 2.5 and the highest is 31 which gave us a range of 29.

Using the above range, we then identified trees we felt were worthy of a TPO, trees less important and trees we were unsure of including. These were then evaluated using the score system to help derive a reasonable and consistent benchmark. It was found that trees which arrived at a score of between 2.5 - 10 were unreasonable to include within a TPO, trees which scored between 11 - 21 were probable, and trees 22 - 31 were very important. We concluded it would be fair to come above the top of the low rating, and mid range of the probable score. This gave us a benchmark of 15

This benchmark was put to many field tests with the view that each tree or group of trees is different. The system was tested by tree officers within the council and all of the important factors were considered so that the eventual benchmark was not unfair or biased.

At present it is considered that a benchmark score of 15 is appropriate to indicate that a tree is worthy of inclusion in a TPO. This cut-off point may be adjusted in the light of further information.

## AMENITY EVALUATION RATING FOR TPO'S

<b>TPO NO:</b> <b>TREE SPECIES:</b>  <b>ADDRESS:</b>  <b>AMENITY VALUE RATING:</b> <b>REASON FOR TPO:</b>	<b>SITE VISIT DATE:</b>  <b>EFFECTIVE DATE:</b> <b>TPO DESIGNATION:</b>  <b>SURVEYED BY:</b>
---	---

<b>1. <u>Size</u></b>	<b><u>score</u></b>	<b>6. <u>Suitability to area</u></b>	<b><u>score</u></b>
1 very small 2-5m <sup>2</sup> 2 small 5-10m <sup>2</sup> 3 small 10-25 <sup>2</sup> 4 medium 25-50m <sup>2</sup> 5 medium 50-100m <sup>2</sup> 6 large 100-200m <sup>2</sup> 7 very large 200m <sup>2</sup> +		1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable	
<b>2. <u>Life expectancy</u></b> 1 5-15 yrs 2 15-40 yrs 3 40-100yrs 4 100yrs +		<b>7. <u>Future amenity value</u></b> 0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential	
<b>3. <u>Form</u></b> -1 Trees which are of poor form 0 Trees of not very good form 1 Trees of average form 2 Trees of good form 3 Trees of especially good form		<b>8. <u>Tree influence</u></b> -1 Significant 0 Slight 1 Insignificant	
<b>4. <u>Visibility</u></b> 1 Trees only seen with difficulty or by a very small number of people 2 Back garden trees, or trees slightly blocked by other features 3 Prominent trees in well frequented places		<b>9. <u>Added factors</u></b> <i>If more than one factor relevant maximum score can still only be 2</i> 1 Screening unpleasant view 1 Relevant to the Local Plan 1 Historical association  1 Considerably good for wildlife 1 Veteran tree status	
<b>5. <u>Other trees in the area</u></b> 0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None		<b>10. <u>Notes and total score</u></b>  <b>Not / Reasonable for inclusion within the TPO</b>	

**Typical useful life expectancy of common trees.**

300+ Yew  
 200-300 Oak, Sweet Chestnut, Plane, Sycamore, Lime  
 150- 200 Scots Pine, Hornbeam, Beech, Tulip Tree, Norway Maple, Lebanon Cedar  
 100 - 150 Ash, Spruce, Walnut, Red Oak, Horse Chestnut, Field Maple, Monkey Puzzle, Mulberry, Pear.  
 70 - 100 Rowan, Whitebeam, Apple, Gean, Catalpa, Robinia, Ailanthus  
 50 - 70 Poplars, Willows, Cherries, Alders, Birches.

**ADD EACH FACTOR TOGETHER 1+2+3+4+5+6+7+8+9 = Rating figure**  
**(The suitable benchmark rating for inclusion within a TPO is 15)**

# Appendix 1

## Tree Preservation Order Checklist

### File Search

- Any existing TPO's on the site?
- If there is an extant selective TPO can another be justified?
- Conservation Area?
- Extant approvals that would compromise the tree?
- Extant Planning permissions?
- Local Plan and other Land use policy considerations?
- Forestry Commission interest in the land? (DETR BB 2.8-2.11)
- Land Ownership details?
- Crown Land? (DETR BB 2.4-2.7)
- Local Authority Land? (DETR BB 2.12)
- Previous TWAP's or DDD replacement conditions

### Justification/expediency (DETR BB 3.4-3.5)

- Human Rights Act 1998?
- Change of ownership?
- Development pressures?
- Risk of felling?
- Risk of unacceptable pruning?
- Policy?
- Section 211 notification?
- Tree Preservation Order Review? (DETR BB Chapter 4)
- Hedgerow regulations?
- Member of public/Committee request?

### Site visit details

- Trees inspected (date)
- Form/condition (Mattheck)
- Barring unforeseen accidents will the tree last longer than 10 years? (Wilson)
- Does the risk of felling justify making a TPO before an inspection is carried out? (DETR BB 3.7)
- What works would be permitted in a future decision? Has this been discussed with the tree owner?
- Is the purpose to protect individuals/groups or ensure tree cover remains in the area?
- Present use of land

## **Exemptions**

- Planning history? (see file search) (DETR BB 6.14-6.16)
- Are the trees cultivated for fruit production? (DETR 6.17-6.18)
- Does Smith v Oliver apply? (TCPA Section 198(6);[1985] 2 PLR 1)
- Does the tree grow on a statutory undertakers operational land? (DETR BB 6.20-6.24)
- Can you justify inclusion? (see amenity evaluation form)
- Is there a presence of power cables, danger, appearance of post line clearance?
- Aerodromes? (DETR BB 6.25)
- Is the tree in the vicinity of an Ancient Monument? (DETR BB 6.26; PPG 15)
- Is a felling license needed? (see file search) (DETR BB 6.29-6.32)
- Is the tree dead/dying or imminently dangerous? (TCPA 1990 198(6); DETR BB 3.2)
- Is the tree causing an actionable nuisance? (TCPA 1990 198(6); DETR BB 6.9-6.11)
- Can reasonable Highway clearances be achieved within acceptable arboricultural management? (Highways Act Sec.154)

## **Benefits: Visual amenity/visual benefits**

- Define the visual area (Gordon Cullen 1968 Townscape notation)
- Tree with future benefit? (DETR BB 3.2)
- Statement about visibility, importance of position in the landscape, landscape value when viewed from a stated public place (see evaluation form)
- Would the loss have a significant impact on the local environment and its enjoyment by the public? (DETR BB 3.2)
- If not visible, can the trees inclusion be justified? (DETR BB 3.3)
- Does the tree screen an eyesore or future development (DETR BB 3.2)
- Value of the tree enhanced by its scarcity? (DETR BB 3.2)
- Group/collective value only? (DETR BB 3.2)

## **Benefits: Non-visual amenity/Non-visual benefits**

- Wildlife Habitat?
- Pollution/Environmental/Health? (DETR Air Quality Strategy)
- Community/Social?
- Local economy? (Products)
- Biodiversity?
- Protection/Energy conservation?

## **Disbenefits**

- Proximity of tree to structures? (BS 5837:1991 6.3)
- Shade readings? (BRE guidance)
- Unreasonableness to rooms requiring light? (BS 8206:1992)
- Phenology
- Size of tree ? (BS 5837:1991)
- Ultimate size and spread? BS 5837:1991; ARN 84/90
- Aspect and changes in exposure?
- Is risk of future damage reasonably foreseeable?(1999 regulations)
- Is tree causing damage? (Wilson)
- 28.2° East of South? Digital signals

## **Hedges** (DETR BB 3.2)

- Are the trees in a hedge?
- Are the trees an overgrown hedge?
- Would future management be classed as hedgerow management? (Plot carefully)

## **Designation** (DETR BB 3.10)

- Individual** : Regardless of scale of plan, do the trees merit protection in their own right?
- Group**: (Count carefully) (DETR BB 3.14)
  - Plot the trees on the plan and specify in the first schedule
  - Show the canopy edge of group as a dotted line
- Woodland** (DETR BB 3.15)
  - Does the wood include ground flora, a shrub layer and natural regeneration?
  - Use features/boundaries as woodland boundary for the avoidance of doubt.
  - Does the woodland form part of a Garden? (see leaflet Woodland guidelines for Branksome Park)
  - Would the TPO hinder normal silvicultural management?
  - Coppice (Bullock v Sec. Of State for the Environment 1980)

## **Statement of reasons for promoting the order**

Ensure:

- Checks have been carried out
- Plan is accurate
- Statement is accurate
- Regulation 3 statement
- Serving (DETR BB 3.24)
- Objections (DETR BB 3.31, 3.36-3.38) (see amenity evaluation form)

## ***Bibliography***

**Arboricultural Research Note ARN 84/90** Ultimate spread of trees grown in towns

**BRE** Availability of Sunshine. Building Research Establishment. Current paper CP 75/75

**British Standard 5837:** 1991. Guide for Trees in Relation to Construction

**British Standard 8206:** part 2: 1992. Lighting for buildings. Pt.2 Code of Practice for daylighting.

**Case Law :** Smith V Oliver [1985] 2 PLR 1

**DETR March 2000** Tree Preservation Orders A guide to the Law and good practice (Blue Book)

**Highways Act 1980** Section 154

**Mattheck and Broeler** The Body Language of Trees *Research for Amenity Trees 4*

**Planning Policy Guidance (PPG 3)** Housing

**Planning Policy Guidance (PPG 12)** Development Plans and Regional Planning guidance: paragraphs 3.18 and 3.1: Supplementary Planning Guidance.

**Planning Policy Guidance (PPG15)** Historic Buildings

**The Town and Country Planning Act 1990** Section 198(6)

**Wilson** Journal of Planning and Environmental Law. February 1983 pp 83-96

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Public Agenda Item: **Yes**

Title: **Revenue Budget Monitoring 2011/12 – Quarter 3**

Wards Affected: **All Wards in Torbay**

To: **Overview and Scrutiny Board  
Council**

On: **15 February 2012  
1 March 2012**

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## 1. Key Points and Summary

- 1.1 The Council is projecting an overspend of £0.930m at the end of the financial year based upon the latest information available to finance officers. Despite the extremely challenging financial position faced by the Council this year it is encouraging that continued progress has been made in addressing the £3m projected overspend that was reported to Members as at the end of quarter 1, which fell to £1.5m at the end of quarter 2.
- 1.2 As outlined in the previous report to Members, the pressures identified within Adults and Children's still exist, however the Torbay Care Trust and Children Services Management Team have been working hard to contain expenditure in the context of ongoing demands.
- 1.3 The Strategy of all other services identifying in-year savings and the identification of uncommitted budgets has continued during the third quarter and has resulted in a continued fall in the projected overspend. A £0.930m overspend is a large deficit to recover in the last quarter of the year and the achievement of a balanced budget position will remain a challenge in the current climate with existing commitments.
- 1.4 Whilst there are still a number of significant projected overspends within Adults and, Children's services, Executive Lead Members and the Senior Leadership Team will continue to take appropriate action to curtail expenditure in the last quarter to reduce the projected overspend and will continue to explore all opportunities to ensure recovery plans are delivered and to identify where other efficiencies and savings can be made to ensure a balanced budget is achieved.

- 1.5 Executive Heads have reviewed all areas of expenditure to identify where further savings can be made and a series of actions have been ongoing including the continuation of the vacancy freeze, an embargo on expenditure not yet committed including IT purchases and bringing forward proposed budget savings currently being proposed for the next financial year.
- 1.6 It should be noted that the Council must achieve a balanced budget at year end. If insufficient savings can be made there is a risk that, as a last resort, uncommitted reserves or uncommitted budgets will be required to ensure a balanced budget can be achieved at the end of the year. It is essential that where possible expenditure is contained within the approved budget, and preferably below the approved budget, due to the difficult financial challenges faced by the Council in 2012/13 and beyond.
- 1.7 Included as appendices to this report are the Children's and Adults Services recovery plans to show Members the actions taken to address their overspends and the pressures faced by these services.
- 1.8 The key variations identified to date within services are:
- Children's Services projected overspend has increased to £2.2m. As previously reported the overspend is primarily within the Safeguarding and Wellbeing service due to increasing numbers and the costs for looking after Children and the costs for the continued use of agency social workers within the Children In Need service.
  - Adult Social Care is projected to overspend by £1.654m. This is due to pressures within Learning Disability, Older People and Mental Health.
  - Services within the Environment and Operational portfolios (excluded Adults) are currently projected to spend below or within their approved budget. Any specific budget pressures within Business Units have been reported.
- 1.9 A summary of how the projected overspend is shown in the table below:

	£m	£m
Council Overspend		4.137
<i>Managed by</i>		
In Year savings identified to date by services	(2.522)	
Balance remaining		<b>1.615</b>
Further options to balance budget:		
Uncommitted Income:		
- New Homes: Bonus	(305)	
- Local Services Support Grant	(380)	<b>930</b>
Further in year savings to be identified	to be confirmed	
Uncommitted reserves (if required)	to be confirmed	<b>(930)</b>
Balance		<b>0</b>

1.10 As a comparator, the position at this time last year was a projected underspend of £0.395m.

## 2. Report Overview

2.1 The purpose of this report is to provide Members with a summary of the projections of income and expenditure for all Business Units within the Council and to set out how the Council will maintain expenditure within its approved budget of £125.8m.

2.2. The revenue monitoring statement shows the expenditure and projected outturn position based upon the latest information available to finance officers in consultation with service departments. Where possible, the implications or consequences arising from the variations are reflected in the key performance indicators for that service.

2.3 Ongoing performance and financial monitoring will be provided to Members through the SPAR system and quarterly updates of performance management will be reported to Overview and Scrutiny Board.

**Paul Looby**  
**Executive Head of Finance and Chief Finance Officer**  
**Appendices**

- Appendix 1 Summary of Main Variations
- Appendix 2 Children's Services Recovery Plan
- Appendix 3 Pooled Budget with Torbay Care Trust
- Appendix 4 Torbay Care Trust Recovery Plan
- Appendix 5 Budget Monitoring of Council Subsidiaries and Associates

**Documents available in Members' rooms**

None.

**Background Papers:**

The following documents/files were used to compile this report:

Torbay Council's Financial Information and Management System (FIMS).

Budget Digest 2011/12.

### Summary of Main Variations

#### A. Performance

A1.1 The table below provides a summary of the projected outturn position for Council services based upon the four Commissioning areas.

Business Unit/Service	A 2011/12 Budget	B Spend to Date	D Projected Out-turn	E Variation at Out-turn
	£'000	£'000	£'000	£'000
<b>Adults &amp; Operations</b>				
- Adult Social Care	41,937	29,218	43,591	1,654
- Business Services	2,615	1,784	2,338	(277)
- Chief Information Officer	3,999	3,296	3,879	(120)
- Commercial Services	2,586	1,933	2,525	(61)
- Finance	11,961	(4,862)	10,367	(1,594)
- Supporting People	6,379	5,229	6,282	(97)
	<b>69,477</b>	<b>36,598</b>	<b>68,982</b>	<b>(495)</b>
<b>Children, Schools &amp; Families</b>	<b>21,123</b>	<b>12,728</b>	<b>23,323</b>	<b>2,200</b>
<b>Communities &amp; Local Democracy</b>				
- Community Safety	2,864	1,269	2,519	(345)
- Community Engagement	1,427	1,017	1,347	(80)
	<b>4,291</b>	<b>2,286</b>	<b>3,866</b>	<b>(425)</b>
<b>Place &amp; Environment</b>				
- Residents & Visitors	9,960	5,361	9,905	(55)
- Spatial Planning	5,565	4,119	5,848	283
- Torbay Development Agency	4,853	3,539	4,603	(250)
- Torbay Harbour Authority	0	(461)	0	0
- Waste & Cleaning	10,518	8,411	10,190	(328)
	<b>30,896</b>	<b>20,969</b>	<b>30,546</b>	<b>(350)</b>
<b>Total</b>	<b>125,787</b>	<b>72,581</b>	<b>126,717</b>	<b>930</b>

## **A2. Main Variations**

- A2.1 The following paragraphs identify, within each Commissioning area, identified variations against the approved budgets or concerns about emerging issues and risks in that area. Service managers consider the sensitivity of budget variations and the projected outturn position which is based on the most likely position at the time of writing this report.

### **Environment**

- A2.2 Services within the Environment portfolio are projecting to underspend their approved budget by £0.350m. There are a number of variations within the three main services including budget pressures within Spatial Planning which will need to be monitored closely over the last quarter of the financial year.

#### **(a) Resident's and Visitors**

This service is now projecting an underspend of £0.055m compared with a £0.065m overspend reported at quarter 2.

The previously reported overspend on Highways Street Lighting, due to the delay in introducing 'part night lighting,' has continued and accounts for £0.218m. This has been partly offset by vacancy management, service expenditure savings and improved income within Decriminalised Parking Enforcement which has partly offset this to the sum of £0.182m. However, further pressures have arisen as National Non-Domestic Rates bills have increased by £0.128m as a result of revised and new rating valuations (RV's). Officers are in the process of initiating a programme of RV investigations to determine whether reassessments are possible and if these new costs can be reduced.

As part of the in-year savings strategy, officers have implemented a recovery plan to offset the net effect of the above pressures which total £0.164m. A moratorium on service expenditure has delivered reductions which includes £0.085m within Highways, Parks & Illuminations maintenance and £0.040m within Libraries. Further vacancy management and associated administrative savings across a range of Environment services plus energy cost reductions within Car Parks have also delivered £0.104m in savings. This has helped deliver the net underspend of £0.055m now reported.

#### **Potential Additional Savings**

The Council agreed to implement a revision to its on and off street car parking tariffs from January 2012 and install on-street meters in new locations which is already delivering improved

income streams. It is difficult at this stage to quantify the full impact over the remaining quarter with only a limited number of week's information available, however this new income stream could assist in reducing the council's projected overspend.

Winter maintenance may deliver an underspend due to the mild winter so far. However, with two months remaining of this financial year and the current cold snap being experienced at the time of writing this report, it is felt prudent not to take account for this at this time.

**(b) Waste and Cleaning**

The previously reported underspend of £0.251m within this service area has increased to a predicted £0.328m as improvements in waste diversion and recycling continue to deliver savings in landfill tax, gate fee and transportation costs.

**(c) Spatial Planning**

The Concessionary Fares projected overspend of £0.060m reported at quarter 2 is unchanged. Members will be aware this is one of the Council's more volatile budgets and is subject to variation, being partly influenced by the number of local residents and visitors to the Bay who utilise the service. The increase in expenditure results predominantly from the full impact of a new bus service that commenced in 2010/11 and the increased usage this has generated as the service becomes more established. Increased demand and associated costs within this budget (which stands at £4.208m) continues to be monitored closely throughout the year.

The planning department has seen a significant reduction in its budgeted income this year due to a reduction in fee income, reflecting the continued weakness in the national and local economy, and a reduction in the Planning Delivery Grant. This has been exacerbated by a postponement in planned additional income generation due to a delay in the Government's introduction of 'full cost recovery' for planning fees and a delay in introducing charging for tipping at Torbay's civic amenity site. These overspends have been partly offset through vacancy management but overall Spatial Planning is projected to exceed its budget by £0.283m an increase of £0.097m from the £0.186m reported at quarter 2.

**(d) Economic Development Company (EDC) – Client Budgets**

In response to the overall projected overspend for the council, £0.2m of budget for the repairs and maintenance budget may not be committed. This will be kept under review over the

remainder of the financial year in particular in relation to any emergency works/repairs that may be required. Further facilities management savings have been identified which means the EDC is projecting a £0.250m underspend.



## **Children's Services**

A2.3 Children's Services were projecting an overspend of £1.9m at the end of quarter 2. However, due to the increasing pressure of numbers of children in care and the continuing high level of activity within the Children's Services this figure has risen to £2.2m.

A2.4 Children's Services can be split into three main areas:

- Children's, Schools and Communities.
- Commissioning and Performance.
- Safeguarding and Wellbeing.

A2.5 As previously reported the overspend is within Safeguarding and Wellbeing, due to increasing numbers and costs for Children in Care and placements within the independent sector and the costs for the continued use of agency social workers within the Children in Need service.

A2.6 A breakdown of the projected position is summarised below:

- (i) Children's, Schools and Communities are projecting an under spend of £1.2m. These savings are as a result of not making a contribution to the services redundancy provision in 2011/12 as the existing provision is adequate to meet any expected costs. Savings have also been achieved within the Locality teams across the Bay due to vacancy management.
- (ii) Commissioning and Performance is projecting an under spend of £0.6m due to vacancy management and a reduction in training.

Safeguarding and Wellbeing is the most volatile budget within Children's and covers placements for vulnerable children and is projected to overspend by £4.0m. This is based upon current commitments and placement numbers and the projected duration of placements and related costs. The latest figures for the number of looked after children as at the end of December is 255 which have increased from 213 as at 31 March 2011.

The number of children on child protection plans currently stands at 285. The number of Children looked after has to be set in the context of the difficulties the Service has had in recruiting qualified staff and the need to cover this through the employment of agency social workers which is contributing £1m to the projected overspend and £1m is the additional costs for placement of children being looked after.

A2.7 Children's Services have updated their recovery plan to address the current position and this is shown in appendix 2.

## **Communities and Local Democracy**

A2.8 Services within Communities and Local Democracy are projecting to underspend by £0.425m. The main variations are:

- Community Safety is projected to underspend by £0.345m an improvement of £0.118m on the £0.227m reported at quarter 2. This has been achieved through continued vacancy management as plans to bring forward and implement proposed savings for 2012/13 generate savings in the current financial year.
- Community Engagement is projecting a £0.080m underspend of which £0.070m is for vacancy management savings within the service and £10,000 due to savings within the Members allowances budget as a result of Members undertaking more than one special responsibility allowance which does not result in additional allowances.

## **Adults and Operations**

A2.9 Services within Adults and Operational Support are projecting an overspend of £0.495m. However, there are a number of variations within this portfolio of services with the largest projected overspend within Adult Social Care which has been offset by a number of savings which are summarised below.

### **Adult Social Care**

A2.10 Adult Social Care is a Commissioned service and is provided by the Torbay Care Trust. The partnership is managed through a pooled budget - a summary of the latest pooled budget is attached in appendix 3. The Pool budget comprises 3 elements, Community Based Teams, Commissioned Social Care and Management and Support Services.

A2.11 Within the Social Care Commissioned area, Older People, Learning Disabled and Mental health Services are all projecting overspends with the largest overspend within the Learning Disabled Service – the Torbay Care Trust have summarised the main budget pressures:

#### **(a) Learning Disability**

As reported at quarter two the budget pressures within this client group are personal budgets and domiciliary care (supported living). The personalisation agenda has meant costs have increased within this area over the last few years however, to date there has not been corresponding decreases in traditional care services such as residential care. This has meant it has not been possible to transfer budgets from residential care to fund these increased costs.

Underpinning the cost pressures within this client group are a number of factors such as transitional cases from children services, ordinary residency issues, older family carers and costs relating to clients at risk of offending. Specifically this financial year the main pressure has come from ordinary residency issues with Torbay being a net importer of cases.

(b) Older People and Physical Disability

As reported previously, the main budget pressure is within non-residential services such as domiciliary and day care and personal budgets. Whilst the Trust over the last five years has been successful in reducing traditional residential and nursing placements it has seen a movement of clients and cost to domiciliary care. Underpinning this cost pressure and older people in general is the demographic pressures of an ageing local population.

(c) Mental Health

The projected overspend is due to over spends on residential and domiciliary care. In 2011/12 budgets were reduced in both areas but unfortunately savings have not materialised with expenditure levels in these areas remaining at 2010/11 levels.

A2.12 The Torbay Care Trust's recovery plan to mitigate the overspend is shown in appendix 4.

A2.13 The main variations within the remaining services are summarised below.

1. Business Services are projecting an underspend of £277,000. This is due to a reduction in recruitment costs due to the reduction in the number of posts advertised, savings as a result of bringing forward a restructure of the service, (which was identified as a 2012/13 budget saving) and additional income achieved from services provided to schools.
2. Commercial Services are projecting an underspend of £61,000 due to vacancy management within the Information Governance and Legal Services teams.
3. The Chief Information Officer is projecting a £120,000 underspend due to reduced costs for IT licenses and by reducing the annual contribution to the IT renewals reserve.
4. Supporting People is projected to underspend by £97,000 due contractual negotiations with service providers and vacancy management.

5. Finance, which includes corporate budgets, are projecting an underspend of £1.594m. The variations are:
- £0.204m of this saving is due to reduced staffing costs arising from reduced hours worked and vacancy management within the Business Unit.
  - Treasury Management is projected to underspend by £350,000 due to higher than expected cash balances leading to better investment returns.
  - the costs of Audit fees and external inspection costs are projected to be £60,000 less than budgeted for due to a reduction in external audit fees.
  - the council has a contingency of £270,000 which is currently uncommitted. Due to the latest financial position it is recommended this contingency is released to offset the projected overspend.
  - the council received New Homes Bonus of £305,000. This budget is uncommitted and due to latest financial position it is recommended this budget is released to offset the projected overspend.
  - The council received a Local Services Support Grant of £380,000 after the budget was set in February 2011. This grant is un-ring fenced and is currently not committed. Due to the size of the current projected overspend it is recommended that this money is used to offset the overspend.
  - A £0.025m saving due to lower than expected discretionary pension costs to Devon County Council.

### **Strategy For in Year Budget Management**

A2.14 The main budget pressures identified are for services provided to the most vulnerable residents within the Bay and these are some of the council's most volatile budgets. Due to the level of commitments, Torbay Care Trust and Children's Services have been unable to reduce the projected overspends but continue to address the key issues through the implementation of their recovery plans.

A2.15 The Strategy of all services identifying in-year savings and the identification of uncommitted budgets has continued during the third quarter and has resulted in a continued fall in the projected overspend and all Executive Leads and their respective managers continue to work hard to ensure the measures set out in the recovery plans will

address, where possible, the budget pressures identified to date.

A2.16 As previously identified a number of initiatives have been acted upon in the last quarter which has resulted in the savings identified within this report which included:

- what areas of budgeted expenditure could be ceased and an assessment of the services consequences.
- a review on all non front line expenditure to identify whether any expenditure in these areas could be reduced and the implications of any reductions are assessed.
- The Establishment Control Panel to ensure further vacancy management controls are in place.
- Identification of any invest to save schemes that will have an immediate or cost savings in 2012/13.

A2.17 With confirmation of the 2012/13 grant allocation from government, the Council is already faced with an extremely challenging financial outlook in the context of reducing government grant and increasing service demands over the next few years. Therefore, all services must contain their expenditure and deliver savings where possible otherwise the financial challenge will become harder in 2012/13 and beyond. There is limited time available to address the projected overspend but the continued implementation of the action plans and spending freeze must continue to support the Council in addressing the in-year pressures.

#### **A4. Reserves**

A4.1 At the beginning of the financial year the Council had some uncommitted reserves of £4.6m, that largest being the Comprehensive Spending Review (CSR) Reserve which was £3.1m. The purpose of the CSR reserve is to support the council in managing the financial challenges over the CSR period and making provision for any costs of restructuring council services and provision for any invest to save projects.

A4, 2 The Council also has its general fund balance which is £4.0m. In response to concerns raised by our external auditors as to the level of the general fund balance, the Council set an internal target to reach 3% of its net revenue budget. As a result of the contribution to the general fund balance as approved by Council on 14 July 2011, the current level is 3.2% which I consider to be a prudent level. It should be noted that the general fund reserve should only be called upon in emergencies.

A4.3 Members will be aware that all reserves are earmarked for specific purposes with the exception of the General Fund Reserve which remains the only fund the Council holds to meet emergency costs. The

government has focused its attention on the level of Council reserves held within councils. It should be noted that any release of monies from reserves should only be used for one off purposes and cannot be used to sustain ongoing expenditure.

A4.5 The Mayor has agreed to release the following monies from reserves during 2011/12:

- £0.5m to support Children's Services to develop an Intensive Family Support Service.
- £0.250m to support the Bay's tourism sector.
- £0.1m to support revenue costs associated with the Princess Promenade repairs (Council decision).
- £0.025m to support the Olympic and Golden Jubilee celebrations

A4.6 In addition the council has been able to confirm the final housing benefit subsidy award monies. These have been added to reserves as approved by Council when it considered the outturn report for 2010/11.

A4.6 After taken these into account the level of reserves is £4m. However, as previously reported there are a number of other cost pressures which will further reduce the level of reserves the council holds. These include sunk costs arising from the redesign of the Office Accommodation Review estimated at £0.5m, redundancy costs which will arise from the 2012/13 budget round (£1.5m last year) and will be a cost in 2011/12. In addition, if the council is unable to declare a balanced budget at year end any overspend will have to be funded from these reserves. This will reduce the council's uncommitted reserves and impact upon how the council manages further reductions in government grant in 2013/14 and 2014/15.

A4.7 A summary of the council's uncommitted reserves is shown below:

Reserve	Working Balance £'m
Comprehensive Spending Review Reserve	3.100
Budget Pressures Reserve	0.443
Financial Strategy and Change Management Reserve	0.500
<b>Balance at 31 September 2011</b>	<b>4.043</b>
Possible calls upon reserves	
Sunk Costs – Office Accommodation Review	0.5 (estimated)
Redundancy Costs arising from 2012/13 budget	1.5 (estimated)
2011/12 overspend	0.930 (latest position)

## **A.5 Dedicated Schools Grant (DSG)**

A.5.1 The Dedicated Schools Grant in 2011/12 is £84.2 and is used to fund all Schools Related Expenditure. The DSG is currently reporting to spend within its allocated budget. The DSG is a ring fenced grant and can only be used to fund schools related activities.

## **A.6 Debtors Monitoring**

A6.1 This section of the report provides Members with an update for the third quarter of 2011/12 in respect of council tax and business rate collection.

### Council Tax

A6.2 The targets for the collection of Council Tax are:

- (i) collect 96.5% of the Council Tax due within the 12 months of the financial year (i.e. April to March); and
- (ii) collect 50% of the arrears brought forward from previous years.

A6.3 The Council is due to collect £59.6m after the granting of mandatory relief and Council Tax Benefit in the period April 2011 to March 2012. To date the Council has collected £49.2m which is about 82.44% of the Council Tax due in year. The collection level is in line with last year's performance.

A6.4 The total arrears outstanding at 31 March 2011 were £3.7m and this has been reduced by £1.6m which is about 42.67% of the total arrears due.

A6.5 There are no Council Tax write-offs over £5,000 to report.

### Non-Domestic Rates

A6.6 The targets for the collection of NNDR (business rates) re:

- (i) collect 98.0% of the business rates due within the 12 months of the financial year (i.e. April to March); and
- (iii) collect 50% of the arrears brought forward from previous years.

A6.7 The Council is due to collect £35.9m after the granting of mandatory relief in the period April 2011 to March 2012. To date the Council has collected £30.1m which is about 83.7% of the business rates due in year. The collection level down on last year's performance.

A6.8 The total arrears outstanding were £1.49m and this has been reduced by £0.7m which is about 47.5% of the total arrears due.

A6.9 The write-offs in respect of debts over £5,000 are listed in Appendix A

#### **A.7 Financial Performance of External Companies**

A7.1 The council's external auditor has recommended that in the Council's quarterly financial reporting to Members, a summary of the financial performance of the companies that Torbay Council has an interest in is included. Attached as appendix 6 is a list of those companies which summarises their projected outturn position.



## **CHILDREN, SCHOOLS AND FAMILIES RECOVERY PLAN 2011/12 UPDATED FEBRUARY 2012**

The revised projected £2.2 million overspend is in large part a continuation of the pressure in children's social care for the last few years. At the end of 2010/11 social care for children overspent by £1m. However, this was to offset to some extent by significant under spends elsewhere within Children's services and the use of Sure Start grant, if these are stripped out the overspend would have been £1.3m.

### **1. Bringing Forward 2012/13 Saving Proposals**

Children's, Schools and Families have been set an in-year savings target of £250,000 by bringing forward savings from 2012/13. The savings achieved so far as at October 2011 is £144,000, these are detailed below. This still leaves a gap of £106,000 against this target.

Where it is possible to do so, the proposals put forward in the 2012/13 budget setting exercise will be implemented as soon as possible in this financial year, this is likely to generate savings from February 2012.

#### **Short to Medium term Plans**

### **2. Vacancy Management**

Of the £2.2m overspend, £0.6m relates to the vacancy target; savings achieved by delaying appointments or keeping vacant posts empty. The action here is to achieve staffing savings on non social work posts of at least £0.2m. It is unlikely that any staffing savings can be achieved in Safeguarding and Wellbeing due to the increased costs of employing agency social workers. However, when the backlog of cases to be reviewed is back down at acceptable levels plus the appointment of permanent staff this should, over the next 12 months, result in lower staffing costs and therefore reduction in the overspend.

#### **Vacancy Management Savings achieved in 2011/12**

£10,000 – achieved within the Disabilities Service (administrative vacancy)  
£18,000 – achieved from Early Years (redundancy)  
£10,000 – achieved from Early Years (play ranger funded finished)  
£20,000 – achievable from Review of Business Support.

### **3. Disability Services Review**

As part of our medium term plans there is a review of the level of and types of service provided to disabled children and their families. A specific area under review is that of Direct Payments; where the family is allocated a sum of money to manage their child's care package.

#### **4. Other Projected Savings elsewhere in Children's Services**

Within the net projected overspend of £2.2m other services unrelated to Children Looked After has indicated that a £1.8m of savings is projected to be made this financial year, an element of this has come from administrative and management savings, however any major contribution will inevitably have an impact on front line services. As of week beginning 25 July 2011, a spending moratorium has been implemented similar to that which was in force for the last 3 months of the last financial year. Any spend over £500 has to be authorised at Executive Head level and there will be a moratorium on attendance at conferences. Since December 2011 this moratorium has been extended to restrict all expenditure on non urgent items or services. All vacancies continue to be held vacant unless it is considered that none replacement would be detrimental to the management of the Children in Need intake team and safeguarding.

This regime allows Senior Managers and Executive Heads to review and challenge managers where there are significant financial commitments.

#### **Non Staffing savings achieved so far**

£0.601m – achieved across Training and PARIS team budgets –  
Commissioning & Performance

£0.872m – achieved in Localities (including YOT, Youth, Children's Centres)

#### **5. Proposed Reshaping of the Safeguarding and Wellbeing Service**

The Executive Head for Safeguarding and Wellbeing is in the process of reshaping the Safeguarding and Wellbeing service that will see changes to the teams contained within that service. Implementation is from February 2012. This is supported by an evidence based paper which lays out the pressures on the "intake" team in dealing with the increasing backlog of cases. This has required a reinvestment in staffing, which includes a national recruitment campaign for social workers plus the colocation of social care teams in Tor Hill House.

#### **Proposed Long term Changes**

#### **6. Identification of the on going pressures**

The number of children that are being brought into the care system is now at unprecedented levels. The Munro report is now suggesting that working with children in their family setting is more beneficial. Plans are currently being developed to create an Intensive Family Support service. This approach will have both financial benefits and better outcomes for the child and family and will act as a bridge between Early Intervention Services and Specialist Social Care Services.

## **7. Business case for the Intensive Family Support Service**

This approach delivers intensive support for families with multiple problems achieve lasting benefits; not just for the children involved; their families and those in the local community; but for other local services as well by tackling a whole range of factors. The impact of coordinated intensive support can be fairly immediate and help reduce the often excessive demands these families make on local services through staff time and the financial costs of failing to intervene earlier.

Torbay already has a successful Family intervention project but despite its significant progress, the numbers of children subject to Child Protection Plans and becoming Looked After by the Local Authority is continuing to rise. This is creating enormous pressure on resources and increases the potential for poorer outcomes for children. The transformation of the Family Intervention Project coupled with increased investment of £0.5m in 2011/12 to create an Intensive Family Support Service will ensure that resources are appropriately targeted and build on the growing evidence base of 'what works' for families and delivers efficiency savings for the Local Authority.

This project will be embedded within the new 'community budget/troubled families' approach and an existing post has been modified to create a Head of Family Services, to co-ordinate the work. A grant has been awarded (£75,000 per year for three years) by the Department for Communities and Local Government to support this approach and provide tailored family support.

The estimated savings that can be generated by delivering services in this way can be up to £81,624 per annum/per family, with £40,341 being attributed to the Local Authority itself (based on DFE Family Savings Calculator).

Based on 25 families successfully completing in the first year a £0.5m investment "could" generate reduced costs of £2m; £1m of which "would" directly reduce costs for the LA based upon the DFE Family Savings Calculator.

The Intensive Family Support Service has become fully operational from 1<sup>st</sup> February. It is estimated that the cost of this team together with additional investment that has been made in social care teams will enable us to respond to children in need at an earlier stage.

## **8. Access to Resources Panel**

New panel arrangements began on 31<sup>st</sup> January and will take place on a weekly basis to manage both the escalating number of children in care and to prevent additional children coming into the system. This will be implemented in parallel with the intensive family support model and ensure that we provide a full and comprehensive multi-agency support plan for families. It will also be complemented with a new 'prevention panel' in the near future as part of the wider Safeguarding Improvement Plan.

## **9. Children's Partnership Improvement Plan (CPIP)/Timescales**

The Director of Children's Services has revised the Service Improvement Plan and it was approved by the Safeguarding Improvement Board and the Dfe on October 14<sup>th</sup> 2011, with progress being noted both through the Ofsted Unannounced Inspection in October and a Dfe review in January. The impact of the changes is unlikely to be fully embedded in this financial year but should begin to have an impact in the next financial year, whilst retaining the council within its statutory safeguarding responsibilities. This will initiate a remodelling of current structures within Social care, localities and early intervention to enable them to follow a targeted model in support of vulnerable children. In parallel with the internal changes a reshaping of our partnership relationships to generate a more focused and effective multi agency approach to support children and young people will also be developed. The impact of these changes and improvements will be realised in budget setting terms as potential revenue savings/investment in the financial years 2013/14.

### Financial Position

Set out below is the financial position of the Care Trust Provider Arm as at 31st December 2011.

	Year to Date			Year End		
	Budget	Actual	Variance (Under)/ Over	Budget	Actual	ariance (Under)/ Over
	£'000	£'000	£'000	£'000	£'000	£'000
Funding from Torbay Council	31,058	32,299	1,241	41,411	43,065	1,654
Torbay Care Trust Contract Income	17,2568	17,256	0	23,008	23,008	0
NHS Devon Contract Income	25,423	25,423	0	33,897	33,897	0
<b>Total Contract Income</b>	<b>73,737</b>	<b>74,978</b>	<b>1,241</b>	<b>98,316</b>	<b>99,970</b>	<b>1,654</b>
Torquay North Zone	3,128	3,145	17	4,171	4,186	15
Torquay South Zone	2,750	2,584	(166)	3,667	3,489	(178)
Paignton North Zone	1,014	1,102	88	1,352	1,460	108
Paignton South Zone	1,738	1,667	(71)	2,317	2,240	(77)
Brixham Zone	1,221	1,209	(12)	1,628	1,650	22
Baywide Enabling Services Team (BEST)	3,348	3,381	33	4,464	4,504	40
Professional Practice ( Clinical Support)	2,859	2,847	(12)	3,812	3,858	46
South - Dartmouth & Totnes	1,052	1,028	(24)	1,402	1,389	(13)
South -Ivybridge & Kingsbridge	1,767	1,725	(42)	2,356	2,300	(56)
South- Tavistock	1,165	1,163	(2)	1,553	1,561	8
South – Coastal	635	652	17	847	872	25
South - Newton Abbot	853	842	(11)	1,137	1,130	(7)
South Moorland	395	385	(10)	526	521	(5)
South - Other Clinical Services	1,551	1,461	(90)	2,068	1,940	(128)
South - SD Community Hospitals	14,602	14,565	(37)	19,469	19,414	(55)
South - Torbay Community Hospitals	2,666	2,713	47	3,555	3,621	66
<b>Community Based Teams/ Clinical Services</b>	<b>40,743</b>	<b>40,469</b>	<b>(274)</b>	<b>54,324</b>	<b>54,135</b>	<b>(189)</b>
Older People	12,122	12,712	591	16,162	16,508	346
Learning Disabled	5,204	6,011	807	6,939	8,108	1,169
Mental Health	2,026	2,143	117	2,701	2,872	171
Preserved Rights	1,618	1,588	(30)	2,157	2,125	(32)
<b>Commissioned Social Care ( Net of Client Charges)</b>	<b>20,969</b>	<b>22,454</b>	<b>1,485</b>	<b>27,959</b>	<b>29,613</b>	<b>1,654</b>

Southern Management	2,738	2,793	55	3,651	3,700	49
Operations Support, Adult Social care, Other Social care	2,832	3,112	280	3,776	4,173	397
Support Services (inc, Board)	6,455	5,618	(837)	8,606	7,772	(834)
<b>Support Services (inc, Management and Capital Charges)</b>	<u>12,025</u>	<u>11,523</u>	<u>(502)</u>	<u>16,033</u>	<u>15,645</u>	<u>(388)</u>
TOTAL PROVIDER SERVICES	<u>73,737</u>	<u>74,446</u>	<u>709</u>	<u>98,316</u>	<u>99,393</u>	<u>1,077</u>
<b>(Surplus)/Deficit</b>	<u><b>(1)</b></u>	<u><b>(532)</b></u>	<u><b>(532)</b></u>	<u><b>0</b></u>	<u><b>(577)</b></u>	<u><b>(577)</b></u>

### TORBAY CARE TRUST RECOVERY PLAN– CASH RELEASING EFFICIENT SAVINGS (CRES) 2011/12

To date this financial year, the schemes below have been implemented by the Care Trust and are reflected within the current financial forecast.

Implemented Scheme	Saving £'000s
<b>Operations Savings</b> – Reconfiguration of St Edmunds, Reconfiguration of Fernham, Management Cost Savings (Redesign of Roles) & Change in Provision of Community Alarms	1,323
<b>Social Care Commissioned</b> - Preserved Rights Attrition	206
<b>Social Care Commissioned</b> – Increased Client Charges	202
<b>Social Care Commissioned</b> – Reduction in Nursing / Residential Placements	75
<b>Social Care Commissioned</b> – Opening of Dunboyne Court	50
<b>Social Care Commissioned</b> – Renegotiation of contracts and hourly rates for Tier 1 Domiciliary Care Providers	30
<b>Social Care Commissioned</b> – Actively review and intensively reable clients resulting in reduced levels of Domiciliary care	100
<b>Social Care Commissioned</b> – Reduced day services for older people	50
<b>Social Care Commissioned</b> – Reduction in short stay / respite placements	100
<b>Total Savings</b>	<b>2,136</b>

In addition to the above savings it is anticipated that a number of the above schemes will continue in the remainder of the financial year and it is anticipated they will realise £280,000 of further savings and result in a year end overspend of £1,654,000.

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Budget Monitoring of Council Subsidiaries & Associates

Budget Monitoring of Council Subsidiaries & Associates 2011/12 - Quarter Three	Council Ownership	Gross Income to Date £000's	Gross Spend to Date £000's	Surplus or Deficit to date £000's	Projected Outturn £000's
<b>Subsidiaries</b>					
Torbay Economic Development Company	100%	3,400	-3,400	0	0
English Riviera Tourism Company	100%	800	-500	300	0
<b>Associates</b>					
TOR2	19.99%	11,100	-12,400	-1,300	-1,400
South West Careers	25%	9,000	-9,100	-100	-200
PLUSS	25%	19,400	-18,700	700	800

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Public Agenda Item: **Yes**

Title: **Capital Investment Plan - Budget Monitoring 2011/12 (3rd Quarter)**

Wards Affected: **All Wards in Torbay**

To: **Overview & Scrutiny Board Council** On: 15 February 2012  
1 March 2012

Contact Officer: **Martin Phillips**  
Telephone: **(01803) 207285**  
E.mail: **Martin.phillips@torbay.gov.uk**

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## 1. What we are trying to achieve

- 1.1 This report is an overview of the Council's approved Capital Investment Plan for the quarter ending December 2011. The report provides details of expenditure and funding of service and community assets within the Council's approved Capital Investment Plan and is a key element of meeting the Council's aims and objectives.

## 2. Recommendation(s) for decision

### Overview & Scrutiny Board

- 2.1 That the Board note the latest position on the Capital Investment Plan and make recommendations to Council as appropriate.

### Council

- 2.2 That Members note the latest position on the Capital Investment Plan.
- 2.3 That £0.213 million of Prudential Borrowing for the replacement of some of the Council's vehicle fleet be approved (see para A2.1).

## 3. Key points and reasons for recommendations

- 3.1 This report incorporates the 4-year Capital Investment Plan Budget for 2011/12 – 2014/15 approved by Council in February 2011, adjusted for slippage arising in 2010/11 and amended by any further revision to both projects and timing during the first three quarters of the year 2011/12.
- 3.2 This report does not include any changes arising from the Capital Investment Plan 2012/13 due to be approved by Council on the 8<sup>th</sup> February 2012. Any changes arising from the Council decision will be incorporated into future reporting.
- 3.3 Of the total £78 million in the 4 year programme, £24.9 million is now due to be spent in 2011/12, of which over £12 million is on Children's Services capital projects and £5 million on Highways and Transport projects.

- 3.4 The overall funding position of the 4-year Capital Investment Plan Budget of £78 million, covering the period 2011/12 – 2014/15, is in balance but still relies upon the generation of £3.4 million of capital receipts before the end of the current Plan period. Of this sum £0.4 million was received before 2011/12 and almost £0.5 million has been received to date in 2011/12. There are a number of sales which are progressing – see also paragraph A3.3.
- 3.5 Of the £24.9 million estimated spend in 2011/12; £14.9 million has been spent by the end of the third quarter. This level of spend at this stage of the year continues to be lower than expected however the profile of expenditure on projects is supplied by project managers who are responsible for the project. Financial Services are reliant upon the information provided by these project managers. The reasons for any slippage provided by the project managers are set out in this report.
- 3.6 It should be noted that this report represents the last formal opportunity this financial year to report revised spending profiles so project managers have been encouraged to realistically assess likely expenditure and to identify potential slippage to future years.
- 3.7 The movements in the estimate of expenditure on the Capital Investment Plan in 2011/12 from the estimate as at quarter two 2011/12 and the current budget position for 2011/12 are as follows:

<b>Scheme</b>	<b>Variation</b>	<b>Change £m</b>	<b>Reason</b>
<b>Estimate – Quarter Two 2011/12</b>		<b>32.2</b>	
Paignton Geoplay Park	New scheme	0.5	Provision of Geoplay park facilities at Paignton Green
Cockington Court	Additional budget	0.2	Increased budget to reflect final likely position.
Innovation Centres Phase 3	Slippage to future years	(0.4)	Unlikely to be required in 2011/12. Site still to be agreed.
Princess Promenade	Reduced 11/12 budget	(0.4)	Re phasing scheme between years
Barton Infrastructure Works	Slippage to future years	(0.1)	Works still to be identified
Childrens' projects	Slippage to future years	(1.5)	See table in paragraph A2.2
Paignton Library Hub	Saving on scheme	(0.2)	Saving on scheme reducing borrowing required
Torre Abbey Mansion Phase 2	Slippage to future years	(0.3)	Rephasing following review by Project Managers
Brixham Regeneration	Increased Budget 2011/12	0.1	Budget increased for works to be funded from anticipated capital receipt.
Empty Homes – bring back into use	Slippage to future years	(0.5)	Rephased to future years to reflect likely spend
Haldon Pier Ph 2 – Structural repair	Slippage to future years	(0.2)	Reviewed spending profile
Investment in land to	Slippage to future	(0.2)	Rephased to future years to

enhance value	years		reflect likely spend
Grants to Housing Providers	Slippage to future years	(0.1)	Rephased to future years
Housing advances to be allocated	Slippage to future years	(0.4)	Rephased awaiting allocation to schemes
Land acquisition for Affordable Housing	Slippage to future years	(1.2)	Reviewed spending profile
Private Sector Housing Grants	Reduction in 2011/12 budget	(0.1)	Review of budget to provide limited support for 2012/13
Disabled Facilities Grants	Additional 11/12 allocation	0.1	Non ring fenced Grant yet to be allocated
Highways/Transport schemes	Net Slippage to future years	(1.0)	Rescheduled works between years
Integrated Transport	Additional 11/12 Grant announced	0.2	Non ring fenced Grant yet to be allocated
Council Fleet Purchases	New scheme	0.2	Acquisition of replacement fleet vehicles
Adult Social Care	Slippage to future years	(0.4)	Non ring fenced Grant yet to be allocated to schemes
IT Developments – Single Person View	Reduction in 2011/12 budget	(0.2)	Scheme not now progressing
Office Rationalisation Project	Slippage to future years	(0.4)	Rephased to future years to reflect likely spend
Non ring fenced grants to be allocated	Slippage to future years	(0.4)	Non ring fenced Grant yet to be allocated to specific projects
General Contingency	Slippage to future years	(0.6)	Unused contingency rephased
<b>Estimate – Quarter Three 2011/12</b>		<b>24.9</b>	

For more detailed information on this proposal please refer to the supporting information attached.

**Paul Looby**  
**Executive Head - Finance (S151 Officer)**

#### **Appendices**

Appendix 1  
Annex 1

Supporting Information to Capital Budget Monitoring  
Capital Investment Plan Budget 2011/12 - 2014/15 (Jan 2012)

**Capital Investment Plan Budget Monitoring Statement – 3rd Quarter 2011/12**

**Supporting information to Report xxx/2012**

**A1. Introduction and history**

A1.1 The Council approved the original 4-year Capital Investment Plan Budget for the period 2011/12 - 2014/15 in February 2011. This plan has been subsequently adjusted for slippage arising in 2010/11 of £4 million and amended by any further revision to both projects and timing during Quarters 1 to 3 2011/12 resulting in the latest revision attached to Annex 1. The plan totals £78 million over the 4 year period of which £24.9 million relates to 2011/12.

A1.2 Details shown in accordance with the Council’s structure are provided based upon the latest information available to finance officers, in consultation with services and project managers and are shown in Annex 1.

A1.3 Expenditure to the end of this third quarter was £14.9 million, which represents 60% of the latest budget for 2011/12. The table below summarises expenditure by quarter over this and previous years:

	<b>2008/09 £m - (%)</b>	<b>2009/10 £m - (%)</b>	<b>2010/11 £m - (%)</b>	<b>2011/12 £m - (%)</b>
Quarter One	6 - 12%	8 - 16%	10 - 23%	<b>3 - 12%</b>
Quarter Two	12 - 24%	11 - 22%	13 - 30%	<b>7 - 28%</b>
Quarter Three	15 - 29%	13 - 27%	9 - 21%	<b>5 - 20%</b>
Quarter Four	18 - 35%	17 - 35%	11 - 26%	<b>10 (est) - 40%</b>
<b>Total In Year</b>	<b>51</b>	<b>49</b>	<b>43</b>	<b>25(est)</b>

A1.4 The Torbay Economic Development Company produces a “Capital Investment Plan success” summary which is available on the Council’s website:

[http://www.torbay.gov.uk/index/council/financial\\_services/capitalprogramme.htm](http://www.torbay.gov.uk/index/council/financial_services/capitalprogramme.htm)

**A2. Main Variations & Management Action**

Overviews by the Council’s Commissioner Structure (please note, this is a different presentation from the “Themes” used previously) of the key issues are as follows:

**A2.1 Place and Environment –**

New Schemes

Council Fleet Purchases

The Council needs to replace some of its fleet vehicles. A number of alternative financing options were considered. Officers considered that the best options for the purchases, to a total of £0.213 million, is to use Prudential Borrowing with the ongoing revenue costs funded by the part of the existing revenue budget for the

replaced vehicles. These vehicles do not form part of the TOR2 service contract but will be procured by TOR2 with the Council reimbursing TOR2 for the cost of these vehicles.

#### Paignton Geoplay Park

The scheme to provide a Geoplay site on Paignton Green is now under way. The funding for this project of £0.447 million was awarded by Big Lottery Changing Spaces initiative to the Paignton Town Community Partnership with the Council as Accountable Body. As accountable body (and owner of Paignton Green) the Council is managing this project as part of its Capital investment Plan.

#### Grants to Housing Providers

A scheme to provide 4 affordable housing units in Raleigh Avenue has been approved for funding, requiring £0.032 million contribution from Torbay. This contribution will be transferred from the 'New Advances to be allocated' budget. Another contribution of £0.015 million to progress legal work to release land at Great Parks has also been approved, which should facilitate Phase 2 of the residential development in that area.

#### Changes/Significant Revision of timing/budget

#### Princess Promenade Structural Repairs

Contractors are now on site but due to the project plan it is likely that a part of the works will not be completed until after April; consequently £0.4 million budget has been transferred to 2012/13.

#### Transport Schemes

A number of specialised transport projects originally identified for expenditure in 2011/12 have not progressed as hoped due to issues associated with confirming the design of the schemes and with one scheme there is an issue relating to with land ownership. However other schemes have been brought forward but the overall impact results in net slippage totalling £1 million being rephased to next financial year.

#### Paignton Library Hub

This scheme was completed last year and accounts have now been finalised without the use of the project contingency which reflects a saving of £0.175 million on the latest scheme cost. This will reduce the amount of Prudential Borrowing required to fund the scheme.

#### Torre Abbey Beach Steps and Rock Walk Enhancement

The improvements to Torre Abbey Steps have been completed with a small saving of £0.013 million. It is proposed to use this saving to offset part of the over spend on the Rock Walk Enhancements.

## Torre Abbey Renovation Phase 2

Information from the Project Managers indicates that the 2011/12 budget needs to be adjusted to match expected cash flow. Further adjustments to the future years' phasing of this scheme have also been incorporated in the latest Capital Investment Plan.

## Brixham Regeneration

Whilst the main elements of this complex project have been completed there are some peripheral elements, including road widening works, which will be funded from anticipated capital receipts. Consequently a total of almost £0.4 million has been added to the budget and funding for these remaining elements, spread between 2011/12 and 2012/13.

## Sea Change – Cockington Court

The main works are complete however some final payments are still being made and some will roll into 2012/13, as a result budget has been moved to reflect this. Latest figures indicate there will be an additional overspend on the project of £0.2m arising from project complications, linked to the contractor working on an old and complicated site, which the Director of Place and Environment has agreed to fund from the Council's central repair and maintenance budget.

## Business Development – Innovation Centres Phase 3

This project will not incur significant expenditure in the current financial year as a site has still to be identified; consequently the budget has been moved to 2012/13.

## Affordable Housing

Schemes have had to be rephased to reflect likely expenditure patterns resulting in budgets of some £0.1 million being slipped from 2011/12 to 2012/13. The project for the acquisition of land for Affordable Housing sites is progressing well but £1.2 million of the budget has been transferred to next year to reflect the latest expectation of expenditure.

## Empty Homes Scheme

A more realistic view of requirements indicates that this budget of £0.5 million should be spread over the next three years.

## Haldon Pier Phase 2 – Structural repair

Necessary redesign of this scheme has delayed start of works and consequently £0.15 million of the budget has been moved to next financial year.

## Other Issues

### South Devon Link Road

The Government has announced funding of £76.4 million to enable construction of the South Devon Link Road. Torbay Council's contribution of £18.1 million to



the scheme is already featured in the Capital Investment Plan. Currently it is expected that construction work will start in October 2012 with completion in December 2015.

## A2.2 Children, Schools and Families –

### Projects completed in Quarter

Oldway Primary School Hall – completed on 7<sup>th</sup> November 2011. The project was delivered slightly over time but within tolerance. The hall was over budget by approximately £100,000. This is partly as a result of additional requirements from the school which they are funding from Devolved Formula Capital and school budget.

St Cuthbert Mayne School 14-19 Project – completed on 2<sup>nd</sup> November 2011. As this is a VA school, the project is being managed by the Diocese of Plymouth. The Council's contribution to the scheme is capped.

Halswell House – completed in September 2011. The project was delivered on time and within budget.

### Changes/Significant Revision of timing/budget

Re Profiling of Expenditure:

Project	Slippage proposed £m	Reason
Barton Primary School Remodelling	0.7	Unforeseen site conditions have resulted in further delays in this large and complicated scheme.
Children's Centre - Centenary Way, Tqy	0.3	Facility no longer required and alternative priorities being reviewed.
Westlands 14-19 project	0.3	Project progressing well but reviewed cashflow by contractors
Capital Repairs and Maintenance 11/12	0.2	Some projects now not likely to progress until next financial year
<b>Total</b>	<b>1.5</b>	

My Place Parkfield – the Project Manager has reported a potential overspend of £54,000 on the main contract as well as some additional work that is required. The Youth Service has sufficient capital resources available to cover the expected overspend of approximately £70,000. However, this means using funding previously identified for improvements at Ellacombe Pavilions.

## A2.3 Communities and Local Democracy –

### New Schemes

#### Private Sector Renewal Grants

Some minor grants, currently totalling £0.035 million, to help bring empty properties back into use is being supported through Private Sector Renewal

Grants. The additional resources required are being provided by a revenue contribution.

#### Other Changes/Significant Revision of timing/budget

##### Private Sector Renewal Grants and Insulation Scheme

A further review of likely commitments for these budgets in the current financial year has identified that some of this year's budgets (approx. £0.08 million) could be transferred to next financial year to provide additional resources to meet potential demands.

## **A2.4 Adults and Operations –**

### New Schemes

#### Government Department grant allocations to be allocated

An additional allocation of £0.152 million for 2011/12 Integrated Transport has recently been announced by the Dept for Transport. There has also been an announcement of an additional Disabled Facilities Grant allocation of £0.118 million for 2011/12. Both these are non ring fenced grants so have been added to the funding to be allocated to the Council's priority schemes.

Further, an allocation of £0.1 million New Growth Points grant previously earmarked for an Education, Innovation and Research Centre is no longer required so has been transferred to this 'to be allocated' pot.

It is unlikely that new schemes will be identified and funded this financial year so these budget allocations have been moved to 2012/13

#### Changes/Significant Revision of timing/budget

##### Adult Personal Social Services

Appropriate schemes for use of this Government grant allocation are still awaited. It is now unlikely to be spent in this financial year so the budget has been moved to 2012/13.

##### IT Developments

Budget of £0.2 million provided for specific software largely in conjunction with the Office Rationalisation Project has not yet been required and has therefore been slipped to next financial year.

##### Enhancement of Development Sites

A review of the likely expenditure to enhance potential Development Sites has indicated that the majority of the budget can be transferred to future years.

##### General Capital Contingency

Current indications are that this provision will not be required in 2011/12 so the £0.6 million budget has been rephased to 2012/13.

### A3. Income Monitoring

A3.1 The funding identified for the latest Capital Investment Plan budget is shown in Annex 1. This is based on the latest prediction of capital resources available to fund the budgeted expenditure over the next 4 years.

A summary of the funding of the Capital Investment Plan is shown in the Table below:

	2011/12	2012/13	2013/14	2014/15	Total
Funding	£m	£m	£m	£m	£m
Supported Borrowing	2	1	0	0	3
Unsupported Borrowing	3	9	5	11	28
Grants	18	17	4	3	42
Contributions	0	1	0	0	1
Reserves	0	1	0	0	1
Revenue	0	0	0	0	0
Capital Receipts	2	1	0	0	3
<b>Total</b>	<b>25</b>	<b>30</b>	<b>9</b>	<b>14</b>	<b>78</b>

#### A3.2 Borrowing

The Council has a borrowing requirement of £31 million over the next 4 years to support the approved Capital Investment Plan, of which nearly £5 million is due to support expenditure planned for 2011/12.

#### A3.3 Capital Receipts

Receipts in the year to date total £0.5 million from asset sales which combined with the balance of receipts at the start of the year of £0.4m leaves an outstanding overall target of £2.4 million over the four years of the Capital Investment Plan. The balance of £2.4 million is due from –

£0.2 million from the sale of non-specific surplus assets

£2.2 million from sale of sites currently earmarked for service use – such as Paignton Library and Brixham Town Centre Car Park sites

#### A3.4 Section 106 Contributions

Following a review of Section 106 payments received it has been possible to add resources to fund future works in the following service areas as required by the S106 agreements. The amounts have been added to 2012/13 service budgets to be allocated.

Education = £0.05 million

Affordable Housing = £0.2 million

Employment = £0.055 million

### A4. Prudential Indicators and Balance Sheet Monitoring



**crime and disorder?**

No direct impact but the Capital Investment Plan supports all Council priorities and complies with Council policies.

**A9. Consultation and Customer Focus**

Where appropriate capital schemes have public consultation and negotiation with stakeholders.

**A10. Are there any implications for other Business Units?**

The Capital Investment Plan supports all Council priorities thus will directly impact on service delivery.

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	Revised 4-year Plan Jan 2012					Total for Plan Period
	2011/12	2012/13	2013/14	2014/15	£'000	
<b>SUMMARY :</b>						
<b>PROGRAMME :</b>						
PLACE AND ENVIRONMENT	9,964	13,866	5,617	11,366	40,813	
CHILDREN, SCHOOLS & FAMILIES	12,057	7,730	0	0	19,787	
COMMUNITIES AND LOCAL DEMOCRACY	955	155	0	0	1,110	
ADULTS AND OPERATIONS	1,927	3,043	70	0	5,040	
UNALLOCATED FUNDING	0	5,488	3,362	2,459	11,309	
<b>TOTAL APPROVED PROGRAMME</b>	<b>24,903</b>	<b>30,282</b>	<b>9,049</b>	<b>13,825</b>	<b>78,059</b>	
<b>FUNDING SOURCES :</b>						
BORROWING						
Supported	2,165	700	0	0	2,865	
Unsupported ( Prudential)	2,470	8,888	5,155	11,366	27,879	
GRANTS	18,247	17,783	3,494	2,459	41,983	
CONTRIBUTIONS	127	532	100	0	759	
RESERVES	15	786	54	0	855	
REVENUE CONTRIBUTIONS	340	0	0	0	340	
CAPITAL RECEIPTS						
Earmarked Asset Sales	1,447	740	0	0	2,187	
Corporate/General Asset Sales	92	853	246	0	1,191	
<b>TOTAL FUNDING SOURCES</b>	<b>24,903</b>	<b>30,282</b>	<b>9,049</b>	<b>13,825</b>	<b>78,059</b>	

	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 Oct	2011/12 Adjustm'ts	New Schemes 2011/12	Revised 4-year Plan - Jan 2012				
						Total 2011/12 Revised	2012/13	2013/14	2014/15	Total for Plan Period
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>PLACE AND ENVIRONMENT</b>										
<b>RESIDENTS AND VISITORS</b>										
<b>Local Transport Plan</b>										
Highway Capital Maintenance annual programme			1,173	142	0	1,315	(142)	0	0	1,173
Integrated Transport programme			772	50	0	822	(50)	0	0	772
RFA Tweenaway Cross Junction	4,782	3,150	1,024	608	0	1,632	0	0	0	1,632
South Devon Link Rd - Council contribution	18,089	948	641	0	0	641	2,462	2,838	11,200	17,141
On Street Parking meters	857	488	369	(309)	0	60	309	0	0	369
<b>Other infrastructure</b>										
Babbacombe Beach Road	70	0	70	(70)	0	0	70	0	0	70
<b>Drainage &amp; Coast Protection</b>										
Princess Promenade ( Western Section) Repairs	2,950	0	800	(400)	0	400	400	2,150	0	2,950
Torre Abbey Sands steps - substantial repair	428	396	45	(13)	0	32	0	0	0	32
<b>Car Parks</b>										
Multi-Storey Car Parks Refurb Programme - Phase I	1,200	1,199	1	0	0	1	0	0	0	1
<b>New Growth Points Funding</b>										
NGP - South of Tweenaway, Lane Improvement	485	9	1,084	(608)	0	476	0	0	0	476
NGP - Windy Corner Junction	200	9	190	(185)	0	5	186	0	0	191
NGP - Strategic Cycleway	400	113	287	(187)	0	100	187	0	0	287
NGP - Great Parks Access	500	33	467	(447)	0	20	447	0	0	467
<b>TOR2</b>										
Council Fleet Vehicles	213	0	0	0	213	213	0	0	0	213
<b>ENVIRONMENT POLICY (INCL WASTE)</b>										
Barton Gas Safety Works	50	49	1	0	0	1	0	0	0	1
			6,923	(1,419)	213	5,717	3,869	4,988	11,200	25,774
			1	0	0	1	0	0	0	1
			1	0	0	1	0	0	0	1



	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 Oct	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	Revised 4-year Plan - Jan 2012				Total for Plan Period	
							£'000	£'000	£'000	£'000		£'000
<b>PLACE AND ENVIRONMENT</b>												
<b>CULTURAL SERVICES</b>												
<u>Libraries</u>												
Paignton Library Re-build	6,168	6,306	37	(175)	0	(138)	0	0	0	0	(138)	
<u>Museums</u>												
Torre Abbey Renovation - Phase 2 Design	294	267	17	10	0	27	0	0	0	0	27	
Torre Abbey Renovation - Phase 2	4,816	0	1,113	(338)	0	775	3,804	237	0	0	4,816	
<b>Sport &amp; Leisure</b>												
illuminations - replacement of Festoon Lighting	775	771	4	0	0	4	0	0	0	0	4	
Barton Playing Fields	61	39	22	0	0	22	0	0	0	0	22	
Barton Infrastructure	138	33	105	(105)	0	0	105	0	0	0	105	
Rock Walk Enhancement	3,713	3,639	60	14	0	74	0	0	0	0	74	
Oddicombe Cliff stabilisation	122	43	79	0	0	79	0	0	0	0	79	
Fitbay Projects	88	29	45	14	0	59	0	0	0	0	59	
Paignton Geoplay Park	447	0	0	0	447	447	0	0	0	0	447	
			1,482	(580)	447	1,349	3,909	237	0	0	5,495	
<b>ECONOMIC DEVELOPMENT</b>												
<u>Brixham Regeneration</u>												
Harbour Development Phase 1&2 ( Quay & Buildings)	19,910	19,170	360	140	0	500	240	0	0	0	740	
<u>Business Development</u>												
NGP - Torbay Innovation Centre Ph 3	567	69	443	(443)	0	0	498	0	0	0	498	
Sea Change - Cockington Court	3,214	2,449	565	112	0	677	88	0	0	0	765	
<u>Affordable Housing</u>												
<u>Grants to Housing Providers</u>												
Sanctuary - Dunboyne 39 Extra Care Units	1,239	619	620	0	0	620	0	0	0	0	620	
WCHA - Foxhole School site (30 units)	22	11	11	0	0	11	0	0	0	0	11	
Sovereign HA - Beechfield (102 units)	280	140	0	0	0	0	140	0	0	0	140	
Signpost HA - Rock Road (30 units)	200	0	100	(100)	0	0	100	100	0	0	200	
Hayes Road	625	250	0	0	0	0	375	0	0	0	375	
Sanctuary HA - Raleigh Ave (4 units)	32	0	0	(16)	32	16	16	0	0	0	32	
New Advances Budget to be allocated	715	0	437	(390)	(47)	0	590	125	0	0	715	
NGP - HCA Match Land Acquisitions	1,988	84	1,904	(1,246)	0	658	1,246	0	0	0	1,904	
			5,055	(2,443)	(15)	2,597	3,710	392	166	0	6,865	
Torbay Enterprise Project	750	385	115	0	0	115	250	0	0	0	365	
Empty Homes Scheme	500	0	500	(500)	0	0	167	167	166	0	500	

PLACE AND ENVIRONMENT	Revised 4-year Plan - Jan 2012									
	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 Oct	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	2012/13	2013/14	2014/15	Total for Plan Period
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>TORBAY HARBOUR AUTHORITY</b>										
<u>Torquay Harbour</u>										
Haldon Pier - Structural repair Phase 1/2	3,072	1,794	450	(150)	0	300	978	0	0	1,278
Victoria Pier - Structural repair	1,400	0	0	0	0	0	1,400	0	0	1,400
			450	(150)	0	300	2,378	0	0	2,678
<b>Total PLACE AND ENVIRONMENT programme</b>			<b>13,911</b>	<b>(4,592)</b>	<b>645</b>	<b>9,964</b>	<b>13,866</b>	<b>5,617</b>	<b>11,366</b>	<b>40,813</b>
<b>FUNDING SOURCES :</b>										
<b>BORROWING</b>										
Supported			0	0	0	0	0	0	0	0
Unsupported ( Prudential)			1,124	(924)	213	413	6,388	5,155	11,366	23,322
GRANTS			9,786	(2,938)	447	7,295	5,618	362	0	13,275
CONTRIBUTIONS			246	(182)	(15)	49	482	100	0	631
RESERVES			75	(70)	0	5	70	0	0	75
REVENUE CONTRIBUTIONS			93	207	0	300	0	0	0	300
CAPITAL RECEIPTS										
Earmarked Asset Sales			2,217	(360)	0	1,857	740	0	0	2,597
Corporate/General Asset Sales			370	(325)	0	45	568	0	0	613
<b>TOTAL FUNDING SOURCES</b>			<b>13,911</b>	<b>(4,592)</b>	<b>645</b>	<b>9,964</b>	<b>13,866</b>	<b>5,617</b>	<b>11,366</b>	<b>40,813</b>

CHILDREN, SCHOOLS AND FAMILIES	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 Oct	2011/12 Adjustm'ts	New Schemes 2011/12	Revised 4-year Plan Jan 2012				Total for Plan Period
						Total 2011/12 Revised	2012/13	2013/14	2014/15	
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>CHILDREN'S SERVICES</b>										
<b><u>Pre-Primary &amp; Primary</u></b>										
Foxhole Schools - Amalgamation	9,158	9,056	102	0	0	102	0	0	0	102
Primary Places 2011/12	200	0	100	0	0	100	100	0	0	200
Bxm CoE Prim - Ph 2	1,585	1,584	1	0	0	1	0	0	0	1
Curledge St - Remodelling	2,402	646	1,056	0	0	1,056	700	0	0	1,756
Roselands - Remodelling	1,500	1,299	201	0	0	201	0	0	0	201
Ellacombe - Remodelling	723	713	10	0	0	10	0	0	0	10
Shiphay Primary - Mobiles & SEN	1,063	1,063	7	(7)	0	0	0	0	0	0
Sherwell Valley Primary	988	987	70	(69)	0	1	0	0	0	1
Cockington Primary-Ch Cen & mobiles	1,960	1,955	5	0	0	5	0	0	0	5
Barton Primary Cap Project	4,500	83	817	(650)	0	167	4,250	0	0	4,417
Preston Primary - ASD Unit	1,500	60	390	0	0	390	1,050	0	0	1,440
Queensway RC Primary - Prim proj	2,254	2,250	4	0	0	4	0	0	0	4
Oldway Primary Disabled Changing Rooms	129	91	16	22	0	38	0	0	0	38
Oldway Primary Hall	1,200	310	890	0	0	890	0	0	0	890
SureStart/Early Years 2008/09 - 2010/11	29	28	0	1	0	1	0	0	0	1
Centenary Way Childrens Centre	460	19	442	(301)	0	141	300	0	0	441
<b><u>Secondary Schools</u></b>										
Torquay Community College Re-build (Building Schools for the Future)	29,046	28,170	876	0	0	876	0	0	0	876
Torquay Girls Grammar Astroturf Fencing	79	69	10	0	0	10	0	0	0	10
Paignton Community Sports College - Astroturf pitch	1,821	1,757	64	0	0	64	0	0	0	64
Paignton Community Sports College Mobile Replace 14-19 Project	992	0	412	0	0	412	580	0	0	992
Cuthbert Mayne 14-19 Project	1,814	1,194	620	0	0	620	0	0	0	620
Westlands 14-19 Project	750	34	716	(300)	0	416	300	0	0	716
Education Review Projects	223	0	52	121	0	173	50	0	0	223

CHILDREN, SCHOOLS AND FAMILIES	Revised 4-year Plan Jan 2012							Total for Plan Period		
	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 Oct	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	2012/13		2013/14	2014/15
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Special Schools</b>										
Combe Pafford Business Enterprise	451	445	6	0	0	6	0	0	0	6
Combe Pafford Construction Workshop	490	487	3	0	0	3	0	0	0	3
Mayfield expansion	420	20	200	0	0	200	200	0	0	400
<b>"All School" Initiatives</b>										
Condition & Modernisation Funding/Basic Need										
- Capital Repairs & Maintenance 2008/09	648	646	2	0	0	2	0	0	0	2
- Capital Repairs & Maintenance 2009/10	607	604	17	(14)	0	3	0	0	0	3
- Capital Repairs & Maintenance 2010/11	390	183	237	(30)	0	207	0	0	0	207
- Capital Repairs & Maintenance 2011/12	784	0	801	(222)	5	584	200	0	0	784
- Feasibilities	113	82	31	0	0	31	0	0	0	31
- Schools Access	1,597	1,477	120	0	0	120	0	0	0	120
- Special Education Needs - reactive works	254	190	64	0	0	64	0	0	0	64
- School Security	1,056	970	86	0	0	86	0	0	0	86
- Asbestos Removal	80	66	14	0	0	14	0	0	0	14
- 14-19 Diploma Delivery	688	653	35	0	0	35	0	0	0	35
Short Breaks for Disabled Children	230	159	76	(5)	0	71	0	0	0	71
Devolved Formula Capital	13,119	11,537	1,582	0	0	1,582	0	0	0	1,582
<b>Other Facilities</b>										
Youth Service schemes	241	241	57	(57)	0	0	0	0	0	0
Youth Modular Projects	428	358	83	(13)	0	70	0	0	0	70
My Place Parkfield	5,342	2,249	3,023	70	0	3,093	0	0	0	3,093
Foxhole Community Campus ( contribution)	647	643	4	0	0	4	0	0	0	4
Foxhole Community Multi Use Games Area	179	157	22	0	0	22	0	0	0	22
EOTAS Halswell House	60	0	60	0	0	60	0	0	0	60
Minor Adaptations Childcare	325	203	122	0	0	122	0	0	0	122
<b>Total CHILDREN, SCHOOLS AND FAMILIES programme</b>			<b>13,506</b>	<b>(1,454)</b>	<b>5</b>	<b>12,057</b>	<b>7,730</b>	<b>0</b>	<b>0</b>	<b>19,787</b>

CHILDREN, SCHOOLS AND FAMILIES	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 Oct	2011/12 Adjustm'ts	New Schemes 2011/12	Revised 4-year Plan Jan 2012					Total for Plan Period	
						Total 2011/12 Revised	2012/13	2013/14	2014/15	£'000		
						£'000	£'000	£'000	£'000	£'000		
<b>FUNDING SOURCES :</b>												
<u>Confirmed</u>												
BORROWING												
Supported			2,034	0	0	2,034	700	0	0	0	2,734	
Unsupported ( Prudential)			0	0	0	0	0	0	0	0	0	
GRANTS			11,387	(1,454)	0	9,933	6,980	0	0	0	16,913	
CONTRIBUTIONS			63	0	0	63	50	0	0	0	113	
RESERVES			10	0	0	10	0	0	0	0	10	
REVENUE CONTRIBUTIONS			0	0	5	5	0	0	0	0	5	
CAPITAL RECEIPTS												
Earmarked Asset Sales			0	0	0	0	0	0	0	0	0	
Corporate/General Asset Sales			12	0	0	12	0	0	0	0	12	
<b>TOTAL FUNDING SOURCES</b>			<b>13,506</b>	<b>(1,454)</b>	<b>5</b>	<b>12,057</b>	<b>7,730</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>19,787</b>	

COMMUNITIES AND LOCAL DEMOCRACY	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 Oct	2011/12 Adjustm'ts	New Schemes 2011/12	Revised 4-year Plan Jan 2012				Total for Plan Period
						Total 2011/12 Revised	2012/13	2013/14	2014/15	
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>HOUSING STANDARDS</b>										
<u>Private Sector Support</u>										
Private Sector Renewal	231		121	(60)	35	96	135	0	0	231
Security for the Vulnerable	63	63	0	0	0	0	0	0	0	0
Insulation Scheme	80	40	40	(20)	0	20	20	0	0	40
Disabled Facilities Grants	839		839	0	0	839	0	0	0	839
<b>Total COMMUNITIES AND LOCAL DEMOCRACY programme</b>			<b>1,000</b>	<b>(80)</b>	<b>35</b>	<b>955</b>	<b>155</b>	<b>0</b>	<b>0</b>	<b>1,110</b>
<b>FUNDING SOURCES :</b>										
<b>BORROWING</b>										
Supported			0	0	0	0	0	0	0	0
Unsupported ( Prudential)			0	0	0	0	0	0	0	0
<b>GRANTS</b>			960	(80)	0	880	155	0	0	1,035
<b>CONTRIBUTIONS</b>			0	0	0	0	0	0	0	0
<b>RESERVES</b>			0	0	0	0	0	0	0	0
<b>REVENUE CONTRIBUTIONS</b>			0	0	35	35	0	0	0	35
<b>CAPITAL RECEIPTS</b>										
Earmarked Asset Sales			40	0	0	40	0	0	0	40
Corporate/General Asset Sales			0	0	0	0	0	0	0	0
<b>TOTAL FUNDING SOURCES</b>			<b>1,000</b>	<b>(80)</b>	<b>35</b>	<b>955</b>	<b>155</b>	<b>0</b>	<b>0</b>	<b>1,110</b>

ADULTS AND OPERATIONS	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 Oct	2011/12 Adjustm'ts	New Schemes 2011/12	Revised 4-year Plan Jan 2012				Total for Plan Period
						Total 2011/12 Revised	2012/13	2013/14	2014/15	
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>ADULT SOCIAL SERVICES</b>										
<b>Facilities</b>										
Mental Health Care Initiatives	711	523	188	0	0	188	0	0	0	188
NGP - Education, Innovation & Research Centre	0	0	100	(100)	0	0	0	0	0	0
Adult Personal Social Services	443	0	443	(443)	0	0	443	0	0	443
<b>IT</b>										
Adult Social Care IT Infrastructure	171	153	18	0	0	18	0	0	0	18
			749	(543)	0	206	443	0	0	649
<b>COMMUNICATIONS &amp; CUSTOMER SERVICES</b>										
<b>IT Developments</b>										
Single Person View (IT)	0	0	200	(200)	0	0	0	0	0	0
<b>Central Property issues</b>										
Office Rationalisation Project Ph 2 - Project Remainder	9,507	5,400	2,007	(400)	0	1,607	2,500	0	0	4,107
<b>Schemes funded from LPSA Performance Reward Grant</b>										
Various ICT improvements	823	758	65	0	0	65	0	0	0	65
			2,272	(600)	0	1,672	2,500	0	0	4,172
<b>OTHER CORPORATE &amp; CROSS-SERVICE ISSUES</b>										
<b>Enhancement Prior to Sale</b>										
Works required prior to disposal of surplus assets	122	118	4	0	0	4	0	0	0	4
Enhancement of Development sites	215	0	200	(170)	15	45	100	70	0	215
			204	(170)	15	49	100	70	0	219
<b>Total ADULTS AND OPERATIONS programme</b>			<b>3,225</b>	<b>(1,313)</b>	<b>15</b>	<b>1,927</b>	<b>3,043</b>	<b>70</b>	<b>0</b>	<b>5,040</b>

ADULTS AND OPERATIONS	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 Oct	2011/12 Adjustm'ts	New Schemes 2011/12	Total 2011/12 Revised	2012/13	2013/14	2014/15	Total for Plan Period
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>FUNDING SOURCES :</b>										
BORROWING										
Supported			131	0	0	131	0	0	0	131
Unsupported ( Prudential)			2,457	(400)	0	2,057	2,500	0	0	4,557
GRANTS			682	(543)	0	139	443	0	0	582
CONTRIBUTIONS			0	0	15	15	0	0	0	15
RESERVES			0	0	0	0	0	0	0	0
REVENUE CONTRIBUTIONS			200	(200)	0	0	0	0	0	0
CAPITAL RECEIPTS										
Earmarked Asset Sales			(450)	0	0	(450)	0	0	0	(450)
Corporate/General Asset Sales			205	(170)	0	35	100	70	0	205
<b>TOTAL FUNDING SOURCES</b>			<b>3,225</b>	<b>(1,313)</b>	<b>15</b>	<b>1,927</b>	<b>3,043</b>	<b>70</b>	<b>0</b>	<b>5,040</b>



	Latest Est Scheme Cost	Expend in Prev Years	Prev 2011/12 Oct	2011/12 Adjustm'ts	New Schemes 2011/12	Revised 4-year Plan Jan 2012				
						Total 2011/12 Revised	2012/13	2013/14	2014/15	Total for Plan Period
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>UNALLOCATED FUNDING</b>										
<b>UNALLOCATED FUNDING</b>										
<u>Govt Dept Non-ringfenced grants to be allocated to Projects</u>	10,178		0	(370)	370	0	4,587	3,132	2,459	10,178
<u>General Capital Contingency</u>	1,131		601	(601)	0	0	901	230	0	1,131
<b>Total UNALLOCATED FUNDING</b>			<b>601</b>	<b>(971)</b>	<b>370</b>	<b>0</b>	<b>5,488</b>	<b>3,362</b>	<b>2,459</b>	<b>11,309</b>
<b>FUNDING SOURCES :</b>										
BORROWING										
Supported			0	0	0	0	0	0	0	0
Unsupported ( Prudential)			0	0	0	0	0	0	0	0
GRANTS			0	(270)	270	0	4,587	3,132	2,459	10,178
CONTRIBUTIONS			0	0	0	0	0	0	0	0
RESERVES			416	(416)	0	0	716	54	0	770
REVENUE CONTRIBUTIONS			0	0	0	0	0	0	0	0
CAPITAL RECEIPTS										
Earmarked Asset Sales			0	0	0	0	0	0	0	0
Corporate/General Asset Sales			185	(185)	0	0	185	176	0	361
<b>TOTAL FUNDING SOURCES</b>			<b>601</b>	<b>(871)</b>	<b>270</b>	<b>0</b>	<b>5,488</b>	<b>3,362</b>	<b>2,459</b>	<b>11,309</b>

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Public Agenda Item: **Yes**

Title: **Council Tax 2012/13**

Wards Affected: **All Wards in Torbay**

To: **Council** On: **1 March 2012**

Key Decision: **Yes**  
 Change to Budget: **Yes** Change to Policy Framework: **No**

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**1. What we are trying to achieve**

1.1 The purpose of this report is to enable the Council to calculate and set the Council Tax for 2012/13.

**2. Recommendation(s) for decision**

**That the Council is recommended to:**

**2.1 Note that on 8th December 2011 the Council calculated the Council Tax Base for 2012/13:-**

- a) for the whole Council area as 49,021.42 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
- b) for dwellings in the Brixham Town Council area as 6,664.97 to which a Parish precept relates.

**2.2 Approve the Council Tax requirement for the Council's own purposes for 2012/13 (excluding Brixham Town Council) of £61,824,200.**

**2.3 Approve that the following amounts be calculated for the year 2012/13 in accordance with Sections 31 to 36 of the Act:**

- a) **£317,770,300** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account the precept issued to it by Brixham Town Council.
- b) **(£255,753,000)** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- c) **£62,017,300** being the amount by which the aggregate at 2.3(a) above exceeds the aggregate at 2.3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its **Council Tax Requirement** for the year (item R in the formula in Section 31B of the Act).

d) **£1265.11** being the amount at 2.3(c) above (Item R), all divided by Item T (2.1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).

e) **£193,100** being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act

f) **£1,261.17** being the amount at 2.3(d) above less the result given by dividing the amount at 2(e) above by Item T (2.1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

2.4 Note that Devon & Cornwall Police Authority and the Devon and Somerset Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below.

2.5 Approve that the Council, in accordance with Sections 30 to 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2012/13 for each part of its area and for each of the categories of dwellings.

	Valuation Band							
	A	B	C	D	E	F	G	H
Ratio of each band to Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	£	£	£	£	£	£	£	£
Torbay Council	840.78	980.91	1,121.04	<u>1,261.17</u>	1,541.43	1,821.69	2,101.95	2,522.34
Devon and Cornwall Police Authority	106.49	124.23	141.98	159.73	195.23	230.72	266.22	319.46
Devon and Somerset Fire and Rescue Authority	49.28	57.49	65.71	73.92	90.35	106.77	123.20	147.84
Aggregate of Council Tax Requirements excluding Brixham Town Council	996.55	1,162.63	1,328.73	1,494.82	1,827.01	2,159.18	2,491.37	2,989.64
Brixham Town Council	19.31	22.54	25.75	28.97	35.40	41.85	48.28	57.94
Aggregate of Council Tax Requirements including Brixham Town Council	1,015.86	1,185.17	1,354.48	1,523.79	1,862.41	2,201.03	2,539.65	3,047.58

2.6 Approve that the Council's basic amount of Council Tax for 2012/13 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. (see paragraph A2.3)

**3. Key points and reasons for recommendations**

- 3.1 The Council has a statutory obligation to set a Council Tax requirement and a Council Tax for the Torbay area, including the demands of the precepting bodies, for 2012/13 before 11<sup>th</sup> March in the preceding financial year.

**For more detailed information on this proposal please refer to the supporting information.**

**Paul Looby  
Chief Finance Officer**

## Supporting information

### A1 Summary

- A1.1 The Council is required, in accordance with the Local Government Finance Act 1992, as amended by the Localism Act 2011, to set an amount of Council Tax for each of the eight Valuation Bands for the coming financial year before 11<sup>th</sup> March. This is a matter of calculation only but in accordance with Section 67 of the Act has to be set by the Council.
- A1.2 The Council determined the statutory Tax Base at its meeting on 8<sup>th</sup> December 2011 as 49,021.24 for the year 2012/13. The Tax Base for Brixham Town Council was also calculated as 6,664.97. When the “Council Tax requirements” of the Devon and Cornwall Police Authority, the Devon and Somerset Fire and Rescue Authority and Torbay Council are determined, it remains only to make the statutory “basic tax” calculations in accordance with the Local Government Finance Act 1992, as amended by the Localism Act 2011, and “set” the tax for the eight Valuation Bands A to H ranging from 6/9ths to 18/9ths of the basic amount – “Band D”.
- A1.3 Members should note that due to the complexity of setting the council tax level in accordance with statute it is not possible to simplify this report.
- A1.4 The Localism Act 2011 has made changes to the Local Government Finance Act 1992, and now requires the billing authority to calculate a Council Tax requirement for the year, not its budget requirement as previously calculated.
- A1.5 The precept levels of other precepting bodies have been received. These are detailed below:
- A1.6 Brixham Town Council
- Brixham Town Council met on 15th December 2011 and set their precept at £193,074. The increase is 2.9% and results in a Band D Council Tax of £28.97 for 2012/13.
- A1.7 Devon & Cornwall Police Authority
- Devon & Cornwall Police Authority met on 17<sup>th</sup> February 2012 and set their precept at £7,830,191, adjusted by a Collection Fund contribution of £232,000 to result in an amount due from the Council as billing authority of £8,062,191. This results in a Band D Council Tax of £159.73, an increase of 2.0%.
- A1.8 Devon and Somerset Fire and Rescue Authority
- Devon and Somerset Fire and Rescue Authority met on 17th February 2012 and set their precept at £3,623,663, adjusted by a Collection Fund contribution of £106,000 to result in an amount due from the Council as billing authority of £3,729,663. This results in a Band D Council Tax of £73.92, an increase of 3.0%.
- A1.9 If the formal Council Tax Resolutions within 2.5 above are approved, the total basic amount “Band D” of Council Tax will be as follows:

	2011/12 £	2012/13 £	2012/13 % Change
Torbay Council	1,261.17	1,261.17	0.0
Devon and Cornwall Police Authority	156.60	159.73	2.0
Devon and Somerset Fire and Rescue Authority	71.77	73.92	3.0
<b>Sub-Total</b>	<b>1,489.54</b>	<b>1,494.82</b>	<b>0.4</b>
Brixham Town Council (only payable by Brixham residents)	28.15	28.97	2.9
<b>Total</b>	<b>1,517.69</b>	<b>1,523.79</b>	<b>0.4</b>

## A2. Background

- A2.1 The Mayor presented the 2012/13 budget proposal to Council on 1st February which was adjourned to the 8th February. The Council approved the budget on the 8<sup>th</sup> February and set a net budget for 2012/13 for the Torbay element at £123.655 million (before formula grant and collection fund surplus). Expenditure at that level will result in a Council Tax increase of 0% for the Torbay Council element of the overall bill.
- A2.2 The Council Tax requirement for the Torbay Council element is £61,824,200 which includes the funding from central government allocations for Formula Grant. Including the Brixham Town Council demand the Council Tax requirement is £62,017,300.
- A2.3 Under section 52ZB1 of the Local Government Finance Act 1992 (“the 1992 Act”) each billing authority and precepting authority must determine whether its relevant basic amount of council tax for a financial year (“the year under consideration”) is excessive. If an authority’s relevant basic amount of council tax is excessive a referendum must be held in relation to that amount.
- A2.4 The question whether an authority's relevant basic amount of council tax for a financial year (“the year under consideration”) is excessive must be decided in accordance with a set of principles determined by the Secretary of State for the year.
- A2.5 For 2012/13 the DCLG in January issued “The Referendums Relating to Council Tax Increases (Principles) (England) Report 2012-13” which stated that the Principles for 2012/13 for authorities belonging to the category mentioned in paragraph 2(d) of the DCLG report (which applies to Torbay);
- “ For 2012-13, the relevant basic amount of council tax of an authority which belongs to the category mentioned in paragraph 2(d) is excessive if the authority’s relevant basic amount of council tax for 2012-13 is more than 3.5% greater than its relevant basic amount of council tax for 2011-12.”*
- A2.6 For Torbay Council if the formal Council Tax Resolutions within 2.5 above are approved the change in the “relevant basic amount” (i.e. the Band D Council tax) is 0%.
- A2.7 Central Government has again changed the grant funding streams for Councils in 2012/13 including moving grants from the Council’s net budget requirement to the Formula Grant which impacts on any year on year comparison.

## A3. Risk assessment of preferred option

### Outline of significant key risks

- A3.1 The Council must set the Council Tax before 11th March each year. The Collection of Council Tax income is essential to ensure the services provided by the Council and the

other precepting bodies are adequately funded.

A3.2 If the Council fails to set a Council Tax before 11<sup>th</sup> March, it will be in breach of its statutory obligation and subject to legal challenge.

**A4. Other Options**

A4.1 There are no alternative options.

**A5. Summary of resource implications**

A5.1 The resources implications have been set out in the budget reports previously considered by Members.

**A6. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A6.1 The approval of the Council's council tax will assist all council services in meeting their obligations with respect to equalities, environmental sustainability and crime and disorder.

**A7. Consultation and Customer Focus**

A7.1 There has been extensive consultation on the budget proposals with all Members and through the Overview and Scrutiny Board meetings held in January 2012 and consultation with stakeholders and residents through a series of Community Partnership meetings and Council staff.

**A8. Are there any implications for other Business Units?**

A8.1 All Business Units will be affected by the budget proposals and their ability to support the council's corporate objectives and the delivery of their individual Business Plan objectives.

**Documents available in Members' Room**

None





Title: **Torbay Council Annual Pay Policy Statement**

Public Agenda Item: **Yes**

Wards Affected: **All Wards**

To: **Council** On: **1 March 2012**

Key Decision: **Yes**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Susan Wiltshire**  
Telephone: **01803 207361**  
E.mail: **Susan.wiltshire@torbay.gov.uk**

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## **1. What we are trying to achieve and the impact on our customers**

1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a pay policy statement for 2012/13 and for each financial year thereafter. This is a statutory requirement. The pay policy statement must be approved formally by full council. The pay policy statement draws together the Council's overarching policies on pay and conditions and will publish them on the Council's Website and update them as necessary through the year.

## **2. Recommendation(s) for decision**

**2.1 That the Torbay Council Annual Pay Policy Statement be approved in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011.**

## **3. Key points and reasons for recommendations**

3.1 The publication of the Annual Salary Statement is a statutory requirement under Section 38 (1) of the Localism Act 2011. If Council does not approve the Salary Statement then there is a significant risk that the Council will be in breach of the legislation from 1<sup>st</sup> April 2012.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Mark Bennett**  
**Executive Head Business Services**

## **Supporting information**

### **A1. Introduction and history**

A1.1 See attached Pay Policy Statement for full details.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

A2.1.1 Non-Compliance with Section 38 (1) of Localism Act 2011. It is currently not determined as to whether there would be a financial penalty for non-compliance. However, it is advisable for the Council to publish in terms of its legal obligations, and reputation.

#### **A2.2 Remaining risks**

A2.2.1 None

### **A3. Other Options**

A3.1 None

### **A4. Summary of resource implications**

A4.1 None

### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 None

### **A6. Consultation and Customer Focus**

A6.1 Consultation is currently being undertaken with Trade Union representatives.

### **A7. Are there any implications for other Business Units?**

A7.1 No

## **Appendices**

Torbay Pay Policy Statement April 2012 and associated policies.

### **Documents available in members' rooms**

Copies of Torbay Councils associated Pay Policies will be made available upon request. All policies are currently on the HR Intranet pages.

### **Background Papers:**

The following documents/files were used to compile this report:

Localism Act Pay Policy Guidance from the LGA.

# TORBAY COUNCIL ANNUAL PAY POLICY STATEMENT APRIL 2012

Human Resources February 2012

This document can be made available in other languages, on tape, in Braille, large print and in other formats. For more information please contact 01803 207361.

Provide contents and quick links for larger documents:

*Hyperlinks...*

Policy Statement	
Scope of the Policy	
Equality Statement	
Part 1	
Part 2a	<a href="#">Go to Part 2a</a>
Part 2b	<a href="#">Go to Part 2b</a>

## 1. **Purpose and Scope of the Policy Statement**

- 1.1 Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement for 2012/13 and subsequent years.
- 1.2 In dealing with staff pay it is the Council's strategy to ensure that our Pay Policy facilitates the recruitment and retention of staff with the skills and capabilities the Council needs.
- 1.3 Arrangements for staff pay must comply with Equal Pay legislation.
- 1.4 This Pay Policy Statement applies to the Chief Executive, Directors, Executive Heads and Senior Officers within Torbay Council. It addresses the legal requirement to set out how pay is determined for this group. This includes the following posts within Torbay Council:
  - Chief Executive
  - Directors (including duties associated with Deputy Chief Executive)
  - Executive Heads ( and those posts with specific responsibility such as Section 151 Officer)
  - Senior Officers (non-executive heads) – These are posts where the salary is above £50,000.

1.5 This Pay Policy Statement is a supplement to Torbay Council's overarching Pay and associated policies which form part of the terms and conditions of employees. These include but are not limited to;

- Torbay Council Pay Policy
- Job Evaluation Scheme Policies (Greater London Provincial Councils Job Evaluation Scheme).
- NJC Terms and Conditions of Employment (Green Book)
- JNC Terms and Conditions for Chief Executives
- JNC Terms and Conditions for Chief Officers (Directors within Torbay Council are appointed to these Terms and Conditions).
- Torbay Council Local Government Pension Scheme Policy Discretions
- Employment of Apprentices Policy
- Re-Evaluation Policy
- Temporary Acting Up Policy
- Expenses Policy
- Market Supplement Policy
- Market Forces Policy
- Draft Staff Travel Plan

**Note: All these policies are currently available on the Council's Human Resources Intranet, but will be available in PDF format for publication on the Council's website.**

1.6 Draft guidance from the Secretary of State makes reference to the Hutton Review of Fair Pay. This indicated that the most appropriate metric for pay dispersion is the multiple of chief executive pay to median salary. Tracking this multiple will allow the Council to ensure that public services are accountable for the relationship between top pay and that paid to the wider workforce. This annual pay policy statement will pay-publish this multiple along with the following information:

- The level of salary for each of the Officers as defined in (1.4) above;
- The salary of the lowest paid employee

This information can be found at appendix 2

## **2. Arrangements for Officer Pay**

2.1 The general terms and conditions of employment are governed by the following national agreements:

- Chief Executive - JNC for Chief Executives of Local Authorities,
- Directors - JNC for Chief Officers of Local Authorities,
- Executive Heads - NJC for Local Government Services
- Educational Advisors and Inspectors/ Educational Psychologists – Soulbury Pay and Conditions
- All other Employee Groups – NJC for Local Government Services

A structure chart is found at appendix 4.

2.2 The Hay Job Evaluation scheme is used to evaluate the following roles within the Council.

- Chief Executive
- Directors (including responsibilities of Deputy Chief Executive)
- Executive Heads
- Other Senior Officer Roles (non-executive heads), where the annual salary is in excess of £50,000 per annum are evaluated under both the Hay and the GLPC scheme. This is due these roles normally being graded at N under the GLPC and the cross over point of the two schemes.
- All other posts within the Council are evaluated under the Torbay Council GLPC evaluation scheme in accordance with the agreed policies.

2.3 The Hay scheme produces a point's score for each post evaluated, this is called the Know-How score. Know- How is the sum of every kind of knowledge, skill and experience required for the standard acceptable job performance.

2.4 The Officers evaluated under Hay within Torbay Council are paid on spot salaries based on median salary levels as set in 2008 for Local Government. Torbay Council publishes this in bands of £5,000. This is set out in appendix 1.

2.5 In determining the salary for the Chief Executive the Mayor will take advice from Human Resources Hay Trained assessors and the Executive Head Business Services, formally Head of HR. Further independent advice from South West Councils (HR & Employment Services) and other professional organisations such as Hay to ensure the correct level of remuneration is awarded. Full Council will agree the overall budget for the remuneration level. The Mayor will then make recommendations on the actual level to the Council's Employment Committee. The Employment Committee will make the final decision on the actual salary level and any other terms and conditions of employment.

**(Note this wording is being checked with Democratic services against actual process).**

2.4 In determining the salary for Directors, the Chief Executive, will take advice from Human Resources Hay Trained assessors. Further independent advice can be taken from South West Councils (HR& Employment Services) and other professional organisations such as Hay. The Chief Executive will then make a recommendation to the Council's Employment Committee. The Employment Committee will then make the final decision as to the actual salary level.

**(Note this wording is being checked with Democratic services against actual process.)**

2.5 In determining the salary for Executive Heads and other senior officers as defined by 1.4 above. The Directors will take advice from Human Resources Hay trained assessors. The Directors following consultation with the Chief Executive will then agree the salary level.

- 2.6 Following significant changes in duties, posts can be re-evaluated. The evaluation will be based on a Job Evaluation Questionnaire which will be assessed by an independent panel of Hay Trained assessors within Human Resources. External advice and benchmarking can also be undertaken. These assessments will then be considered by the Mayor, Chief Executive and or Directors depending on the job role. Where appropriate the Employment Committee will be involved for Chief Executive and Directors salary. Changes to Executive Heads roles and other senior officers will be agreed by Directors following consultation and agreement of the Chief Executive. Successful re-evaluations can result in a change to the salary.
- 2.7 Salary increases in relation to cost of living will be applied according to the awards made by the appropriate National Joint Council as described in paragraph 2.1.
- 2.8 No additional payments are made to in respect of:
- Bonus payments or Performance payments to the Senior Officers are defined by 1.4.
  - Additional payments are made to NJC Employees who are employed on SCP 29 or below of the Torbay Council Salary Scale. These are paid in accordance with NJC Terms and Conditions of Employment (Green Book) part 3, pay and grading. **(Insert link)**
- 2.9 Additional payments are made to any Council Officers who act as Returning Officers and carry out duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. This is treated as a separate employment as and when required.
- 2.10 In comparing Chief Officer Pay with the wider workforce the Council will use the following definitions:
- The lowest-paid employee: the employee or group of employees with the lowest salary (full-time equivalent) employed by the Council at the date of assessment.
  - The median: the mid -point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.
- This excludes those employed on casual contracts of employment, but includes part time employees where there salaries are normalised to the full-time equivalent. It also excludes Apprentices who are employed on the Torbay Council apprentice pay grade.

### **3. Contributions and other terms and conditions**

- 3.1 All staff who are members of the Local Government Pension Scheme make individual contributions to the scheme in accordance with the following table. These figures represent the 2011/2012 contribution rates.

Band	Salary Range	Contribution Rate
------	--------------	-------------------

1	£0 To £12,900.00.	5.50%
2	£12,901.00 To £15,100.00.	5.80%
3	£15,101.00 To £19,400.00.	5.90%
4	£19,401.00 To £32,400.00.	6.50%
5	£32,401.00 To £43,300.00.	6.80%
6	£43,301.00 To £81,100.00.	7.20%
7	More than £81,100.00.	7.50%

3.2 The Employer Contribution pension rate is: 17%

3.3 All employees are currently able to apply for a Car Parking permit, which enables the employee to park on council property. However, charging for this permit will be introduced following consultation with Trades Unions.

#### **4. Compromise Agreements**

4.1 Torbay Council will only enter into Compromise Agreements in exceptional circumstances where it is in the Council's overall commercial and financial interests to do so. Any Compromise Agreement for the Chief Executive and Directors will need to be approved by the Council's Employment Committee. Compromise Agreements for any other member of staff will need to be authorised for the Director of the service following consultation of the Chief Executive.

#### **5. Publication**

5.1 Once approved by Full Council, this Policy and any subsequent amendment will be published on the Council's website. Human Resources Policy will be responsible for the annual review to ensure an accurate pay policy is published ahead of each financial year.

5.2 In accordance with the Code of Practice on Local Authority Accounting the annual Statement of Accounts includes pay details of Senior Officers reporting directly to the Chief Executive and statutory posts where the salary is above £50,000 per annum.

## Appendix 1

### Current Salary Levels for Chief Executive, Directors and other Senior Officers.

<b>Post Title and Know-How Score</b>	<b>Salary Spot Rate or Salary Band</b>
Chief Executive This post was appointed prior to the implementation of the Hay within the Council in 2008 and has not been formally evaluated under the Hay scheme at this time. This salary has not increased since appointment in 2005.	£151,316.00 per annum.
*Director of Children's Services Know-How Score 608	£105,000 - £110,000
*Director of Adults and Resources Know-How Score 608	£105,000 - £110,000
*Director of Place and Resources Know-How Score 608	£105,000- £110,000
<b>* All Director roles hold joint responsibility for the duties of the Deputy Chief Executive.</b>	
Executive Head Business Services Know-How Score 400	£60,000 - £65,000
Executive Head Commercial Services Know-How Score 400	£60,000- £65,000
Executive Head Resident and Visitor Services Know-How Score 400	£60,000 - £65,000
Executive Chief Information Officer Know-How Score 400	£60,000 - £65,000
Executive Head Spatial Planning Know-How Score 400	£60,000 - £65,000
Executive Head Community Safety Know-How Score 400	£60,000- £65,000
Executive Head Finance (Section 151 officer) Know-How Score 460	£75,000- £80,000
Executive Head Safeguarding and Wellbeing Know-How Score 528	£90,000- £95,000
Executive Head Torbay Harbour Authority Know-How Score 350	£50,000- £55,000
<b>Non- Executive Head Roles</b>	
Group Manager Street Scene Know-How Score 350 GLPC Grade O	£50,941- £54,195
Group Manager Cultural and Community Services – Vacant Know-How Score 350 GLPC Grade O	£50,941- £54,195
Group Manager Schools Commissioning	£50,941- £54,195



Know-How Score 350 GLPC Grade O	
Head of Schools (Vacant Post – Awaiting recruitment). Know-How Score 400	£60,000- £65,000
Head of Family Service (Vacant Post – Awaiting recruitment). Know-How Score 400	£60,000- £65,000

**Note: Other roles to be included once structure chart update prior to 1<sup>st</sup> April 2012**

## **Appendix 2      Multipliers**

The idea of publishing the ratio of the pay of an organisation's top salary to that of its median salary has been recommended in order to support the principles of Fair Pay and transparency. These multipliers will be monitored each year within the Pay Policy Statement.

The Council's current ratio in this respect is 7.02:1, i.e. the highest salary (Chief Executive) earns 7.02 times more than the Council's median salary. When measured against the lowest salary the ratio is 12.46:1

In comparing Chief Executive Pay with the wider workforce the Council will use the following definitions:

- The lowest-paid employee: the employee or group of employees with the lowest rate of pay (full-time equivalent) employed by the Council at the date of assessment. This includes all types of employment within the Council.
- The median: the mid-point salary when full-time equivalent salaries of all core council staff are arranged in order of size (highest to lowest). Based on the salary levels of staff on the date of assessment. This includes all types of employment within the Council.

The lowest full time equivalent salary is £12,145, which is Point 4 of Grade A. Date of assessment: 07/02/2012.

	Annual Salary	Ratio to Highest
Highest Salary	£151,316.00	
Median (Mid-point) value	£21,519.00	7.02.1
Lowest full time salary	£12,145.00	12.46 : 1

**Appendix 3 Pay and Grading Structure GLPC Scheme (Last updated March 2011) Need to insert PDF**

## **Equality Statement**

These guidelines apply equally to all Council employees regardless of their age, disability, gender, race, religion or sexual orientation. Care will be taken to ensure that no traditionally excluded

groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

## ***Monitoring***

Under the Race Relations Amendment Act 2000 (RRAA), the Disability Discrimination Act 2005 (as amended), the Single Equality Act 2006 and Equal Opportunities Policies, the Council will monitor all its policies and employees involved in this process to ensure compliance and fairness for all employees. There is an obligation to monitor by racial group, disability and gender any employee against whom employment action has been taken. Managers must ensure that Human Resources are notified of all actions under this policy for equality monitoring purposes.

To support this, it is important that the 'Employment Procedures Equality Form' (available from the HR intranet site) is completed by the employee and returned to the Human Resources for recording centrally.

## ***Policy Feedback***

Should you have any comments regarding this policy, please address them to the HR Policy Feedback mailbox –

HRpolicy@torbay.gov.uk

## ***History of Policy Changes***

This policy was first agreed by members of the Torbay JCC on [Month/Year]

<b>Date</b>	<b>Page</b>	<b>Details of Change</b>	<b>Agreed by:</b>

Policy to be reviewed January 2013



Public Agenda Item: **Yes**

Title: **Provisional Calendar of Meetings for 2011/2012**

Wards Affected: **All Wards in Torbay**

To: **Council** On: **1 March 2012**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Lisa Warrillow**

☎ Telephone: **207064**

✉ E.mail: [lisa.warrillow@torbay.gov.uk](mailto:lisa.warrillow@torbay.gov.uk)

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## 1. **What we are trying to achieve**

1.1 To seek approval for the provisional calendar of meetings for the 2012/2013 Municipal Year.

## 2. **Recommendation(s) for decision**

2.1 **That the provisional calendar of meetings for 2012/2013, set out in Appendix 1 to this report, be approved for final ratification at the Annual Council Meeting.**

2.2 **That meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Services Manager in consultation with the relevant Chairman.**

## 3. **Key points and reasons for recommendations**

3.1 The draft provisional calendar of meetings for 2012/2013 (attached at Appendix 1) has been prepared based on the Council's decision-making structure and in accordance with the Council's Standing Orders. The purpose of producing a draft calendar at this stage is to allow officers to start preparing for the next Municipal Year. The Council will ratify the provisional calendar at its annual meeting in May in accordance with Standing Orders.

**For more detailed information on this proposal please refer to the supporting information.**

**Caroline Taylor  
Deputy Chief Executive and Commissioner for Community Safety and Democracy**

## **Supporting information to Report**

### **A1. Introduction and history**

A1.1 Before the end of each Municipal Year the Council considers the provisional calendar of meetings for the following Municipal Year, which is then ratified at the Annual Council Meeting.

A1.2 The following meetings have been scheduled in the calendar for 2012/2013:

- Council;
- Development Management Committee;
- Licensing Committee;
- Licensing Sub-Committee;
- Harbour Committee;
- Standards Committee;
- Audit Committee;
- Appeals Committee (Transport);
- Overview and Scrutiny Board;
- Health Scrutiny Board;
- Torbay Strategic Partnership; and
- Shadow Health and Wellbeing Board

A1.3 The meetings of the Council have been programmed to allow sufficient reporting time between the meetings for the plans and strategies which are required to be approved through the Council's Policy Framework process and for the budget setting process.

A1.4 The draft calendar has also been structured to allow, wherever possible, for each type of meeting to be allocated a certain day e.g. Development Control Committee to meet on Mondays, Licensing Sub-Committees on Thursdays and Council on Thursdays.

A1.5 Meetings of the Employment Committee and Civic Committee are proposed to be held on an ad hoc basis, to be determined by the Democratic Services Manager in consultation with the relevant Chairman/woman.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

A2.1.1 Wherever possible the timings of meetings have been set in accordance with the needs of the Committee Members and the Public, for example the Licensing Sub-Committees convene at 9:30 a.m. which is suitable for those making representations. Timings are kept under constant review by the Democratic Services Manager. There is a small risk that some people will still not be able to attend these meetings, however, in most cases where public participation is permitted, the Council will accept written representations to enable people to put their points of view across.

### **A3. Other Options**

A3.1 Members may wish to set alternative dates for meetings. However, the meetings have been timetabled to allow sufficient time for the reporting of the plans and strategies which make up the Council's Policy Framework and the Council's budget setting process. A calendar of meetings is required under Standing Orders and facilitates the organisation of the Municipal Year.

### **A4. Summary of resource implications**

A4.1 Although there are approved budgets for the costs associated with these meetings the actual financial implications are not quantifiable at this stage. The calendar of meetings sets out a number of scheduled meetings, however, a number of unscheduled meetings may be held through the Municipal Year.

### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 The calendar includes the main religious festivals for the Christian, Hindu, Jewish, Muslim and Sikh faiths. Meetings on these dates have been avoided wherever possible.

### **A6. Consultation and Customer Focus**

A6.1 The Mayor, Group Leaders and the Chief Executive have been consulted on the draft provisional calendar of meetings for 2012/2013.

### **A7. Are there any implications for other Business Units?**

A7.1 Each Business Unit will be involved in preparing reports and officers will be required to present reports at meetings where appropriate.

## **Appendices**

Appendix 1 Provisional Calendar of Meetings 2012/2013

### **Documents available in members' rooms**

None

### **Background Papers:**

The following documents/files were used to compile this report:

Constitution of Torbay Council

Torbay Council's Diversity Manual

<http://www.bbc.co.uk/religion>

[www.interfaithcalendar.org](http://www.interfaithcalendar.org)

SCHEDULE OF COUNCIL, COMMITTEE MEETINGS 1 May 2012 - 15 May 2013

	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
<b>Appeals Committee (Transport)</b>	9.30 am Wednesday		18	8	12	10	14	12					
<b>Audit Committee</b>	2.00 pm Wednesday	27			19			19			20		
<b>Council</b>	2:30 pm / 5:30 pm Thursday		12		27	18	15	6		6 (Wed) 13 (Wed) 28			14 (Tue) 15 (Wed)
<b>Development Management Committee</b>	2.00 pm Monday	18	16	13	10	8	12	10	14	11	11	8	
<b>Harbour Committee</b>	5.30 pm Monday				17			17			18		
<b>Health Scrutiny Board</b>	2.30 pm Thursday		19			4			10			4	
<b>Licensing Committee</b>	9.30 am Thursday						8						
<b>Licensing Sub-Committee</b>	9.30 am Thursday												
Licensing Sub-Committee meetings will be held every Thursday at 9:30 a.m.													

<b>Overview and Scrutiny Board</b>	5.30 pm Wednesday	23	13	11	15	12	17	14	12	11 (Fri) 15 (Tue) 16 24	20	13	17	
<b>Standards Committee</b>	2.30 pm Thursday		14						20			14		
<b>Torbay Strategic Partnership</b>	3:30 pm Thursday	17				20				17				
<b>Shadow Health and Wellbeing Board</b>	3:30 pm Thursday			5				22				21		