



Town Hall, Castle Circus,
Torquay, Devon TQ1 3DR
Main Switchboard (01803) 201201
Fax (01803) 207006 DX 59006

Tuesday, 8 July 2014

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 17 July 2014** commencing at **3.00 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Steve Parrock".

Steve Parrock
Executive Director of Finance and Operations

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

Working for a healthy, prosperous and happy Bay

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

June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207012

Email: governance.support@torbay.gov.uk
www.torbay.gov.uk

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 Annual Council held on 30 April 2014.

(Pages 1 - 18)

4. **Declarations of interests**

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

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

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

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

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

5. **Communications**

To receive any communications or announcements from the Chairman, the Mayor, the Overview and Scrutiny Co-ordinator or the Executive Director of Operations and Finance.

6. **Members' questions**

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

(Pages 19 - 22)

7. **Notice of motions**

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

(a) **Notice of Motion - Budget Proposals (Mayoral)**

(Page 23)

- (b) **Notice of Motion - Motor Neurone Disease Charter (Mayoral)** (Pages 24 - 25)
8. **Submission of the Torbay Local Plan to the Secretary of State** (Pages 26 - 48)
To consider the submitted report on the submission of the Torbay Local Plan to the Secretary of State.
9. **Energy and Climate Change Strategy 2014-2019** (Pages 49 - 107)
To consider the revised Energy and Climate Change Strategy 2014 - 2019 which sets out the energy and climate change challenges for Torbay and how these can be addressed.
- (a) **Energy and Climate Change Strategy - Report of the Overview and Scrutiny Board** (Page 108)
To consider the views of the Overview and Scrutiny Board on the above Strategy.
10. **Adult Social Care - Local Account** (Pages 109 - 163)
To consider a report on the above.
11. **Community Safety Commercial Team Service Plan 2014-15** (Pages 164 - 223)
To consider a report setting out the Commercial Team Service Plan, which incorporates the statutory service plans for Food Safety and the Councils Under Age Sales Policy for Tobacco Products and other age restricted goods.
12. **Capital Investment Plan Update (Outturn 2013/14) - subject to Audit** (Pages 224 - 231)
To consider the Capital Monitoring report for 2013/14 under the Council's budget monitoring procedures which provides high-level information on capital expenditure and income for the year (subject to Audit), compared with the latest budget position as at quarter three reported in February 2014.

(Any recommendations from the meeting of the Overview and Scrutiny Board, which is due to be held on 9 July 2014, will be circulated prior to the Council meeting.)
13. **Provisional Revenue Outturn 2013/14 - Subject to Audit** (Pages 232 - 245)
To consider the submitted revenue outturn report which provides a summary of the Council's expenditure for the financial year 2013/14.

(Any recommendations from the meeting of the Overview and Scrutiny Board, which is due to be held on 9 July 2014, will be circulated prior to the Council meeting.)
14. **Urgent Decision taken by the Executive Director of Operations and Finance under the Officer Scheme of Delegation** (Pages 246 - 247)
To note the details of decisions taken by the Chief Executive on the grounds of urgency as set out in the attached report.

- 15. Composition and Constitution of the Executive and Delegation of Functions** (Pages 248 - 255)
To receive details on the composition and constitution of the Mayor's Executive, together with the record of delegations of Executive functions.
- 16. Adjournment**
To consider adjourning the meeting until 5:30 p.m.
- 17. Petitions**
To receive petitions and any oral representations from the public in accordance with Standing Order A12.
- (a)** Petition for the return of street lighting at night in Eden Vale Road
Approximately 73 signatures. At the request of the petitioner organiser this petition will be presented to the meeting.
- (b)** Petition against development of hotel and apartments next to the Pavilion & Marina Car Park on Torquay Harbourside, incorporating Cary Green as their car park
Approximately 1095 signatures. In accordance with Standing Orders the petition will be considered at this meeting.
- 18. 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.
- (a) Public Question - Traffic Routes** (Page 256)
- (b) Public Question - Council's Tall Buildings Strategy, Heritage Strategy and Green Space Protection in relation to Cary Green** (Page 257)
- (c) Public Question - Development at Cary Green** (Page 258)
- 19. Torquay Waterside Regeneration - the Pavilion, Marina Car Park and Cary Green (Mayoral)** (To Follow)
To consider accepting a surrender of the leases of the Pavilion, the Marina and the Marina Car Park in Torquay and granting new long leases of the Pavilion, Marina, Marina Car Park and Cary Green.
- 20. Clennon Valley Sport and Leisure Regeneration Procurement (Mayoral)** (Pages 259 - 318)
To consider the proposals detailed within the report for the above project.
- 21. Corporate Parents Annual Report (Mayoral)** (Pages 319 - 357)
To consider the submitted report which outlines how this role is undertaken in Torbay, provides an action plan for 2014/15 and a pledge from "Corporate Parents" to children in care.

22. Covenant Protecting Babbacombe Downs Against Development (Mayoral)

(Pages 358 - 362)

To consider the submitted report following an application from representatives of the community for a covenant on Babbacombe Downs.

Note

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



Minutes of the Annual Council

30 April 2014

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Baldrey, Bent, Brooksbank, Butt, Davies, Darling, Doggett, Ellery, Excell, Faulkner (J), Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Morey, Pentney, Pountney, Pritchard, Scouler, Stockman, Stocks, Thomas (D), Thomas (J) and Tyerman

1 Opening of meeting

The meeting was opened with a prayer.

2 Apologies for absence

Apologies for absence were received from Councillors Addis, Cowell, Faulkner (A), James, Richards and Stringer.

3 Minutes

The Minutes of the meeting of the Council held on 27 February 2014 were confirmed as a correct record and signed by the Chairman.

4 Election of Chairwoman

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

that Councillor Jane Barnby be elected Chairwoman of the Council of the Borough of Torbay for the Municipal Year 2014/2015.

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

(The Chairwoman, Councillor Barnby, in the Chair)

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

The Chairwoman also announced that Mr Richard Barnby would be her Escort during her term of office and her joint charities would be Disability Support Torbay and Devon In Sight.

5 Chairwoman's Chaplain and Civic Sunday

The Chairwoman announced that she had appointed Reverend Gillian Maude to be her Chaplain and that the Annual Civic Church Service would be held at St Georges Church, Goodrington on 21 September 2014.

6 Retiring Chairman and Chairman's Consort

It was proposed by Councillor Bent and seconded by Councillor Davies:

that the Council express its sincere thanks and appreciation to Councillor Julian Parrott and Ms Sue Powell for the manner in which they have carried out their duties during their term of office.

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

7 Appointment of Vice-Chairman of the Council

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

that Councillor Ray Hill be elected Vice-Chairman of the Council of the Borough of Torbay for the Municipal Year 2014/2015.

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

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

The Vice-Chairman also announced that Mrs Patricia Hill would be his Consort during his term of office.

8 Retiring Vice-Chairman and Consort

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

that the Council express its sincere thanks and appreciation to Councillor Jane Barnby and Mr Richard Barnby for the work carried out by them during the past Municipal Year.

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

9 Adjournment

At this juncture the meeting was adjourned until 5.30 p.m. on Thursday, 1 May 2014.

Chairwoman

This page is intentionally left blank



Minutes of the Adjourned Annual Council

1 May 2014

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

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

10 Apologies for absence

Apologies for absence were received from Councillors Addis, Bent, Richards and Stringer.

11 Communications

The Chairwoman thanked all those who attended the civic luncheon and advised that the amount raised for the Chairwoman's charities was approximately £415.

The Mayor:

- (i) announced that the Government had included Blatchcombe, Shiphay and Tormohun in the draft Assisted Area Status map. He advised that this was excellent news for the whole of Torbay and was testament to the effective partnership between Torbay Council, Torbay Development Agency (TDA) and the Heart of the South West Local Enterprise Partnership (HOTSW) who had been lobbying together for recognition of these areas to assist with future funding. It was expected that formal ratification of the Assisted Area Status map would be announced at the end of May 2014, when this opportunity could then start to assist in generating more jobs and investment for Torbay; and
- (ii) advised that on behalf of the Council and the people of Torbay, he had written to the Headteacher of Corpus Christi School offering Torbay's sincere and heartfelt condolences to the family of Mrs Anne Maguire and staff and pupils at the school, following the terrible event on Monday 28 April 2014.

12 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable agenda item 10 (Provision of a dwelling on adjacent land (Re-submission of P/2013/0979), Pine Lodge, Sladnor Park Road, Torquay) to be considered after Item 4 (Public Question Time).

13 Public Question - Can recycling facilities

In accordance with Standing Order A24, the Council heard from Mr Long who had submitted a statement and question in relation to the removal of can recycling banks at Lymington Road Coach Station and Brunswick Square Car Park, Torquay. The Executive Lead for Safer Communities, Highways, Environment and Sport responded to the statement and question that had been put forward, plus a supplementary question asked by Mr Long.

14 Public Question - Hi Flyer

In accordance with Standing Order A24, the Council heard from Mr Long who had submitted a statement and question on the outstanding debt in relation to Hi Flyer balloon and assets owned by Lindstrand. The Mayor responded to the statement and question that had been put forward, plus a supplementary question asked by Mr Long.

15 P/2014/0095 - Provision of a dwelling on adjacent land (Re-submission of P/2013/0979), Pine Lodge, Sladnor Park Road, Torquay

At the Development Management Committee on 14 April 2014, officers had recommended refusal of a planning application for the provision of a dwelling on land at Pine Lodge, Sladnor Park Road, Torquay, as the proposal was contrary to Local Plan Policies L4, L3, L2, CFS and CF6, of the Saved Adopted Torbay Local Plan 1995-2011 and the provisions of the Adopted planning obligations SPD. In addition, the precedent set by an approval of the application would result in potential further applications contrary to policies L2 and L3 of the saved Adopted Local Plan.

The Development Management Committee had resolved that the planning application be approved and therefore it was necessary for the application to be referred to Council for consideration as approval of the application was contrary to the officer's recommendation and the Torbay Local Plan 1995-2011.

Prior to the meeting, members undertook a site visit. The Council considered the submitted report which set out details of the planning application. The Team Leader Development Management presented the planning application at the meeting.

During the meeting, members heard representations from Mrs Lamar who was in support of the application.

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

that Planning application P/2014/0095 should be refused for the reasons set out in 1.2 of the submitted report and in accordance with the officer's recommendation set out in the officer committee report (Appendix 1 of the submitted report), notwithstanding the deferral of the Development Management Committee based on its decision to approve the application.

A recorded vote was taken on the motion. The voting was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Brooksbank, Butt, Cowell, Darling, Doggett, Excell, Hill, James, Kingscote, Lewis, McPhail, Mills, Morey, Pentney, Pountney, Pritchard, Scouler, Thomas (D), Thomas (J) and Tyerman (22); Against: Councillors Baldrey, Davies, Ellery, Faulkner (A), Faulkner (J), Hernandez, Hytche, Parrott, Stocks and Stockman (10); Abstain: Councillor Barnby (1); Absent: Councillors Addis, Bent, Richards and Stringer (4). Therefore the motion was declared carried.

16 Members' questions

Members received a paper detailing the questions, as attached to the agenda, notice of which had been given in accordance with Standing Order A13. The Chairwoman advised that question 3 would be directed to Councillor Lewis as Executive Lead for Health and Wellbeing.

Verbal responses were provided at the meeting. Councillor Butt responded to question 9 on behalf of Councillor Richards. Supplementary questions were then asked and answered in respect of questions 1, 2, 3, 4, 6, 7, 11, 12, 13, 14 and 15.

17 Notice of Motion - Betting Shops (Mayoral)

Members considered a motion in relation to the creation of a separate planning use class for betting shops, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Faulkner (A) and seconded by Councillor Doggett:

This Council notes that:

63 cross-party led local authorities have submitted a proposal for the government to create a separate planning use class for betting shops so that councils have new powers to address the problem. Creating a separate planning use class is Liberal Democrat Party policy and is also supported by the LGA, the GLA and the Mayor of London.

The proliferation and concentration of betting shops is contributing to community decline, especially the decline in valued community assets like pubs. England's poorest spend £13bn a year on the gambling machines in these shops according to a study published by the Campaign for Fairer

Gambling. The ongoing spread of betting shops has also been linked to gambling addiction and crime.

The proposal has been submitted under the Sustainable Communities Act. The government is considering it right now.

This Council resolves to

Write to, the Secretary of State, Eric Pickles MP, asking him to "Please agree to the proposal for a separate planning use class for betting shops submitted by 63 councils under the Sustainable Communities Act".

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor advised that the Government had recently announced details of consultation on the subject of the motion, which he supported. Therefore rather than write to the Secretary of State, Eric Pickles, the Mayor advised the Council would respond supporting the proposals outlined in the consultation. Councillor Faulkner (A) and Doggett agreed with this approach.

18 Disposal of Surplus Real Estate Assets (Mayoral Decision)

The Council made the following recommendation to the Mayor:

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

that the Mayor be recommended:

- (i) that the Mayor considers the results from the consultation with Ward Members, the Local Access Forum (where appropriate) and the relevant Community Partnerships (circulated on 29 April 2014) to the disposal of the 10 Assets listed in Appendix 1 of the submitted report;
- (ii) that the 10 Assets listed in Appendix 1 of the submitted report be declared no longer required for service delivery and that the Executive Head of Commercial Services be requested to advertise their intended individual disposal in accordance with both the Council's Community Asset Transfer Policy 2008 and where appropriate Section 123(2A) of the Local Government Act 1972;
- (iii) that, subject to any expressions of interest received from the Community and any objections received to any disposal advertised pursuant to s123 of the Local Government Act 1972 and the assets listed in Appendix 1 of the submitted report be individually disposed on such terms as are acceptable to the Executive Head of Commercial Services in consultation with the Chief Executive of Torbay Development Agency; and
- (iv) that the Executive Head of Commercial Services in consultation with the Chief Executive of the Torbay Development Agency be delegated

authority to consider any objections received on the advertisement of any of the proposed disposals pursuant to s123 of the Local Government Act 1972

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

- (ii) that housing associations be approached in respect of the following assets with a view to them developing the sites for affordable housing:
 - (a) Hillside, Former Children's Home and adjoining land, South Parks Road, Torquay;
 - (b) Land rear of 64-70 Borough Road, Paignton; and
- (iii) that the Former Learning Resource Centre, 21 Old Mill Road, Torquay, be explored for potential employment opportunities.
- (ii) that, subject to the above, the 10 Assets listed in Appendix 1 of the submitted report be declared no longer required for service delivery and that the Head of Commercial Services be requested to advertise their intended individual disposal in accordance with both the Council's Community Asset Transfer Policy 2008 and where appropriate Section 123(2A) of the Local Government Act 1972.

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

The substantive motion (the same wording as the original motion with the additional paragraphs (ii) and (iii) and amended original paragraph (ii)) was then before Members for consideration.

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

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

19 Devon Audit Partnership - Extension of Deed of Variation (Mayoral Decision)

The Council made the following recommendation to the Mayor:

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

That the Mayor be recommended:

- (i) that each Devon Audit Partnership authority approve the extension of the partnership for a further 3 years (April 2014 to March 2017) and that the submitted Deed of Variation be approved; and

- (ii) that the membership of the Partnership be extended to include the Police and Crime Commissioner for Devon and Cornwall (OPCC).

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 a record of his decision, together with further information, is attached to these Minutes.

20 Careers on South West Changes to Legal Arrangements (Mayoral Decision)

The Council made the following recommendation to the Mayor:

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

that the Mayor be recommended to approve the changes to the legal arrangements around the ownership of Careers South West (as set out in paragraph 4.6 to 4.9 of this report) to enable the company to operate more commercially and autonomously on a day to day basis, whilst Cornwall, Devon County, Plymouth City and Torbay Councils continue to retain ownership and authority over the business.

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 a record of his decision, together with further information, is attached to these Minutes.

21 Local Government Pensions Discretions 2014

The Council considered the submitted report on changes to the Local Government Pension Scheme (LGPS) 2014 which resulted in a new set of pensions discretions. It was noted that the Council's policy statements currently related to the 2008 LGPS Regulations. The new LPGA Regulations 2014 introduced a number of changes to the discretions that required Council approval in order to be compliant with the new 2014 Regulations.

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

that Council approve the pension discretion policy statements set-out in Appendix 2 of the submitted report.

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

22 Review of Political Balance and Appointments to Committees

The Council considered the submitted report on a change in political balance following notification that Councillor Bobbie Davies wished to be a member of the Non-Coalition Group and the appointment of committees and other bodies. A revised Appendix 2 was circulated prior to the meeting.

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

- (i) that the overall political balance of the committees, as set out in Appendix 1 of the submitted report, be approved;
- (ii) that, subject to (i) above being approved, the committees be appointed with the terms of reference set out in Appendix 2 of the submitted report;
- (iii) that, subject to (i) above being approved, nominations be received to fill the seats on the committees;
- (iv) that Councillor Excell be appointed as the Council's nominated representative on the Devon and Cornwall Police and Crime Panel; and
- (v) that Councillor Brooksbank and Councillor Ellery be appointed as the Council's nominated representative on the Devon and Somerset Fire and Rescue Authority.

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

Following the vote, the members to serve on each committee and other bodies were nominated by the Group Leaders.

23 Calendar of Meetings 2014/15

The Council considered the submitted report setting out the proposed calendar of meetings for 2014/2015.

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

- (i) that the provisional calendar of meetings for 2014/2015, set out in Appendix 1 of the submitted report, be approved for final ratification at the Annual Council Meeting; and
- (ii) that meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman.

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

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

The Council was requested to consider the appointment of the Overview and Scrutiny Co-ordinator and the appointment of scrutiny lead members for 2014/2015.

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

- (i) that Councillor Thomas (J) be appointed as the Overview and Scrutiny Co-ordinator for the 2014/2015 municipal year; and
- (ii) that the following Councillors be appointed as the Scrutiny Leads as indicated for the 2014/15 municipal year:

People – Councillor Bent
Place – Councillor Kingscote
Business – Councillor Pentney
Health – Councillor Davies

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

25 Overview and Scrutiny Annual Report

The Council received and noted the Overview and Scrutiny Annual Report for 2013/2014.

26 Composition and Constitution of the Executive and Delegation of Functions

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

27 Scheme of Delegation for Council Functions

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

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

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

Chairwoman

Record of Decisions

Disposal of Surplus Real Estate Assets

Decision Taker

Mayor on Thursday, 01 May 2014

Decision

- (i) That the feedback from ward councillors, the Local Access Forum and the Community Partnerships (circulated on 29 April 2014) on the disposal of the 10 Assets listed in Appendix 1 of the submitted report be noted;
- (ii) that consideration be given for the following assets to be developed as sites for affordable housing:
 - (a) Hillside, Former Children's Home and adjoining land, South Parks Road, Torquay;
 - (b) Land rear of 64-70 Borough Road, Paignton;
- (iii) that the former Learning Resource Centre, 21 Old Mill Road, Torquay, be explored for use as potential employment opportunities;
- (iv) that, subject to (ii) and (iii) above, the 10 Assets listed in Appendix 1 of the submitted report be declared no longer required for service delivery and that the Executive Head Commercial Services be requested to advertise their intended individual disposal in accordance with both the Council's Community Asset Transfer Policy 2008 and where appropriate Section 123(2A) of the Local Government Act 1972;
- (v) that, subject to any expressions of interest received from the Community and any objections received to any disposal advertised pursuant to s123 of the Local Government Act 1972 and the assets listed in Appendix 1 of the submitted report be individually disposed on such terms as are acceptable to the Executive Head of Commercial Services in consultation with the Chief Executive of Torbay Development Agency; and
- (vi) that the Executive Head of Commercial Services in consultation with the Chief Executive of the Torbay Development Agency be delegated authority to consider any objections received on the advertisement of any of the proposed disposals pursuant to s123 of the Local Government Act 1972.

Reason for the Decision

The disposal of assets not required for service delivery will generate capital receipts to be reinvested in the Council's existing capital programme which will contribute towards achieving the Council's objectives. The disposals will also reduce the expenditure and repair liability across the Council's assets.

Implementation

This decision will come into force and may be implemented on Wednesday 14 May 2014 unless

the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report sets out details of 10 unused assets for disposal which will achieve capital receipts and cost savings. The following assets were considered for disposal which are no longer required by the Council:

1. The Old Windmill and adjoining land, Windmill Lane, Paignton;
2. Higher Lodge, Cockington, Torquay;
3. Land at Loxbury Road and Vicarage Road, Torquay;
4. Land and unused garages adj Alpine Road, Torquay;
5. Hillside (former children's home) and adjoining land, South Parks Road, Torquay;
6. Former Learning and Resource Centre, 21 Old Mill Road, Torquay;
7. Glebeland playground, adjoining 7 Glebeland Way, Torquay;
8. Land r/o 64 to 70 Borough Road, Paignton;
9. Land betwixt 90 to 94 Colley end Road, Paignton; and
10. 286 and 288 Totnes Road, Paignton.

The Mayor considered the recommendations of the Council made on 1 May 2014 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options are set out in the submitted report, plus the recommendation by the Adjourned Annual Council to include two assets to be considered for affordable and a further asset to be explored for potential employment opportunities (as outlined in decision (ii) and (iii) above).

Is this a Key Decision?

Yes – Reference Number: I016355

Does the call-in procedure apply?

Yes

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

None

Published

6 May 2014

Signed: _____
Mayor of Torbay

Date: 6 May 2014

Record of Decisions

Devon Audit Partnership - Extension of Deed of Variation

Decision Taker

Mayor on Thursday, 1 May 2014

Decision

- (i) That the extension of the Devon Audit Partnership for a further 3 years (April 2014 to March 2017) and that the submitted Deed of Variation be approved; and
- (ii) that the membership of the Partnership be extended to include the Police and Crime Commissioner for Devon and Cornwall (OPCC).

Reason for the Decision

The three year extension will enable the continuation of the provision of a high quality and cost effective internal audit service. The proposal for OPCC to join the Partnership will enable the partnership to generate income and contribute towards achieving a sustainable service.

Implementation

This decision will come into force and may be implemented on Wednesday 14 May 2014 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Devon Audit Partnership between Devon, Torbay and Plymouth was established in 2009 to deliver internal audit functions. Since its establishment the Partnership arrangement was challenged to make significant financial savings whilst still providing a high quality, robust, independent and assurance function.

The Partnership proposes to extend the arrangement for a further 3 years with the membership extended to include the OPCC to enable financial targets to be achieved and to provide modernised working practices. The proposed Deed of Variation will enable the extension to take place and the OPCC to join the partnership as a non-voting member.

The Mayor considered the recommendations of the Council made on 1 May 2014 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Not to extend the partnership.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

6 May 2014

Signed: _____
Mayor of Torbay

Date: 6 May 2014

Record of Decisions

Careers South West Changes to Legal Arrangements

Decision Taker

Mayor on Thursday, 1 May 2014

Decision

That the changes to the legal arrangements around the ownership of Careers South West (as set out in paragraph 4.6 to 4.9 of the submitted report) be approved, to enable the company to operate more commercially and autonomously on a day to day basis, whilst Cornwall, Devon County, Plymouth City and Torbay Councils continue to retain ownership and authority over the business.

Reason for the Decision

To enable the Owners to retain authority over the company, as they remain its ongoing guarantors, whilst enabling the Company to operate commercially on a day to day basis. (Note: The above decision is required by the four owners to enable the proposal to proceed.)

Implementation

This decision will come into force and may be implemented on Wednesday 14 May 2014 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report sets out a proposal to change the legal arrangements for the operation of Careers South West (CSW). CSW is a company limited by guarantee and is wholly owned and controlled by four local authority corporate members: Cornwall Council; Devon County Council; Plymouth City Council and Torbay Council. CSW manages the delivery and provision of government funded services, primarily in the areas of skills and careers related information and advice and guidance services to young people aged 13 to 19.

The success of CSW has meant it can no longer work under the Teckal exemption and a review by the owner authorities is required to ensure an appropriate basis for future working.

The Mayor considered the recommendations of the Council made on 1 May 2014 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options are set out in the submitted report.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

6 May 2014

Signed: _____
Mayor of Torbay

Date: 6 May 2014

Agenda Item 6

Meeting of the Council

Thursday, 17 July 2014

Questions Under Standing Order A13

Question (1) by Councillor Cowell to the Mayor and Executive Lead for Employment and Regeneration, Finance and Audit (Mayor Oliver)	Can the Mayor confirm what decision making process took place to award £7000 to Torbay Tourism Association Ltd to support the 2014 Miss England Beauty Pageant when there was no evidence of beneficial economic impact ('Summer of Data' report, February 2013) due to insufficient data? Can he also explain why the popular Super Weekend, which has significant economic impact estimated in excess of £1.1m, will not be run this year and what basis the decision was made to award a grant of £25000 to Trevor George Entertainment Organisation to promote the Riviera Fringe Festival?
Question (2) by Councillor James to the Executive Lead for Children, Schools and Families (Councillor Pritchard)	Please would you give this council a full update on all the changes taking place at Parkfield Youth Centre?
Question (3) by Councillor James to the Mayor and Executive Lead for Employment and Regeneration, Finance and Audit (Mayor Oliver)	Please would you provide this council with the latest figures for how many people have now been taken to court due to non-payment of some council tax in the last two years?
Question (4) by Councillor James to the Executive Lead for Strategic Planning, Housing and Energy (Councillor Thomas (D))	Please would you provide this council with the latest position regarding the Threshers site in Brixham?
Question (5) by Councillor James to the Executive	In light of the Coalition Government plans to ban exclusivity requirements within zero hours contracts. Can you confirm whether or not the council includes these in our zero hours contracts, and if so, what

Lead for Business Planning and Governance (Councillor Mills)	the council will be doing about it?
Question (6) by Councillor Darling to the Executive Lead for Business Planning and Governance (Councillor Mills)	I understand that at the last Health Scrutiny Board Meeting, on the 26 June 2014, Cllr Hytche promoted “work houses” as a way of helping members of our community who have mental health problems. In my view such comments are offensive and brings the Council into disrepute. With your responsibility for Governance on the Council, what action do you plan to take?
Question (7) by Councillor Parrott to the Executive Lead for Safer Communities, Highways, Environment and Sport (Councillor Excell)	Is he aware of the extent to which organised prostitution is now a firmly established part of the so-called 'Night-time Economy' of Torquay?
Question (8) by Councillor Parrott to the Executive Lead for Safer Communities, Highways, Environment and Sport (Councillor Excell)	Has he been kept informed of police progress in their pursuit of the vicious thugs that have carried out the recent attacks on TOR2's and other workers in Brixham and Torquay, and can he share with Council the current situation re arrests?
Question (9) by Councillor Darling to the Executive Lead for Safer Communities, Highways, Environment and Sport (Councillor Excell)	In previous years Torbay Council had got up to 47% recycling rate. Last year this Figure dropped to 41%. Our neighbouring Authority is bragging about being at 57% recycling and wanting to hit 60%. In light of this what step change is planned to turn the tide of reducing levels of recycling?
Question (10) by Councillor Cowell to the Mayor and Executive Lead for Employment and Regeneration, Finance and Audit (Mayor Oliver)	In September of last year you referred the Labour/Non Coalition Group motion to identify funding for the long awaited reversal of traffic through Torre to the Transport Working Party. Can you confirm what actions have since been taken? Also will you make a commitment that if any current bid processes are unsuccessful you will instruct officers to identify the estimated £350,000 to enable this vital economic regeneration project to go ahead?

<p>Question (11) by Councillor Darling to the Executive Lead for Safer Communities, Highways, Environment and Sport (Councillor Excell)</p>	<p>Torbay Council recently received £198,969 from the Governments pothole fund. This compares to Devon CC who received £9,129,602 from the same fund. Whilst I acknowledge that Torbay has a much smaller road network than Devon, it would appear to be a proportionately much smaller sum. Did the Council's under spend on roads maintenance last year of £122,000 impact on the allocation of funds to tackle potholes?</p>
<p>Question (12) by Councillor Cowell to the Executive Lead for Safer Communities, Highways, Environment and Sport (Councillor Excell)</p>	<p>Can you confirm that an error in ordering summer bedding plants for the north of Torquay has led to a reported 15000 plants being 'double-ordered'. If this is correct can you please confirm:</p> <ul style="list-style-type: none"> a) The cost of this mistake? b) Exactly how this error occurred? c) Exactly who received any surplus plants and who was involved in making the decisions to re-distribute them?
<p>Question (13) by Councillor Cowell to the Mayor and Executive Lead for Employment and Regeneration, Finance and Audit (Mayor Oliver)</p>	<p>Why have you decided to abandon cross party support and participation for the Community Development Trust by appointing two members of the Conservative Group to the two council places on the Board?</p>
<p>Question (14) by Councillor Cowell to the Executive Lead for Safer Communities, Highways, Environment and Sport (Councillor Excell)</p>	<p>Why was there no appropriate insurance and management agreement in place to ensure the Velo Park did not close to the public within a matter of hours of its' opening? How much revenue is estimated to have been lost?</p>
<p>Question (15) by Councillor Cowell to the Executive Lead for Safer Communities, Highways, Environment and Sport (Councillor Excell)</p>	<p>As the Executive Lead for car parking – have you now abandoned any intention of including the community and businesses in consultations on car parking? The last such review meeting was November 12th 2013 and a review of the £2 trial was promised for early 2014 which you failed to hold. Can you therefore confirm the impact on parking revenues and provide evidence of any economic benefit as a result of the trial?</p> <p>Also, when will you conduct a thorough review (to include residents, commuters and businesses) which addresses the problems of car parking in our towns and neighbouring residential areas?</p>

<p>Question (16) by Councillor Stocks to the Executive Lead for Children, Schools and Families (Councillor Pritchard</p>	<p>In the past year there have been extensive cut backs in the council's extended youth service and new arrangements to hire out parts of the Parkfield Children's Centre on a regular basis.</p> <p>How is the current administration actively ensuring that the reduced services and activities provided by Parkfield in Paignton are still accessible to those young people from all areas of Torbay who are in most need of support and stimulation in our community in order to keep Parkfield financially sustainable now and in the future?</p> <p>Examples of access opportunities from Watcombe, Barton, Hele and Ellacombe in Torquay. Great Parks and Blatchcombe in Paignton and the whole of Brixham would be appreciated.</p>
---	--

Agenda Item 7a

Council Meeting, 17 July 2014

Labour/Non-Coalition Group Notice of Motion

Council Motion – Budget Proposals

This council notes the continuing budgetary pressures placed upon the authority by the government's disproportionate cuts to local government spending.

Council also notes that a further £3.8m of cuts are currently being identified for the year 2015-16.

Given that there will be an estimated £10m cut to Torbay Council's budget in 2016-17, council requests that the Mayor sets out proposed spending areas to be considered for that financial year as part of his September budget.

Council recognises that service providers and users will need as much time as possible to identify alternative delivery methods and in so doing avoid unnecessary stress and anxiety as was evident during the recent budget process."

Proposed: Councillor Darren Cowell

Seconded: Councillor Vic Ellery

Notice of Motion for Full Council – Thursday, 17 July 2014

That this Council adopts the Motor Neurone Disease (MND) charter and thereby supports achieving quality of life, dignity and respect for people with MND and their carers.

The Charter:

- 1. People with MND have the right to an early diagnosis and information**
- 2. People with MND have the right to access quality care and treatments**
- 3. People with MND have the right to be treated as individuals and with dignity and respect**
- 4. People with MND have the right to maximise their quality of life**
- 5. Carers of people with MND have the right to be valued, respected, listened to and well supported**

Motion to be moved by Councillor Julien Parrott:

Seconded by Councillor Nicole Amil:

Background:

Launched in June 2012 by the Motor Neurone Disease (MND) Association, the five-point MND Charter sets out the rights of people with MND and their carers and the pillars of good care and support. Five people a day die in the UK from MND. It is a rapidly progressive, fatal disease that can affect any adult at any time. The disease leaves people unable to walk, talk or feed themselves. The cause of MND is unknown and there is no cure.

- MND is a fatal, neurological disease for which there is no effective treatment and no cure.
- MND kills five people in the UK every day.
- Today there are 5,000 people living with MND in the UK. Life expectancy from diagnosis is two to five years
- It can affect any adult at any age. Imagine being trapped inside a body that can't move.

- MND attacks the nerves that control movement; people with MND can still think and feel, but their muscles refuse to work. As these nerves die, the muscles weaken and waste, leaving people locked in a failing body, unable to move, walk or talk.
- The MND Association is the only national charity in England, Wales and Northern Ireland that funds and promotes global research into the disease and provides care and support for people affected by MND.

Councillor Parrott chose Motor Neurone Disease Association Torbay as his Chairman's charity for municipal year 2013-14. He was hugely grateful for the support of the people of the Bay and its visitors in their response to his charity and their generosity raised £4,025.00 to support local people affected by this wicked disease.



Meeting: Council

Date: 17 July 2014

Wards Affected: All wards in Torbay

Report Title: Submission of the new Torbay Local Plan (A Landscape for Success) to the Secretary of State

Executive Lead Contact Details: David Thomas, Deputy Mayor, Executive Lead for Spatial Planning, Housing, Waste and Energy; Tel: 01803 207069; david.thomas@torbay.gov.uk

Supporting Officer Contact Details: Pat Steward, Senior Service Manager - Strategic Planning and Implementation; 01803 208811; pat.steward@torbay.gov.uk Steve Turner, Team Leader – Strategic Planning; 01803 208812; steve.turner@torbay.gov.uk

1. Introduction and purpose

- 1.1 A new Local Plan is being prepared for Torbay, entitled 'A Landscape for Success'. This process has been ongoing since 2006. Submission of the Local Plan to the Secretary of State, as recommended in this report, marks the beginning of the final stage of preparation. It is anticipated that it will lead to adoption of the Local Plan before Spring 2015
- 1.2 This report describes the outcomes of the publication of the Proposed Submission version in February 2014, in particular the responses received, and the next steps leading up to the formal submission of the Local Plan and its subsequent Independent Examination. Recommendations to Members of the Council are set out below in order to facilitate these imminent stages of the plan making process.
- 1.3 Following completion of the February 2014 consultation, the Development Plan Regulations now require the Council formally to submit the Local Plan, a number of related documents and a summary of representations to the Secretary of State for Independent Examination by the Planning Inspectorate (PINS). This Report recommends that the Council agree to the formal submission of the Local Plan to the Secretary of State.
- 1.4 A new Local Plan is required, as soon as possible, to provide a robust and positive planning framework to secure the best outcomes from investment and development in Torbay. Those outcomes are set out in the Proposed Submission Local Plan as:
 - Secure economic recovery and success;
 - Achieve a better connected, accessible Torbay and critical infrastructure;
 - Protect and enhance a superb natural and built environment;
 - Create more sustainable communities and better places.
 - Respond to climate change

- 1.5 In the absence of a new Local Plan, decisions on investment and new development will be assessed against the National Planning Policy Framework (NPPF) and the existing Local Plan, which are less likely to secure the best outcomes for Torbay than an up to date new Local Plan.
- 1.6 Council approval for formal Submission of the Plan will enable its timely progression through the Examination process and, subject to the recommendations of the Planning Inspectorate, the subsequent adoption of the Plan by the Council during 2015.

2. Proposed decision and reasons

- 2.1 **In order to progress the Torbay Local Plan, the Council is recommended to agree the following actions:**
- a) The Proposed Submission Plan be submitted formally to the Secretary of State for Independent Examination by the Planning Inspectorate;**
 - b) Officers be authorised to agree minor editorial changes to the Proposed Submission Plan for submission to PINS, in consultation with the Director of Place and the Executive Lead for Spatial Planning, Housing, Waste and Energy; and**
 - c) Officers be given delegated powers to agree amendments to policy and related matters with the appointed Planning Inspector to facilitate the timely progression of the Independent Examination; and**
 - d) Officers keep Members briefed on the evolving Examination timescales, and any issues emerging from the Planning Inspectorate's initial assessment of the Submission Plan.**

Reason for decision

- 2.2 A decision by the Council on the above recommendations is required for the following reasons:
- 2.2.1 **Timing and need:** It is important for the Council to progress the Local Plan as quickly as possible. The NPPF now takes precedence over the existing Local Plan and whilst the existing Local Plan is 80% compliant with the NPPF, there remains a pressing need to ensure a new Local Plan is adopted as soon as possible. This is especially the case as, nationally and locally, there are positive signs of economic recovery. The emerging Local Plan, even at Proposed Submission Stage, is a material consideration and carries some weight in determining development proposals, especially if there is support for parts of the plan following consultation.
- 2.2.2 Without a new Plan in place, the Council is less likely to be able to secure the high quality outcomes required for the Bay. Timely approval to the formal Submission of

the Local Plan will ensure that change, growth and conservation of resources in Torbay continues to take place on a 'Plan-led' basis. Approval of the above recommendations will allow the new Plan to be submitted to Government during the coming summer and taken through an Independent Examination at the earliest opportunity during autumn 2014.

- 2.2.3 **Neighbourhood Plans:** Neighbourhood Plans need to follow and broadly comply with the Local Plan. Until a new Local Plan is in place Neighbourhood Plans can make only limited progress. In order to maintain momentum in neighbourhood plan making, and the value those plans can bring to communities in the Bay, it is important to move forward quickly with a new Local Plan.
- 2.2.4 **Evidence:** There is a need for a new Local Plan which is supported by the most up to date evidence. Members and each Neighbourhood Forum have supported a refresh of the evidence base, specifically in relation to demand for new homes and the physical capacity of Torbay to accommodate new homes. This includes the Government's latest household projections, which support the numbers of new homes being put forward in the Local Plan. It is therefore vital for the robustness of the Local Plan, and to underpin debate at the Examination, that its policies are based on up to date evidence. Timely submission is essential to ensure that the Plan's evidence base remains as up to date as possible at the opening of the Examination. If submission of the Local Plan is delayed then some of the existing evidence base could be considered, by the Planning Inspectorate, as being out of date and the Council may be required to commission new evidence. East Devon District Council has recently experienced this issue, mid way through the Local Plan Examination process.

3. Background

Context

- 3.1 The new Torbay Local Plan (A landscape for success: The Plan for Torbay - 2012 to 2032 and beyond) is the Council's key development plan document. It will replace the 'Saved' Adopted Torbay Local Plan 1995 – 2011 and will form the basis for decisions on spatial planning matters within Torbay over the next twenty years. The Plan sets out a balanced strategy for change in the Bay, which embraces growth but puts protection and enhancement of Torbay's unique environment at its heart. The Council has previously approved the key growth strategy element of the Plan (15 May 2013). That strategy remains in place and will not be changed before submission.
- 3.2 The Plan sets out the broad provision and targets for development in Torbay, including housing and jobs, and identifies Strategic Delivery Areas and Future Growth Areas. It has been informed by the community and in turn sets a planning policy framework for the three Neighbourhood Plans being prepared for Torquay, Paignton and Brixham. The Plan includes a wide range of policies covering key spatial planning issues and will provide the basis for the determination of planning applications.

3.3 In September 2012, a draft Local Plan was published for consultation. This document was subsequently revised to take account of a number of factors, including responses received, completion of work to refresh the evidence base for the Plan and publication by the Government of Household Projections. To guide this work, a framework for growth and change, specifically in relation to Torbay's environmental capacity, new jobs and homes, was approved by Council on 15 May 2013.

Representations received on Proposed Submission Plan

3.4 The resultant Proposed Submission Plan was published between 24 February and 7 April 2014 for representations on its soundness, legal compliance and duty to cooperate requirements. A number of representations were received, details of which are set out in Appendix 1. The following is a summary of the key issues raised by representations:

- Support from neighbouring Districts and the County Council;
- Support from the business community and TDA;
- About 50% of the objections were re Broadley Drive – a site identified as a potential development land, but one for the Neighbourhood Plan to allocate;
- Most statutory consultees were very supportive, but some minor changes are needed;
- There was very little comment about tourism policy, showing strong support for Local Plan policies;
- Four key organisations / groups raised objections – Natural England; English Heritage; Paignton Neighbourhood Forum; Housebuilders and Registered Providers.

3.4 There are two key ways, at this stage, of handling changes to the Plan, namely: Major modification requiring further consultation before formal submission, or minor editorial modifications not requiring further consultation and submitted as a schedule to the Planning Inspectorate. Officers consider that most representations can be addressed by proposing minor editorial changes for consideration by the Planning Inspectorate. As part of this work, Officers have held discussions, and continue to work, with relevant organisations to resolve objections wherever possible prior to formal Submission of the Plan. It is anticipated that objections from Natural England will be resolved prior to submission of the Plan and further evidence has been commissioned to secure that position. Concerns expressed by English Heritage have already been addressed via minor modifications to the Plan. Accordingly, it is proposed to submit a Schedule of Proposed Editorial Changes to PINS.

3.5 Importantly, there is no need for any major amendment of a scale or level of policy significance that would necessitate a re-publication of a revised Plan for further comment. The outstanding representations relating to important issues such as the proposed level of growth and the economy are considered to be legitimate matters for debate at the Examination.

Formal Submission procedure

- 3.6 The formal Submission of the Proposed Submission Plan (following its earlier publication for representations) represents a critical stage in the statutory development plan system. The assumption is made by the Secretary of State that the Local Plan is considered to be sound when submitted; the purpose of the Examination is to test this soundness. As part of this procedure, the Council is required to submit the following documents:
- Proposed Submission Plan
 - Key Diagram and Policies Map
 - Sustainability Appraisal + SA Non-Technical Summary
 - Habitats Regulations Assessment + HRA Non-Technical Summary
 - Regulation 18 Plan Preparation (Statement of Consultation and Engagement)
 - Regulation 20 Statement of Representations + Summary of Issues
 - Regulation 20 Folder of Representations
 - Statement of Legal Compliance
 - Duty to Co-operate Statement
 - Schedule of Proposed Editorial Changes
 - Local Plan Topic Papers
- 3.7 Subject to Council approval the Local Plan and associated documentation will be submitted to the Secretary of State in July 2014, as soon as possible following the Council meeting of 17 July.

The Independent Examination

- 3.8 Submission of the Local Plan to the Secretary of State marks the 'procedural' start of the Independent Examination process. In accordance with the Service Level Agreement that has been entered into by the Council and PINS, the Examination will be conducted on the basis of a well established procedure and timescales. It is anticipated that the actual 'hearing session' of the Examination could start towards the end of October 2014 and should start no later than mid November 2014. The Planning Inspectorate (PINS) will appoint a Planning Inspector who will conduct the Examination into the soundness etc of the submitted Torbay Local Plan. In addition, it is the Council's responsibility to appoint a Programme Officer (PO) to manage the Examination. The role of the PO is to act as an independent liaison officer between the Inspector, Council and community during the Examination (see also 6.2 below).
- 3.9 The Inspector is expected to carry out an initial assessment of how the Plan meets the duty to cooperate, soundness and legal compliance, and to notify the local authority accordingly. Where necessary, the Inspector will write to the Council to seek clarification on any issues raised by this initial Plan appraisal. If the Inspector has any serious concerns about specific aspects of the Submission Plan, PINS may request that the opening of the formal 'sitting' part of the Examination is deferred to enable further work to be undertaken by the Council to ensure that these matters are addressed. The way in which local authorities have met the Duty to Cooperate is the first test of a Local Plan at Examination. Failure to show that the Duty has been met in

full will result in the Examination being curtailed and the opening of the formal hearing session will be suspended (see also 8.4 below).

- 3.10 Based on representations received, and his/her own initial assessments, the Inspector will identify key issues for public examination and debate. Working in liaison with the Programme Officer (PO), a programme will be drawn up for the Examination. A key feature of the Examination will be the representations database. This is a major piece of work that has been created by officers for the PO. It holds details of all individuals and organisations who have made representations, the policies objected to or supported, and any changes sought to the Plan. The PO will use the database constantly and it will be interrogated to run reports and generate correspondence to assist the Inspector with the management of the Examination and preparation of the Examination Report.
- 3.11 The length of the Examination is unknown at this stage and is always subject to availability of key participants. However, it is likely that the formal sessions could run over a period of at least four weeks. During these sessions, Council officers giving evidence may be required to negotiate changes put forward by the Inspector to address some of the objections to soundness. To ensure that momentum can be maintained, it is essential that officers are able to confirm or otherwise the acceptability of such amendments. This is exactly as officers do at present for appeals, via Public Inquiry, against refusal of planning permission. Members are therefore requested to delegate such negotiations to officers in Spatial Planning [see Recommendation 2.1 c)].
- 3.12 It is conceivable that the Inspector will propose a series of 'Main Modifications' during the Examination that he/she considers to be necessary in order to make the Local Plan sound. These will have to be advertised for a prescribed period, usually 6 weeks, during the Examination, after which the Inspector would resume the hearing session to consider the representations received. Such an occurrence now appears to be commonplace for many submitted local plans across the country, and has been factored in to the Local Plan work programme.
- 3.13 Following the close of the formal hearing sessions, the Inspector will complete a Report on the Examination of the Local Plan, assisted by the Programme Officer as necessary, and submit it to the Council. Officers will report the findings to Members prior to putting in place the necessary arrangements for adoption of the Plan by the Council, possibly in Spring 2015.

4. Possibilities and Options

- 4.1 There are essentially two options in relation to the formal submission of the Local Plan:
- 4.2 **“Do nothing”**: The existing Local Plan is 80% compliant with the NPPF, which provides some comfort for the Council in making decisions about major planning

applications. In addition, the Council has a supply of land for new homes that exceeds the requirements suggested by the Government's recent household projections. As such, one option is to "do nothing". However the lack of a new Local Plan would result in a reactive rather than proactive approach to planning in Torbay; there would be no new framework for the preparation of Neighbourhood Plans; the Council would be less likely to achieve the best outcomes for the Bay and more susceptible to proposals for new development in environmentally sensitive parts of Torbay (see also Section 9. below regarding further details concerning risks).

4.3 **"Submit"**: Formal submission of the Proposed Submission Plan is the next legal step in the statutory plan-making process and necessary to ensure the speedy adoption of the Local Plan

4.4 For good reasons given elsewhere in this Report, it is the "Submit" option that is recommended to the Council for approval.

5. Equal Opportunities

5.1 The Local Plan has been the subject of Equality Impact Assessment (EqIA) throughout its evolution, including at the Draft Plan stage (2012). The Proposed Submission version of the Plan is very similar to the Draft Plan in terms of matters such as locations of development, scales of new housing provision, sustainability, community provision, employment opportunities and skills development. The main difference between the draft and submission versions of the Local Plan is the proposed scale of new jobs.

5.2 An assessment of the impact of this change has been addressed by an updated EqIA of the Proposed Submission Plan, carried out in February 2014, as well as by the Local Plan Sustainability Appraisal.

6. Public Services (Social Value) Act 2012

6.1 The formally submitted Local Plan will be considered by an Independent Planning Inspector, appointed by Government. The Examination of the Local Plan is paid for by Torbay Council and, based on estimates from the Planning Inspectorate, is expected to cost in the region of £80,000. The appointment of an Independent Inspector and the operation of the Public Examination process is not a procurement matter.

6.2 An experienced Programme Officer has been appointed and is now in place, carrying out essential preparatory work leading up to the formal part of the Examination. The post is graded at Scale I (Scale Points 34 – 37, pro rata) and will run for a nominal period of 9 months, or until the Examination process is completed. The post will operate on both a part-time and full-time basis, depending on the particular stage of this process.

7. Consultation

Consultation process

- 7.1 The preparation of local plans is a statutory process and consultation requirements are prescribed in 'The Town and Country Planning (Local Planning) (England) Regulations 2012 [as Amended]', in the context of the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. Further guidance is set out in the Council's Statement of Community Involvement (SCI). A variety of methods of public participation and engagement have been used, consistent with the SCI, according to the stage reached in Plan preparation.
- 7.2 A Consultation and Engagement Strategy has been developed as appropriate for each Plan preparation stage. It involves widespread use of the press and other local media, websites, community liaison, posters, and email and paper correspondence with a large number of consultees. Council Offices, Libraries and Connections Offices are used to display Local Plan reference documents
- 7.3 The recommendations in this Report have been informed by responses to consultation on the Proposed Submission Plan, undertaken in February 2014. The headlines of those responses are included in Appendix 1 of this Report.
- 7.4 Following agreement by the Council to Submission of the Local Plan, the relevant consultation bodies and other interested parties must be notified of the Submission by the local authority. Statutory consultation requirements also apply to the later adoption stages.

Consultees

- 7.5 Plan preparation involves consultation and engagement with a large number and range of individuals and organisations, details of which are retained in the Local Plan Database. This includes residents, Neighbourhood Forums and Community Partnerships, amenity organisations, statutory bodies, utilities, businesses, planning consultants and developers. All Ward Councillors are consultees and have been closely involved in the evolution of the Local Plan.
- 7.6 The recommendations included in this Report have been considered and discussed by Members on a continuous basis, which has included involvement of the Place Policy Development Group.

8. Risks

- 8.1 Preparation of the Torbay Local Plan is a corporate priority. The key aim of the Plan is to provide a clear direction for sustainable growth in Torbay over the next twenty years or so. Failure to progress Submission of the Local Plan to the Secretary of State for Independent Examination, and subsequent Adoption by the Council, would result in a high risk of ad hoc speculative development taking place in an uncoordinated way and

in unsustainable locations. This is particularly relevant in the context of the National Planning Policy Framework (NPPF), which emphasises the need to produce up-to-date local plans and sets out the risks to local planning authorities that fail to pursue this approach.

- 8.2 Failure to continue to support work on the Local Plan would also result in a lost opportunity to secure community gains for local areas, remove the potential benefits to be derived from 'parallel tracking' with the three Neighbourhood Plans, and lead in turn to a loss of confidence within the community.
- 8.3 A decision to agree the recommendations would mean the Local Plan progresses to the Independent Examination stage.
- 8.4 Members are reminded that there are also 'consequential risks' associated with submission of the Local Plan to the Secretary of State. These may arise from the Inspector's subsequent interpretation of the legitimacy of both the Plan's policy framework (particularly levels of growth and housing numbers) and the way in which it has been prepared. These risks have been referred to in paragraph 3.6 above.

Appendices

Appendix 1:

Summary of the representations received in response to publication of the Proposed Submission Plan in February 2014, and main issues.

Additional Information

The Proposed Submission version of the Local Plan and related documents can be accessed via www.torbay.gov.uk/newlocalplan

Summary of representations made at Regulation 19, Proposed Submission

Torbay Local Plan- a landscape for success. The Plan for Torbay 2012-32 and beyond.

No	Person /Organisation	Email	Policy No.	Comment
Partner organisations				
P1	Torbay Development Agency		SS1, SS5 Sup	Support Local Plan
P2	Heart of the South West Local Enterprise Partnership		SS1 Sup	Support overall approach and growth strategy set out in the Plan
P3	English Rivera Tourism Company		TO1, TO2 Support	Supports tourism polices in the Local Plan, Request minor change to mention “sustainable tourism” rather than green tourism and add reference to year round tourism at part 6 no 2. Clarification awaited on Corbyn Apts
P4	Torbay Coast and Countryside Trust		SS7, SS8	General support. Minor amendments to SS8. Object that no reference is made in implementation section to green Infrastructure.
P5	South Devon AONB Unit		SS8 support, SS9 support, SS 2.4 & SDB3.2, Policies map Object	General support for the Plan: (SS8, SS9, C2,C3,C4,NC1,HE1) Support overall Plan. Minor amendment to SS8 (only harmful impacts need mitigation) SDB3.2 – general support, but object to wording re development of greenfield parts of Wall Park. Wording should be clarified, and Policy should seek to draw back development from the coast. The proposals map should draw back the development boundary from greenfield parts of the site.
P6	Torbay Local Access Forum		Aspiration 2/ ES2	Overall support for the Local Plan. Minor amendment requested to encourage micro generation, subject to landscape impact
Neighbouring District and County Councils				
LA 1	Devon County Council	Joe.keech@devon.gov.uk	SS1 sup W1 sup W4 sup M2 sup M3 sup	DCC support the Local Plan
LA 2	South Hams District Council		SS1 sup TA1/SS6/SS7 SDP3 Obj C1 Obj	Support overall thrust of Local Plan Request mention of AONB. Concern about SDP3, particularly A385 Totnes Road (request developer contributions towards A385 in South Hams) Request C1 is amended to refer to green wedges General support for the Local Plan
LA 3	Teignbridge District Council	forwardplanning@teignbridge.gov.uk	SS1, SS6, SDT1, TA1,SS9	

Summary of representations made at Regulation 19, Proposed Submission

No	Person /Organisation	Email	Policy No.	Comment
National organisations				
N1	Marine Management Organisation (MIMO)		-	No Objections. Refer to role of MMO and Marine licences.
N2	Network rail		SS6 sup/Gob C5 Gob	Support Devon Metro Scheme. Scheme includes Edginswell Halt, but not Kingskerswell Halt. Where development impacts on level crossings, S106 contributions are sought to carry out any required works. 6.3.1.32- clarify that all rail must be built to defined standards
N3	National Grid (Amec for)		SDT3 GOB	Development should not interfere with gas pipeline just north of the proposed future growth area.
N4	Homes and Communities Agency		H2, H3 Sup, SDT1, SDB1 Sup	Support Local plan, particularly affordable housing policy. Support self build policy- but need to show evidence of demand for self build. Support mixed use regeneration in town centres.
N5	English Heritage		SS1, SS8,SS9, SS10, HE1, HE2, TO1,SDT2 object	Object that the Plan and SA give inadequate reference to historic environment. Not clear how growth option is achievable within built environment constraints. SHLAA is not available so cannot assess whether growth strategy is appropriate.
N6	Natural England		SS1, SDT1, SDT2, SDT3, SDP1-4, SDB1-3, SS2,SS11, TO1, TO3, C1,NC1,SS8, SS6, W5, SA, HRA	Object that Plan does not meet HRA requirements. Plan is too dependent on “down the line” assessments. Need to clarify what constraints considered by SHLAA and HRA. Waste water polices should safeguard bathing water quality. Marine economy policies should consider effect on marine conservation and cSAC/ Conservation Zone. See More detailed summary/response on HRA/SA comments.
N7	Environment Agency		SS3,SS4,SS8, SS13, SPD3,C3, ER1,W5	Overall support. Minor technical amendments requested re flooding etc. Refer to economic benefits of a good environment.
N8	South West Water (Martyn Dunn)		-	
N9	Devon and Cornwall Police Architectural Liaison Officer		DE1 SS10	Object that plan does not mention designing out crime and role of ALO. Amendments requested: matters that are likely to be resolved through editorial amendment.
N10	Sport England		SS1,SS11, DE1	Generally supportive. Need to update evidence base with Sports Facilities Strategy and Playing Pitch strategy (underway). Design Policy DE1 should

No	Person /Organisation	Email	Policy No.	Comment
N11	CPRE Devon		SS1, SS10, SS4,C1,C2, SDT3, SDP3, SDB1,SS12, ER1	incorporate Active Design. Object that the level of growth in Torbay is too high, and plan is not employment led. Reinstate AGLV at Torquay gateway and Collaton St Mary. Reduce growth level in Brixham. Make Countryside policies more resistant to greenfield development.
N12	The Theatres Trust		TO1,TC3 TC5, SC1	Object that no reference/policy is made to safeguarding theatres and other cultural facilities.
N13	The Woodland Trust		SS9, DE1, DE7, SS7,SS9	Support Plan in principle, but request amendments to strengthen protection of trees and woodland.
Parishes, Neighbourhood Forums and Amenity Societies				
F1	Paignton Neighbourhood Forum		Object to SS1,SS2, SS8,SS9, SS11, SDP1, SDP2, SDP3, H1, H4,TC1, TC2, TC3, TA3 C1,C2, C4, HE1, DE3, SC2, ER1,W5, Policies Map	<p>Growth Strategy/Housing/Employment: Detailed assessment of demographic projections (falling migration rates etc) arguing that objective assessed need is around 150-200 dpa/3-4,000 dwellings over the Plan period.</p> <p>Torbay's capacity is argued to be 8,100 dwellings (beyond plan period), and allowance for bringing empty homes into use should be a long term commitment. Local Plan does not need to identify sites beyond year 10/15.</p> <p>Phasing policy should reinstate "lock gate" including truly jobs led mechanism. This can include growth rates dropping if need falls.</p> <p>Need a statement indicating where former policies are replaced by new Local Plan.</p> <p>Local Plan should emphasize that growth areas etc are not site allocations- these will be allocated through NPs (should be designated as Countryside Zone).</p> <p>The neighbourhood Plan is the appropriate plan to bring forward specific sites.</p> <p>Countryside/landscape: Area of Great Landscape Value (AGLV) should be reinstated (removal not justified by NPPF para 109): should cover Collaton St Mary, Westerland valley and Yalberton Valley.</p> <p>Object to allocation of further greenfield sites at Preston Down Road, Collaton St Mary. Make Policy C1 stronger. Reinstate ULPA at Queens Park.</p> <p>Amend DE3 to indicate that lower densities may be appropriate in rural areas.</p> <p>Town Centres strengthen town centre first policy in TC1. Object to designation of the Willows as a district centre- operates as an out of town centre. Reduce threshold for impact test to 500 sq m in TC3</p> <p>Transport – make provision for white vans/commercial vehicles in</p>

No	Person /Organisation	Email	Policy No.	Comment
				residential development to accommodate Live/Work. Conservation Area - propose new conservation area at Yalberton Valley. HMOs - strengthen HMO Policy and implement Article 4 Direction. Sports/recreation –strengthen policy presumption against loss of sports facilities (c.f. NPPF 74). Flooding/Sewerage : limited capacity of Victorian shared sewers is a constraint on growth. Full details of flood/sewerage alleviation measures should be required before determining a planning application- cannot be left to conditions. Large number of editorial amendment /wording clarifications requested to bring the Local plan into line with strategic objections made above. Support for a significant number of policies.
F2	Brixham Peninsula Neighbourhood Forum		SDB1 Sup C1/SS8 Object	Generally support the Local Plan and growth levels for Brixham. Object to the deletion of AGLV
F3	Churston Galmpton and Broadsands Community Partnership		SS1,SS2, SS4, SS6,SS8, SS9, SS11, SS12 C1,C2, C5 SDB1, SDB3, TC1,TC3,TO 1,TO3, SC2,SC4, W5	Object to housing growth figures- should be 150-200 dpa. Local Plan growth levels will result in inward migration and environmental harm (support Paignton Neighbourhood Forum’s views). Object that landscape/environmental protection around CGB area should be higher (Coastal Zone/AONB). Expand area of SDB3.1 eastwards on Key diagram to cover Golf Course and AONB. Town centre first approach to retail should be strengthened. SS6- ownership issue along cycletrack (editorial matter). Refer to parking provision for home working. Strengthen rural protection policies (C1,C2 etc). Define minor developments as up to 5 dwellings. Strengthen policy on protection of recreation space. SC4 Strengthen protection of agricultural land and extend to pasture land. W5- require full details of waste water management to be submitted with planning applications, to address problem with sewer capacity
F4	Torquay Town Centre Community Partnership and Cockington Chelston and Livermead Community Partnership (joint		Object to SS1,SS2,SS3, SS4,SS5,SS8, SS9, SS11, SS12,C1, C2, SC4, SDT1, SDT2, TC1,	Growth Strategy SS1, SS2 Object. Plan is not jobs led and ignores that migration is falling. Consider as de facto objection to SS1 (although objection to 8-10k homes is not stated). Higher % of B uses should be required as part of employment provision. Object to deletion of lock gate mechanism. Five year review may show a decline in need.

No	Person /Organisation response)	Email	Policy No.	Comment
			TC2, TO1, TO2, HE1, HE2, H6,SC2, ER1,W5	<p>Role of neighbourhood Plan Object that Local Plan obtrudes too much into neighbourhood Plan matters. Make it clear that areas of search, timescales and capacities are not site allocations but indicative only- the Neighbourhood Plan should allocate.</p> <p>Landscape C1, HE1, C1, SS9. Need clear designation/policy on Country Parks. Should have similar weight to AONB. Make Policies C1 and C2 more restrictive of development. Object to Local Plan Strategy- Object to level of growth- supports Paignton NF’s proposed growth rate. H1E1, HE2 need to clarify/provide more detail.</p> <p>Town Centres Strengthen TC1’s protection of town centres and propose arts centre. Treat The Willows as out of centre in terms of sequential test. Tourism Clarify meaning of TO1 (point 3) maritime facilities in harbour area. HMOs add additional criteria “would not conflict with any other Policy of the LP or NP” . Bring A4D into effect. H6 –Support policy of encouraging people to live in their own homes. Should be accompanied by improving “substandard” accommodation especially privately rented accomm.</p> <p>SC2 Recreation facilities- strengthen presumption in favour of retaining/protecting recreation facilities. Flooding Full details of flood risk/sewerage should be submitted at application stage to ensure that they can be addressed. Should not be left to planning conditions due to flood risks/ age of sewers.</p>
F5	St Marychurch and District Community Partnership		SS6, TA1, H6, DE3 (minor amendment s), SDT2, SDT4, TO2, TO1 (Sup)	<p>Better management and penetration of public transport. (SS6, TA1 H6, (and DE3) Support policy H6 but should not reduce stock of care accommodation too far. Need to support upgrading housing stock especially private rented stock. Support for SDT2,SDT4,TO2,TO1</p>
F6	Torre and Upton Community		SS1, SDT1, W5 obj	<p>Object to review policy (treat as SS1, 4.1.29): should be revised to allow growth rates to fall, should evidence of need indicate this.</p>

No	Person /Organisation	Email	Policy No.	Comment
	Partnership (Mrs Susan Colley for)			Housing should not come forward until clear evidence that the infrastructure can cope.
F7	Paignton Heritage Society		SDP1, DE1 Obj	Propose new conservation area serving Paignton seafront and linking other CAs.
F8	Stoke Gabriel Parish Council		SS1 etc Obj HE1 ER1	Object to Plan – endorse Paignton neighbourhood forum’s comments. Additional comments on flooding, light pollution, preventing rat-running and propose new conservation area at Yalberton. Endorse part of Paignton NF’s comments
F9	Stoke Gabriel Parish Plan Group		SS1,C1,C2, C4, SS9, SS6, SS13,ER1	Support Paignton neighbourhood Forum’s comments (i.e. SS1 Obj). Object that insufficient protection given to environment at Yalberton Valley, including Orchards. Make green wedge polices stronger (C1 and C4) and stronger on resiting light pollution. Reduce rat-running (refer to Aish, Whitehill and Galmpton at 4.3.17). Strengthen reference to SUDS in ER1 and SS13
F10	Stoke Gabriel Low-E Group.		SS1, DE1, DE2, SS10, SS13, DE1,H3, ES1	Support Paignton neighbourhood Forum’s comments (SS1 Obj) Government’s Standards Review reduces scope to set local targets on energy efficiency etc. H3- make more Council land available for self build. Various minor amendments about achieving tenure neutral design etc.
F11	Collaton Defence League		Object to SS1,C1, SDP3, SS7,ER1, Object	Object to overall level of growth. Object to development at Collaton St Mary. Plan is not supported by an adequate infrastructure delivery plan- specifically relating to flooding.
Business Sector/Organisations/Social Enterprise Sector				
B1	SW HARP Planning Consortium (Tetlow King for)		SS1,SS2, SS4,SS5,SS8, SS12,TA2,C, H2,H3,H6,D E1,DE2,DE3, SC1,SC4,ER1	Object that housing numbers are below objectively assessed need (12,300 dwellings) and SHMA is out of date. Future growth areas should be brought forward sooner to increase supply of housing. Object to affordable housing requirements being relaxed in order to help viability. Concerns about self-build policy.
B2	South Devon College (GVA for)		SS1 Sup SS3,SS4, ES1 Obj.	Broadly support the Local Plan. Refer to SDC’s renewable energy area of excellence.
B3	Torbay Business Forum		SS1, E1, SS4 Support SS4 Obj	Support overall level of growth and supportive framework for investment. SS4 Obj- plan should make more provision for Science/IT Park TO2 obj- make for provision for 4-5 star hotel

No	Person /Organisation	Email	Policy No.	Comment
B4	Babbacombe Bay BID		TO2 Obj (make proposals, not in-principle objections) Aspiration 1 SDT4, TC2 GOB	Mention Babbacombe Bay BID Area.
Development Industry –Housing				
HB 1	Home Builders Federation		SS1,SS11,SS12, H1,H2, H3,TA1, DE2,DE3,ES1	Object to housing numbers- below objectively assessed need (13,000 dwellings). Raises Duty to Cooperate issues (i.e. unmet requirement should be met in adjoining areas). Lack of 5 year supply. Concerns that policy on energy, Building for Life, space standards etc will impact on viability.
HB 2	McCarthy and Stone (The Planning Bureau/Ziyad Thomas for)		H6 Sup	Local Plans should make provision for people in need of care. Policy H6 of the Local plan is supported
HB 3	PCL Planning (for Sladnor Park?)		SS1, SS11, SDT1 Object	Support many aspects of the Plan. Object to housing level- should be 11,500-13,500 Propose Sladnor Park as a housing site.
HB 4	Landford Estates		TO2 Object	Object to inclusion of Corbyn apts within CTIA. Evidence base behind tourism policies is out of date.
HB 5	Bloor Homes (Barton Willmore on behalf of)		SS1,SS11, C1, SDB1	Object that housing target is too low. Detailed assessment to argue that requirement is 900-1100 dpa. Suggest wider housing market area assessment. Object that policy C1 imposes a de facto green belt. Brixham and Churston are artificially constrained below actual potential.
HB 6	Boyer Planning		ASP1, ASP4, SS1, SS2,SS3, SS4,SS5, SS6,SS10, SS11,SDP3, SDP1	Housing numbers do not meet objectively assessed need and does not meet wider benefits of housing. Future Growth Areas should not be constrained and should be brought forward sooner.
HB 7	Taylor Wimpey (Exeter Ltd) Origin3 for (Colin		SS1,SS2, SS6, SDP3,	Object to housing figure- below objectively assessed need (12,300 dwellings).

Summary of representations made at Regulation 19, Proposed Submission

No	Person /Organisation	Email	Policy No.	Comment
	Danks)		SS2,SS12 H3	SPD3/SS2 support Future Growth Area at Collaton St Mary. Should be brought forward earlier in plan period (object to phasing and requirement for non-housing uses unless a need can be shown). SS6- support upgrading of A385 Totnes Road. SS12 (5 year supply): policy replicates NPPF and should be deleted. H3 (affordable housing). No objection in principle but policy should set out mechanisms to determine site viability.
HB 8	Mrs J Tyrell Herridge Property Consulting		SS2, SDP1, SPD3	Support Collaton St Mary growth area. Former Torbay Motel is available for redevelopment.
HB 9	Devonshire Park (Blue Sky Planning for) (Former Nortel site)		SS1,SS2,SD 1, SPD3	General support for Plan but object that there is undue reliance on Neighbourhood Plans and Masterplans to deliver sites (particularly former Nortel). This should be made into a clear allocation. Object to phasing- should be allowed to come forward earlier in Plan period. Clarity sought that employment space also comprises non-B uses.
HB 10	Waddeton Park LTD - PCL Planning for (Jackson family)		SS1, SS11, SDP1 Object	Support many aspects of the Plan. Support principle of development in west of Paignton Object to housing level- should be 11,500-13,500 Paignton could accommodate higher growth rate. Request lower % of employment.
HB 11	Abacus Properties and Deeley Freed (Stride Treglown for)		SS1,SS4,TC 2,SDB1,SDP 3, Object	Object that Local plan is not meeting objectively assessed requirement, and Torbay should be a +20% NPPF buffer area. 900 dpa needed for first part of Plan period. Low housing target will constrain employment growth. Propose land at south of White Rock (T756b). White Rock should be a local/district centre.
HB 12	Northern trust (Tetlow King for)		SS1,SS2, SS3,SS7, SS8, SS9,SS10, SS11,SS12, SDB1, SDB3, TO2, TA2,NC1,H 1, H2, DE1, DE2,DE3,SC 1,SC4,ES1	Growth levels too low. Support Wall park, Brixham, but policies should be less restrictive. Concerned about cumulative impact of various policies on viability
HB 13	Mrs Hosking (Smithsgore for)		SS1 SS8,	Object that Plan does not meet objectively assessed need, particularly in Brixham. . Plan should define what is meant by major development in the

No	Person /Organisation	Email	Policy No.	Comment
			SS12 SDB1 SDB3	AONB. New housing site proposed St Marys Park and Upton Manor Campsite
HB 14	Gladman Developments		SS1,SS11,C 1,H2,	Object that Local Plan is not meeting objectively assessed need and PBA report is itself likely to be an underestimate. May be a duty to Cooperate issue as there may be a need to find housing on neighbouring land. Support future growth areas and brownfield development, but should not preclude development elsewhere. Green wedge policies should not be given too much weight.
Retail Developers (Supermarkets)				
S1	Sainsburys (WYG for)		TC1/TC3 Obj	Support overall hierarchy. Object to Willows district centre being constrained.
S2	Tescos (Amythest Properties for)		SS2, SS6, SDT1,SDT3, TC1,TC3. Obj.	Object to designation of Edginswell as B1 employment. B1 not viable and therefore Gateway and Edginswell Halt is not deliverable. Test of retail harm to town centres is too high.
Private Individuals--Torquay (excluding Broadley Drive)				
T11	Julian Sanders		HE1, HE2, SDT3 GOB	Protect the historic setting of Edginswell Hall (treat as general observation)
T12	Anthony Garlick		SS9 Obj HE1	Object to inclusion of Redstone in the Country Park and Conservation Area
Private Individuals- Broadley Drive				
BD 1	Andrew Stockman		SDT1	Object to housing site at top of Broadley Drive (SHLAA T707). Reasons include landscape impact, loss of greenspace, wildlife, transport impact, lack of school places, doctors and other infrastructure. Water run-off. Significant development is proposed in the area at Hollicombe.
2	Rob and Carole Seaton		SDT1	As above
2	Mr Martin Read		SDT1	As above
4	Mr peter Apps		SDT1	As above
5	Mr Graham Whetlor		SDT1	As above
6	Mr Philip Thomas		SDT1	As above
7	Mrs Liz Dobson		SDT1	As above
8	Mr Kingsley Woods		SDT1	As above
9	David Sanders		SDT1	As above
10	Dr S S Gill		SDT1	As above

Summary of representations made at Regulation 19, Proposed Submission

No	Person /Organisation	Email	Policy No.	Comment
11	Sonia Saunders		SDT1	As above
12	Shirley and Brian Clement		SDT1	As above
13	Andrew Gibbs		SDT1	As above
14	John and Gillian Cook		SDT1	As above
15	M A Arthur		SDT1	As above
16	Chris and Joe Greatrex		SDT1	As above
17	John Francis		SDT1	As above
18	Chris Dainton		SDT1	As above
19	Mr and Mrs H E Newman		SDT1	As above
20	Mr Pietro Matassa		SDT1	As above
21	Chris Lander		SDT1 SS1	As above Object that increase in housing and 750 jobs per year is too high. The Local Plan should take a jobs first approach.
22	Peter Snow		SDT1 TC1 gob	As above. Better to condense shopping area and reuse vacant shops for housing- these would be close to facilities.
23	Sue Macleod		SDT1	As above
24	Sheila Morley		SDT1	As above
25	Mrs Jill Smallshaw		SDT1	As above
26	John Wright		SDT1	As above
27	Mrs Christina Wright		SDT1	As above
28	Mr Andrew Fiderkiewicz		SDT1	As above
29	David Searle		SDT1	As above
30	Helen Booth		SDT1	As above
31	Wing commander Trevor Oakley and Peggy Oakley		SDT1	As above
32	Mrs E A Pring		SDT1	As above
33	Mrs D O Nunn and Mr P Nunn		SDT1	As above
34	Carol Franks		SDT1	As above
35	David Bickford		SDT1	As above
36	Stephanie Bickford		SDT1	As above
37	Dennis Huxley		SDT1	As above
38	Lesley Richardson		SDT1	As above
39	David Newton		SDT1	As above
40	George Govier		SDT1	As above

Summary of representations made at Regulation 19, Proposed Submission

No	Person /Organisation	Email	Policy No.	Comment
41	Mr and Mrs R White		SDT1	As above
42	Neil Stanlake		SDT1	As above
43	David Dabbs		SDT1	As above
44	Carol Stanlake		SDT1	As above
45	Shirley Dabbs		SDT1	As above
46	Margaret Butler		SDT1	As above
47	Audrey Keenan		SDT1	As above
48	Roger Keenan		SDT1	As above
49	June Secker		SDT1	As above
50	Sarah Bird		SDT1	As above
51	Martin Newey		SDT1	As above
52	Anne Krasnopolski		SDT1	As above
53	Adam Krasnopolski		SDT1	As above
54	Yvette Ball		SDT1	As above
55	Mark Ball		SDT1	As above
56	Robert White		SDT1	As above
57	Denis J Reid VRD		SDT1	As above
58	George Broom		SDT1	As above
59	Ann Broom		SDT1	As above
60	Patrick Canavan		SDT1 SS1	As above Plan should safeguard the environment by taking more radical approach to redeveloping town centres.
61	R N Carter FRICS		SDT1	As above
62	Thomas Hunt		SDT1	As above
63	T A Davies		SDT1 SS1 Obj	Broadly Drive as above. Level of growth in Plan is too high due to lack of employment in the region.
64	Phil and Helen Thomas		SDT1	As above
65	Carolyn Perrett		SDT1	As above
66	Judith Keane Andrew Miller		SDT1	As above
67	LYN SMITH		SDT1	As above
68	SUZANNE SENGUPTA		SDT1	As above
69	Atanu Sengupta		SDT1	As above
70	Mrs S A Wilson		SDT1	As above
71	Jim Bagwell		SDT1	As above
72	Jane Wills		SDT1	As above

No	Person /Organisation	Email	Policy No.	Comment
73	Michael Holder			
74	Margaret Holder			
75	Mr and Mrs Crapnell			
76	Mr Ian Lane			
77	Mrs Jennifer Lane			
78	Mr Howard Richards			
Private Individuals - Paignton				
P1 1	Adrian Gee		SS1, SS2 SDP1 SPD3	Object to housing numbers- plan does not take a jobs led approach. Object to development at Collaton St Mary: urban sprawl, flooding/drainage, highways, landscape issues. Development should focus on lower risk flood areas.
P1 2	Leaf Lovejoy		SDP3, SS9, C1,ER1,	Object to Collaton St Mary due to impact on Stoke Gabriel. Propose Yalberton Valley and conservation area/ green infrastructure corridor.
P14	John Pouney		SS1,SS11	Need for more greenfield housing sites to avoid town cramming. Need more cycling facilities in parks,. Promote fresh food markets in town centres to promote healthy eating.
P15	Mr Micheal Webster		Object to: SS1,H1,SS2, SDP3,C1, HE1,DE1,SS 6/TA1 Obj, DE1	Object to growth levels- population figures are exaggerated. Local Plan should take a stronger protection of greenfield sites and green wedges. Proposes a conservation area in Yalberton Valley. Reinstate AGLV. Greater emphasis on flood protection.
Private Individuals Galmpton/Churston				
GI 1	Steve Sherrin		ER1,SS1,SS 11H1,H2,IF 1,SD1,TA1	Strengthen policy restricting development on floodplains, Object to number of dwellings and jobs (Overestimation of need will lead to second homes). Detail breakdown of dwellings in Galmpton. Assess development areas for potential health risk. Need to improve road infrastructure before new development is permitted.
GI2	Mrs J Collinge		SS1,H5 obj SB1, SDB2, SDB3 SS6, TA1, SS4,SS5, SS11	Regular traveler occupation at Galmpton- the council should cooperate with other Devon authorities to identify sites Housing targets in Churston are not justified by evidence of available land Various transport improvements around Churston are suggested: complete dualling of Western Corridor, reduce rat running through Bascombe Road

No	Person /Organisation	Email	Policy No.	Comment
				and manage traffic generation at Grammar School, provide integrated rail link across Torbay. Jobs total is too optimistic – does not take into account business failures and reduction in public sector employment. Inadequate transport infrastructure. Should lead to reduction in jobs and housing numbers.
Private Individuals-Brixham				
B1	John Robinson		SDB2,	Object to development on Oxen cove and freshwater Quarry. Plan is unsound for proposing this. Loss of car parks close to waterside will harm tourism and visitor spend. (Mr Robinson refers to survey evidence backing this view). Wishes to appear at EIP
B2	Brian Harland		SS1,SS8 SS11, H2, C2	Object to growth strategy in the Plan- will destroy tourism appeal. Sites should be required to provide 30% affordable housing.
B3	Mr Colin Chandler		SDB1,SS11	Policy SDDB1 can only rely on windfalls if these windfalls do not have environmental, waste water etc constraints.



Meeting: Council

Date: 17th July 2014

Wards Affected: All Wards

Report Title: Energy and Climate Change Strategy 2014 – 2019

Is the decision a key decision? Yes

When does the decision need to be implemented? Upon approval

Executive Lead Contact Details: Contact Details: Councillor Dave Thomas - Deputy Mayor
Executive Lead for Strategic Planning, Housing and Energy

Supporting Officer Contact Details: Contact Details: Charles Uzzell - Commissioner of
Place and Environment

1. Purpose and Introduction

- 1.1 The Energy and Climate Change Strategy 2014 - 2019 sets out the energy and climate change challenges for Torbay and how these can be addressed with an overarching aim of securing economic prosperity and increasing social and environmental benefits by reducing carbon emissions. It puts forward projects that will support the transition towards a lower carbon economy whilst maximising economic opportunities and laying the foundations for sustainable growth and greater resilience in the future.
- 1.2 Torbay has already reduced its emissions by 25% since 1990 but much progress is still required in order to meet the national target of a 34% cut in carbon emissions by 2020.
- 1.3 The revised strategy reflects the scale of the challenge and the need to build on existing strengths, as well as explore new opportunities for sustainable development. Securing the necessary commitment to deliver the projects set out within the strategy will be an important step in meeting the carbon reduction targets and in providing both social and economic benefits/outcomes.

2. Proposed Decision

- 2.1 That the Energy and Climate Change Strategy 2014-2019 for Torbay and Action Plan as set out in Appendix 1 to this report be approved.

3. Reason for Decision

- 3.1 The strategy promotes the opportunities and priorities of Torbay Council acting as a community leader, service provider and estate manager. In an increasingly competitive landscape for public resources it is important that Torbay has a robust and clear strategy that articulates how the Council and its partners will develop a low carbon economy that benefits businesses and the community.

- 3.2 There is a growing economic sector of renewable and low carbon technologies that bring new job opportunities and prosperity, historically flourishing in areas considered to have a high quality environment. As well as economic growth there are opportunities to alleviate fuel poverty and reduce the impact of rising energy prices on households and businesses, requiring the council to take a leading role.
- 3.3 As a coastal location with vital strategic infrastructure, such as road and rail links that are reliant on external organisations, it is important that Torbay is able to influence decisions made nationally. Demonstrating commitment by adopting policies that seek to improve Torbay’s resilience to extreme weather events strengthens the Council’s position when dealing with other funding and delivery agencies and with Government.
- 3.4 The Strategy does not commit the Council to a change in the Council’s budget. The projects within the Action Plan will either be delivered through existing resources, funding bids or on an invest to save basis to be considered on the business case of the individual project.

Supporting Information

4. Position

- 4.1 The Energy & Climate Change Strategy 2014-2019 refreshes and updates the previous strategy and action plan, reflecting changes that have taken place both locally and nationally. It provides a framework for the council and its partners to deal with energy security, carbon reduction and resilience.
- 4.2 The strategy is aligned with and reflects many of the priorities and aspirations set out in the emerging Local Plan ‘A Landscape for Success’ and the recently adopted Torbay Economic Strategy as well as the Local Transport Plan and Municipal Waste Management Strategy.
- 4.3 The energy and climate change Strategy sets the greenhouse gas emissions targets for the Bay as a whole in line with the legally binding national target of a 34% reduction in green house gas emissions, from 1990 levels, by 2020. It also sets a five year carbon target to cover the period of the Strategy for the Bay.

Torbay Five Year Carbon Target

	2014	2015	2016	2017	2018	2019
Torbay carbon emissions (KtCO ₂ e)	557	548	539	530	518	505

- 4.4 The Strategy sets out policies and projects relating to specific areas of focus as set out below:
- 4.5 **Powering the Local Economy**
 The strategy supports opportunities for business in the low carbon technology sector. In 2009/10 the low carbon and environmental technologies sector contributed £23m to Torbay’s economy and provided 1,300 full time equivalent jobs. This requires a diverse array of skills across many sectors, ranging from engineering and design, to waste management, transport and renewable energy technologies. By 2022 the retrofitting of energy efficiency measures to domestic properties in Torbay is anticipated to generate a further 200 jobs and add £50m to the local economy.

4.6 Energy Security in Torbay

The strategy will seek to deliver renewable energy schemes such as combined heat and power/district heating and solar panels where this is appropriate and feasible to provide improved energy security within the Bay. The strategy also supports energy efficiency in homes and businesses. This is essential when considered against domestic electricity prices which have increased by 56% since 1998, and are predicted to rise by 35% (2015) and 45% (2020) based on central growth & fossil fuel price rise scenarios. Domestic gas price rises are expected to be +26% (2015) and +21% (2020) from 2014 prices.

4.7 Fuel Poverty & Energy Efficient Homes

In 2010 DECC statistics showed that 16% of the Bay's homes were fuel poor with pockets as high as 23% in parts of the Bay. Over 13,300 properties fail the Thermal Comfort Criteria of the Decent Homes Standard in Torbay (21%) than compared to nationally (13%). The private rented sector is worst with 36% of the stock failing the standard, equating to a total of 4,758 properties.

4.8 The strategy builds on the work undertaken so far through the Cosy Devon Partnership. Cosy Devon is a collaboration of local authorities (including Torbay) who have negotiated an agreement with EoN to fund energy efficient measures in homes. These measures focus on vulnerable people and those who struggle to pay their fuel bills. This contract will initially bring £1.6m into the Bay's economy by April 2015. It should also create, or safeguard, 156 jobs in the domestic eco-refurbishment sector by 2017, using a local workforce trained at South Devon Colleges' SW Energy Centre.

4.9 An Energy Efficient Council

In 2012/13 Torbay Council spent £1.4m on gas and electricity. Increasing energy costs, coupled with reduced council revenue budgets mean that it is even more important for the Council to be energy efficient. Government forecasts show that energy inflation will rise between 5% (optimistic) and 10% (more realistic) in the short to medium term. The Council continues to realise financial savings and reduce its energy use and is currently exploring using an Energy Performance Contract approach to provide significant cost savings, generate income and reduce carbon in service delivery.

4.10 Flooding and a Resilient Torbay

The strategy aims to ensure that vital infrastructure such as national road and rail links are maintained and strengthened. The UK in 2013/14 experienced an exceptionally wet winter. It was the wettest January and winter season (December to February) since records began in 1766. The South West of England including Torbay suffered from both flooding and storm damage that caused significant damage and the closure of strategic transport infrastructure for prolonged periods.

4.11 The extreme weather events of early 2014 have once again highlighted the impact that extreme weather has on community resilience, transport, local government and the economy of the South West Peninsula. The severe flooding events, storm surges, tides and high winds that were experienced in Torbay having all had an impact on individual people, communities, infrastructure and economic performance.

5. Possibilities and Options

- 5.1 There are many opportunities, and some clear risks associated with this agenda (e.g. Environmental Technology sector growth and flood damage & disruption respectively). The Energy and Climate Change Strategy 2014-2019 sets a policy framework that enables the Council and its partners to make the best use of resources, develop projects that take advantage of the opportunities available and reduce overall risks to the Authority.
- 5.2 To help secure the investment needed to promote sustainable growth Torbay must have a clear, well supported strategy in place. Adopting the Energy and Climate Change Strategy 2014-2019 will ensure this is the case by communicating its priorities to local and national bodies.

6. Fair Decision Making

- 6.1 An Equality Impact Assessment will not be undertaken on the strategy. No major effects or significant negative impacts are expected.
- 6.2 Adoption of the strategy itself will not require any direct procurement.

7. Public Services (Social Value) Act 2012

- 7.1 Adoption of the strategy itself will not require any direct procurement.

8. Risks

- 8.1 If the strategy is not adopted Torbay will not have a clear plan for tackling energy security and climate change at a local level. Failure to improve the resilience of the area is also likely to lead to increased pressure on Council services and therefore higher costs for the Council.
- 8.2 There have been local, national and international changes since the last climate change strategy was approved by the Council in 2008. Not to address these changes and set a new five year carbon budget would result in:
- missed opportunities for cost savings.
 - the Council's ability to hedge against future energy cost increases would be diminished
 - reduced ability to secure Regional, National & European funding
- 8.3 Additionally, without a strategy in place Torbay may become less competitive, and may therefore not take full advantage of the growth in green jobs that is occurring nationally and in particular in the South West.
- 8.4 There is also an associated reputational risk for the Council by not demonstrating community leadership in this area.

Appendices

Appendix 1 - Draft Climate and Energy Strategy

Appendix 2 - Statement of Representation

Additional Information

N/A



2014 - 2019

Draft Energy and Climate Change Strategy

Contents

Contents.....	2
Torbay Council’s Energy and Climate Change policies.....	3
Climate change resilience.....	4
Foreword.....	5
Executive Summary.....	6
1. Energy and Climate Change Strategy for Torbay.....	7
2. Energy and Climate Change Policy Context.....	8
3. Carbon emissions and reduction targets.....	10
4. Energy security in Torbay.....	12
5. Powering the local economy.....	14
6. Energy efficient homes.....	16
7. Sustainable transport.....	18
8. An energy efficient council.....	19
9. Flooding and drainage.....	21
10. A resilient Torbay.....	21
11. Energy security case study.....	23
12. Powering the economy case study.....	24
13. Energy efficient homes case study.....	25
14. Sustainable transport case study.....	26
15. An energy efficient council case study.....	27
16. Glossary.....	28
Appendix 1: Energy and Climate Change Projects 2014-2019.....	30

Torbay Council's Energy and Climate Change policies

Torbay Council's energy and climate change policies (not in order of priority) help to create a low carbon future, resilience to the changing climate and keep resources in the Bay.

Energy and Climate Policy	Description
Energy and Climate Change Policy 1 Torbay's carbon reduction target	Torbay Council will work with the community, businesses and partners to reduce energy consumption and aim to reduce carbon emissions in line with national targets
Energy and Climate Change Policy 2 Economic development	Torbay Council will support the development of a thriving low carbon business sector as part of delivering its Economic Strategy
Energy and Climate Change Policy 3 Energy security	Torbay Council will seek to improve the energy security of the Bay, exploring suitable opportunities for local energy generation and conservation of resources
Energy and Climate Change Policy 4 Community engagement	Torbay Council will promote householder and community action, deliver programmes and seek funding to improve home energy efficiency and reduce fuel poverty in the Bay
Energy and Climate Change Policy 5 Planning and transport	Torbay Council will ensure local planning and transport policies contribute to tackling the causes and effects of climate change
Energy and Climate Change Policy 6 Torbay Council's carbon reduction target	Torbay Council will aim to reduce its energy consumption and carbon emissions in line with national targets whilst delivering council services and efficiently managing its assets and estate

Climate change resilience

In recognition that some amount of climate change will inevitably happen, resilience policies aim to help Torbay adapt to climate change and minimise its disruptive effects.

Climate Resilience	Description
Energy and Climate Change Policy 7 Resilient assets	Torbay Council will work to ensure that infrastructure and services are resilient to the impacts of climate change
Energy and Climate Change Policy 8 Resilience awareness	Torbay Council will seek to raise business and community awareness of the opportunities and threats resulting from a changing climate, and how to adapt to and reduce its impact
Energy and Climate Change Policy 9 Natural environment	Torbay Council will work with partners to explore opportunities for reducing carbon emissions, improve food security and contribute to resilience using the natural environment
Energy and Climate Change Policy 10 Risk management	Torbay Council will consider climate change in the corporate risk register and emergency planning procedures and will aim to improve our resilience to extreme weather events

Foreword



*Cllr. David Thomas –
Deputy Mayor and Executive Lead
on Strategic Planning, Housing and Energy*

I am pleased to present Torbay Council's second Climate Change Strategy. Taking forward our previous strategy (2008 – 2013), it also considers the financial and environmental impact of energy use whilst providing a framework for action on energy security and carbon reduction for the next five years.

Torbay has reduced its emissions by 25% since 1990 but there will need to be considerable activity on an unprecedented scale in order to meet the national targets of a 34% cut in carbon emissions by 2020 and 80% by 2050.

Acting in a community leadership role and driving local economic growth, Torbay Council will support local people, schools, organisations, and businesses in reducing their emissions whilst preparing them for the risks and benefits that a changing climate will bring. We will continue to support energy efficiency improvements in people's homes and local buildings, and help to develop low carbon transport initiatives and sustainable waste management approaches.

As a service provider and estate manager we will reduce costs, minimise emissions and work to protect those who are most vulnerable to the impacts of our changing climate.

As energy prices rise so does the cost of food, goods and services, which in turn impacts on inflation and local economic activity. Conversely, there is also the potential to generate revenue, economic activity and jobs from investment in the low carbon economy such as sustainable energy generation, fuel supply, low carbon infrastructure and technology supply chains.

Rising energy prices and extreme weather events are already a considerable cost to the council and local people which highlights the need to develop resilience and maximise the opportunities for the local economy. Improving energy security and reducing our greenhouse gas emissions presents great challenges and great opportunities for us all. The shift towards less energy-intensive and more environmentally sustainable technologies presents significant potential for economic growth in Torbay.

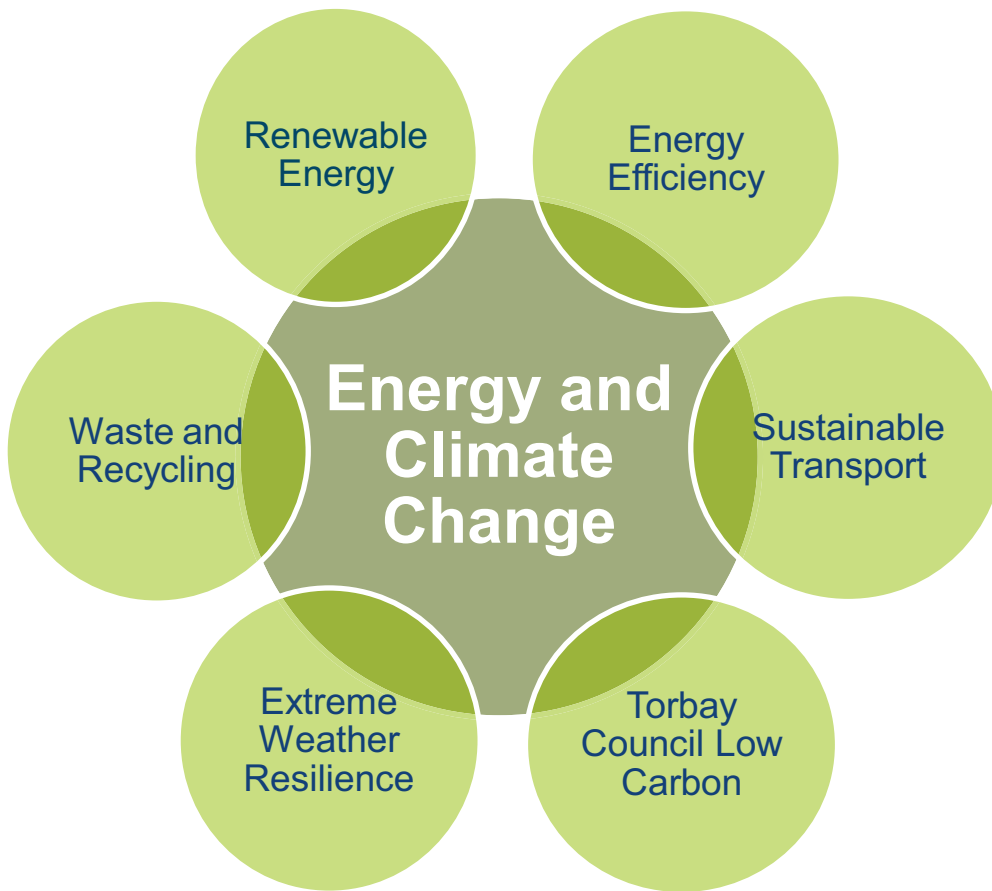
By sustainably managing assets and ensuring that we are well prepared for the impacts of a changing climate we will continue to reap the benefits of savings on energy bills, attracting new jobs in 'green' industries, reduce the risks and cost of flooding, tackle fuel poverty and protect Torbay's unique natural environment.

Future generations will pay the price if we fail to rise to the climate and energy challenge. We cannot make our local transition towards a successful local low carbon economy alone, so please join us, get involved and take action today. Small changes in our everyday life can make a big difference.

Executive Summary

If we are to protect future generations from the most serious risks of climate change we must take decisive action now to reduce emissions. If we wait for the impacts to happen, it will already be too late. The transformation to a low carbon future is one of the greatest technological challenges of the 21st century, but it also brings with it important opportunities for sustainable growth and prosperity.

This diagram illustrates the core energy and climate change issues that Torbay need to tackle. The policies and projects in this strategy combine to have a critical mass effect on carbon reduction and energy security and when applied with a joint approach.



This strategy reflects key changes that have taken place locally and nationally in recent years. It sets out policies to make the transition towards a lower carbon Torbay with an energy system that is more secure and reduces exposure to energy related cost increases.

It provides a framework for the council and its partners to deal with carbon reduction and resilience to climate change over the next five years. It identifies Torbay’s carbon emissions and reduction targets, considers energy security, implications for the local economy, fuel poverty and resilience measures.

There will need to be considerable activity on an unprecedented scale in order to achieve a 34% cut in carbon emissions by 2020 against increasing challenging financial constraints.

1. Energy and Climate Change Strategy for Torbay

- 1.1. Torbay Council aims to lead, influence and engage partners and residents to enable change towards a lower carbon future. The responsibility of making Torbay more sustainable lies with everyone and can be achieved by reducing energy demand and increasing renewable and low carbon energy generation.

This strategy is a five year framework document that refreshes, replaces and updates the previous climate change strategy and action plan. The first five year document provided sections on 'What is Climate Change?' and 'Why Act on Climate Change?'

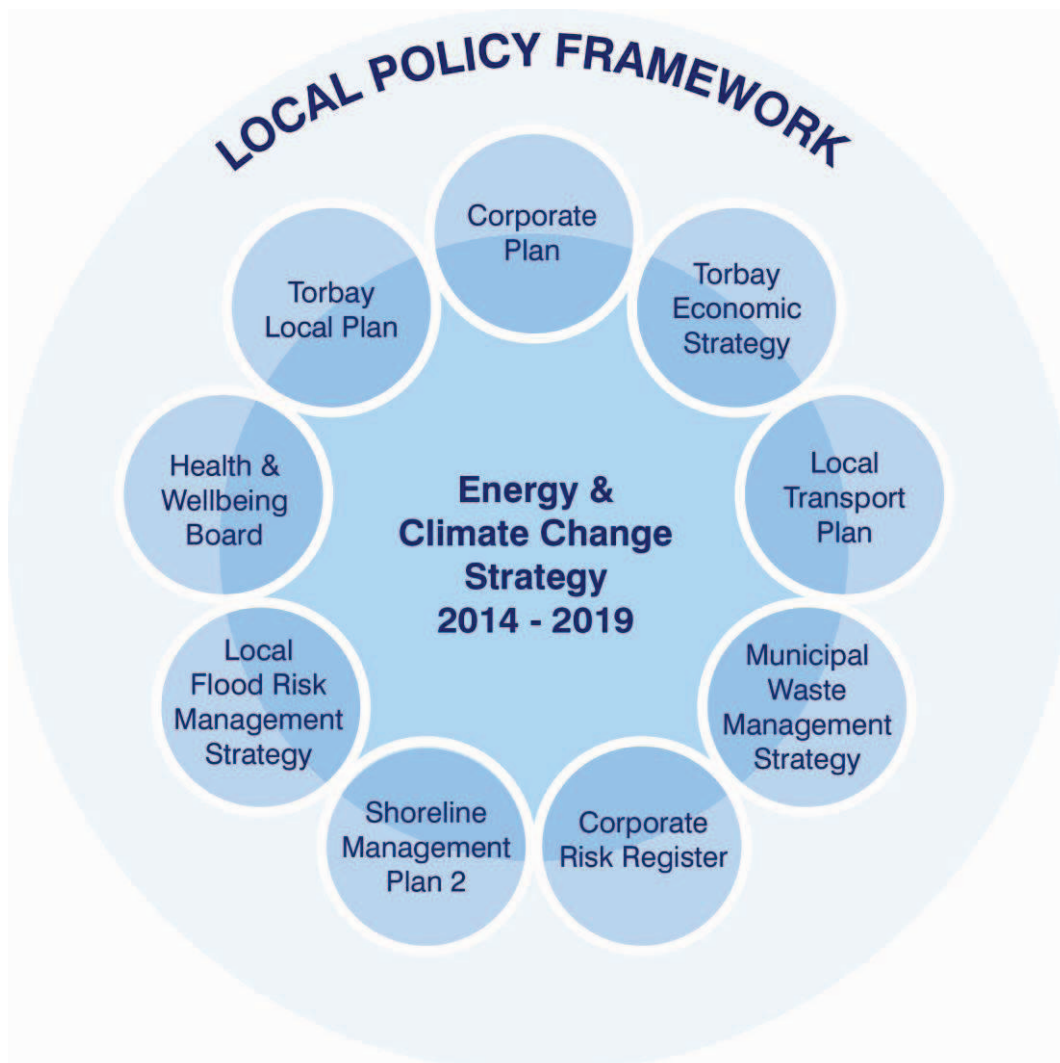
<http://www.torbay.gov.uk/index/yourservices/environment/climatechange/climate-change-strategy.pdf>.

It complements and builds upon existing local framework documents including the Corporate Plan 2013-15, Torbay Economic Strategy, Local Plan, Local Transport Plan and Municipal Waste Strategy. It closely relates to statutory and key documents by complementing and reinforcing policies and actions that reduce greenhouse gas emissions and promote sustainable development.

- 1.2. Much of the change needed to make a real impact will not only need to be made by the council but by organisations, businesses and individuals in the Bay. The success of the strategy depends upon the council effectively leading and engaging with those people that are involved in reducing emissions, in order to avoid the significant environmental, economic and social cost that lack of action will result in.
- 1.3. Climate change projections can be used to understand how our climate is likely to change over the 21st century. UK Climate Projections 2009 (UKCP09) funded by Defra are the most recent and comprehensive projections for the UK. The projections underline that the annual mean temperature in Torbay is very likely to continue to rise throughout the 21st century beyond the 1 degree Celsius rise already experienced since 1900. This increase in temperature is very likely to affect the frequency and intensity of rainfall events, particularly in the winter months, and further increase sea levels by between 20cm and 68cm by the 2080s.
- 1.4. The effects of climate change and its implications for Torbay have been assessed as part of the Climate Change Strategy for Torbay 2008 – 2013 and the Local Climate Impacts Profile (LCLIP). Climate change in the Bay is predicted to cause warmer wetter winters; hotter drier summers, rising sea levels; more intense storms and extreme weather events.
- Warmer summers, in the short term, lead to increased demand for leisure and tourism services, but the negative effects outweigh any benefits, especially taken in context of wetter winters reducing the year round and day visitor economy which UK tourism is increasingly reliant upon
 - Wetter winters will increase pressure on drainage, flood management and the emergency services
 - Increased flood risk, damage to property, infrastructure and disruption to local people's lives and business continuity
 - Higher average temperatures and changing rainfall patterns will increase water stress and increase energy demand for cooling
 - Temperature changes may lead to increased human health problems and spread of disease and pests
 - Extreme weather will cause highway damage and more pot holes
- 1.5. The proposed Energy and Climate policies communicate the council's aims; but much of the work is of a crosscutting nature involving the wider community with policies linking to, or benefiting from, actions of others.

2. Energy and Climate Change Policy Context

- 2.1. The Climate Change Strategy for Torbay 2008-2013 reflected the council's commitment to address at local level the causes of global climate change. It set a local target to reduce the Bay's CO₂ emissions by 30% by 2020 from 1990 levels and at least 60% by 2050. www.torbay.gov.uk/climate-change-strategy.pdf



- 2.2. The latest United Nations, Intergovernmental Panel on Climate Change (IPCC) 2013 Report stated: Warming of the climate system is unequivocal, the atmosphere and ocean have warmed, the amounts of snow and ice have diminished, sea level has risen, and the concentrations of greenhouse gases have increased. The IPCC's working group in March 2014 stated that climate change in Europe could lead to increased flooding, droughts and heatwaves with associated economic losses, health impacts, productivity dips and air quality issues. Globally, the effects on ecosystems, agriculture and livelihoods, especially in coastal areas, are likely to be much worse. <https://www.ipcc.ch/report/ar5/wg2/>
- 2.3. Nationally, sustainable development and flood management policy is led by the Department for Environment, Food & Rural Affairs (DEFRA) with the Department for Energy & Climate Change (DECC) focusing specifically on energy and climate change and the Department for Transport (DfT) on transport infrastructure.
- 2.4. One of the first pieces of legislation to directly address carbon dioxide (CO₂) emissions and energy efficiency was the Home Energy Conservation Act (HECA), 1995, which required local authorities to produce annual Energy Conservation Reports. The Act was revised in

2012 requiring local authorities to submit biennial reports outlining local practical and cost-effective local energy conservation measures. One of the main objectives behind the aims of HECA is to contribute to reducing fuel poverty in the UK, through more efficient energy use in the home. <http://www.legislation.gov.uk/nisr/1995/455/contents/made>

2.5. The Climate Change Act, 2008 aims to reduce greenhouse gas emissions by 80% by the year 2050 compared to the 1990 base level. The act introduced a system of ‘carbon budgets’ which set legally binding limits on the amount of emissions that may be produced in the UK during successive five-year periods. The first three carbon budgets covering the period 2008 to 2022 were set in law in May 2009. The fourth carbon budget, covering the period 2023–27, was set in law in June 2011.

<http://www.legislation.gov.uk/ukpga/2008/27/contents>

2.6. The Energy Act, 2011 addresses the issues of energy infrastructure; climate change and conformity with international and national targets; economic growth and benefits for jobs and investment; affordability of energy; energy security; and community safety. Torbay Council is working in partnership to deliver free energy efficient measures to eligible properties as part of the Energy Company Obligation (ECO) scheme.

<http://www.legislation.gov.uk/ukpga/2011/16/contents>

2.7. Much of the action needed to decarbonise the national grid will take place through proposed new nuclear, carbon capture and storage, and national renewable energy projects. The Government’s Renewable Energy Roadmap 2020 indicates that approximately half of the 15% renewable energy target (7.5%) will be met from ‘National’ level deployment with little or no local influence and that approximately half will be met from technologies and resources over which there is little or no local control and influence.

2.8. Torbay Council recognises its role in enabling suitable local deployment of renewable and low carbon energy. It wants to see more renewable and low carbon energy projects coming forward and is keen to enable community led projects. It aims to maximise use of the available renewable resource whilst protecting the local environment and the development of sustainable energy strategies for all growth areas so that communities have clean, secure and affordable energy into the future.

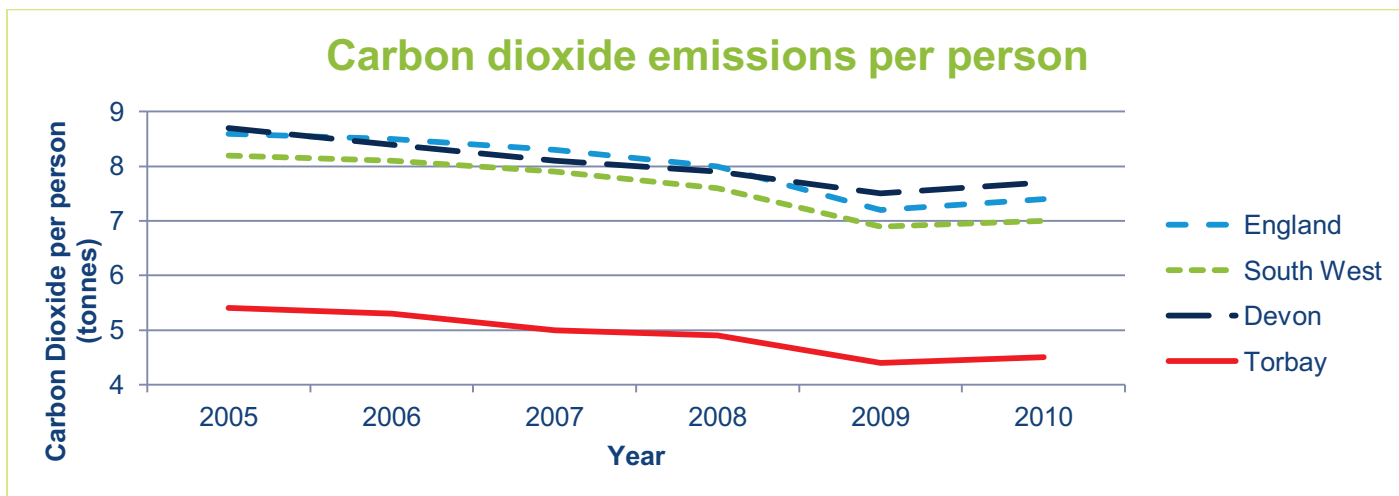
<https://www.gov.uk/government/publications/community-energy-strategy>

2.9. The Torbay Local Plan ‘A Landscape for Success’ reflects the council’s commitment to its response to climate change. Policy SS13, Low carbon development and adaptation to climate change helps mitigate and adapt Torbay to the changing climate.

www.torbay.gov.uk/newlocalplan

3. Carbon emissions and reduction targets

3.1. Data shows that over recent years CO₂ emissions in Torbay and Devon have decreased. Emission levels per person in Torbay have generally followed the same trend as in the South West and nationally in England between 2005 and 2010.

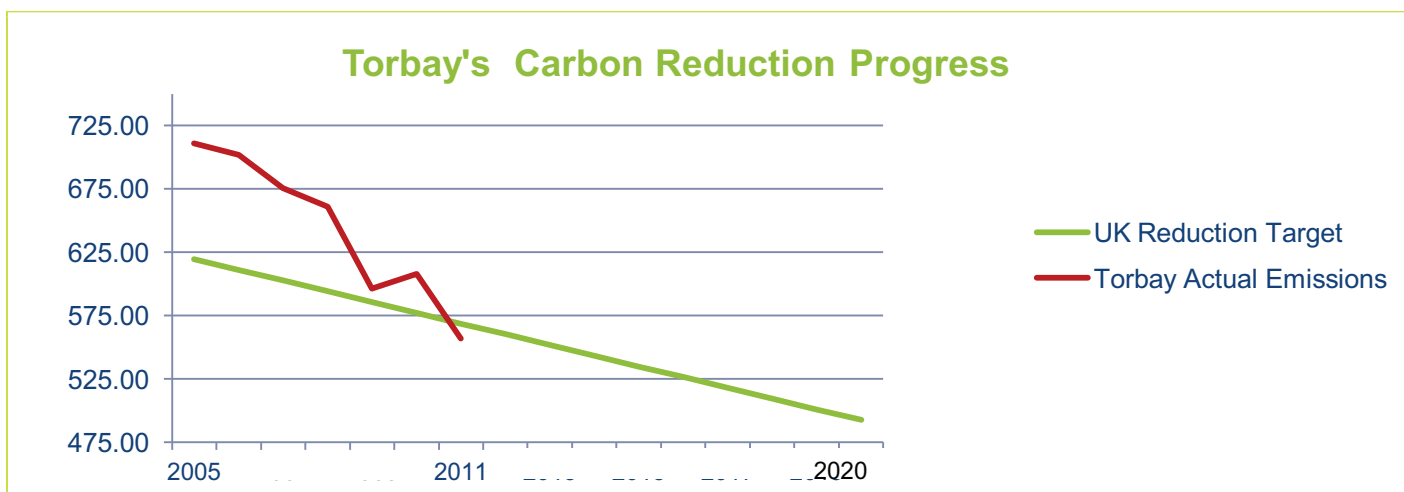


3.2. Emission levels per person are markedly lower in Torbay than in the South West and England as a whole. This could be because Torbay has a low demand for personal transport, a mild micro-climate and an economic profile that is not reliant on energy intensive sectors which may contribute to the lower per capita emission levels.

3.3. Torbay Council has set local targets on carbon reduction which have been derived from the legally binding UK targets. To plan for the emissions reduction 'journey' to 2050 in Torbay, interim targets help to gauge progress along the way. The Torbay 1990 carbon emission baseline was established in the 2008 Climate Change Strategy at 746.5Kt CO₂e.

To reflect national reduction targets Torbay should reduce emissions using the following indicators of progress.

- **2015** Reduce CO₂ emissions by 26% by 2015 to 548 KtCO₂ e
- **2020** Reduce CO₂ emissions by 34% by 2020 to 492 KtCO₂ e in line with the UK Target
- **2025** Reduce CO₂ emissions by 44% by 2025 to 418 KtCO₂ e
- **2050** Reduce CO₂ emissions by 80% by 2050 to 149. KtCO₂ e in line with the UK Target



The graph above illustrates the reduction in Torbay's carbon emissions.

The table below sets a five year carbon target to cover the period of the Strategy for the Bay.

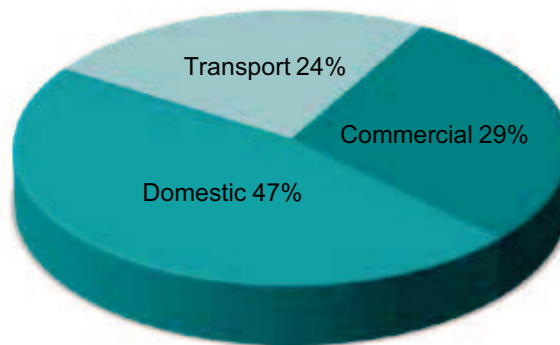
Torbay Five Year Carbon Target

	2014	2015	2016	2017	2018	2019
Torbay carbon emissions (KtCO ₂ e)	557	548	539	530	518	505

3.4. The reduction in per capita emissions required to keep pace with the target reductions in absolute emissions has been calculated using 2010 Sub National Population Estimates. These estimates are forecast using past trends and do not take into account new housing allocated in the emerging Local Plan. If the 2010 estimates were accurate, per capita emissions would need to reduce by 2.6% per year in order to achieve the 2020 target.

This pie chart shows the distribution of carbon emission across various sectors illustrating the significance of the domestic sector in the Bay.

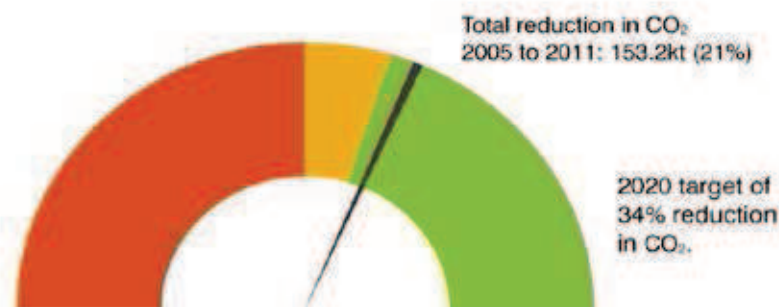
Torbay CO₂ emissions 2011



3.5. The highest proportion of end user emissions in Torbay in 2011 came from domestic sources, accounting for 47% (247 KtCO₂e), followed by industry and commerce with 29% (160 KtCO₂e). Torbay produced the twelfth lowest amount of road transport CO₂ emissions for a local authority in the South West at 149 KtCO₂e which accounts for 29% of emissions.

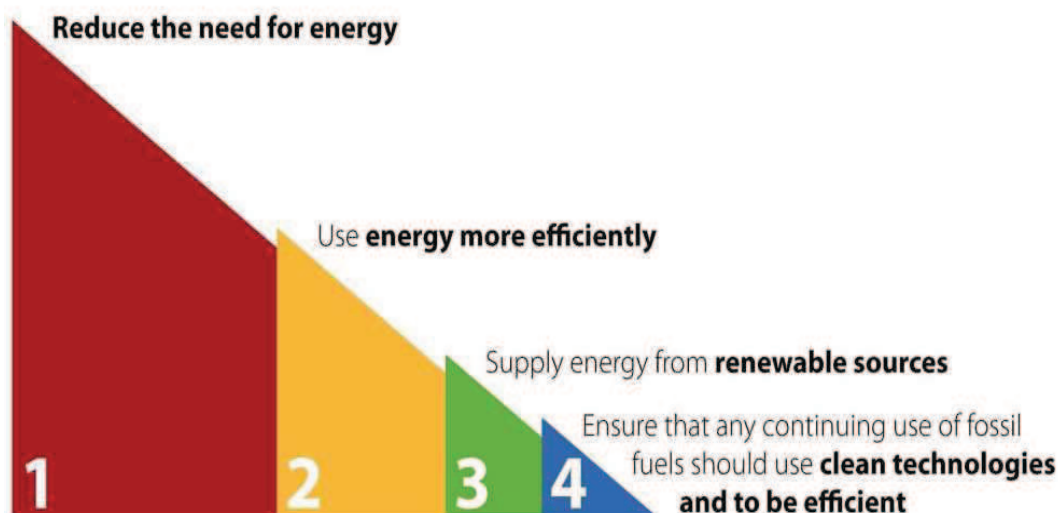
3.6. Torbay's commercial emissions fell by 33%, domestic by 21% and transport by 8% between 2005 and 2011. Influencing factors are thought to be energy efficiency improvements and more recently the economic downturn but as we move out of recession and productivity increases so will CO₂ emissions. On average each person in Torbay is emitting 4.2 KtCO₂e each year based on the most recent published figures (2011) which is 34% lower than Devon and 28% lower than the South West average.

3.7. The diagram below displays progress within Torbay towards the overall 2020 target to reduce CO₂ emissions by 34%, based on the 2005 baseline.



4. Energy security in Torbay

- 4.1. Secure supplies of electricity can be taken for granted; lighting homes, powering appliances and keeping workplaces running. The majority of that electricity is generated through burning fossil fuels, meaning that the energy supply is responsible for 35% of the UK's greenhouse gas emissions which is more than any other sector in the economy.
- 4.2. Currently the UK depends on the global energy market for approximately 40% of its gas and oil and this dependence is growing. Torbay Council recognises the need to be guided by the energy hierarchy by reducing need and improving efficiency as a priority.



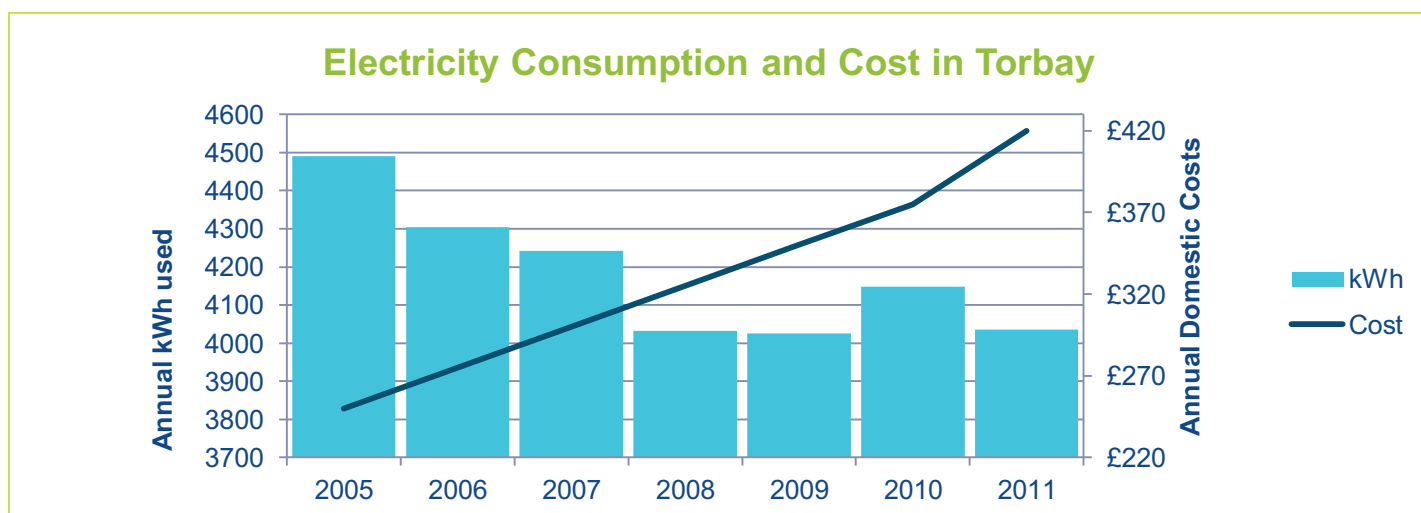
- 4.3. Increasing the amount of energy that is generated from home-grown renewable sources will reduce the UK's reliance on foreign imports and help to make the country more energy secure by protecting consumers from fossil fuel price fluctuations. Investment in renewable energy will also drive investment in new jobs and businesses as well as contributing to carbon reduction targets. Nationally, renewable energy will play a key part in the decarbonisation of the energy sector alongside nuclear, carbon capture and storage and improvements in energy efficiency.
- 4.4. In Torbay, there is an opportunity to develop local energy infrastructure, and to secure local energy supplies. This will help to cushion the resident and business community from rising energy prices; and will support the local economy, generate new jobs and contribute towards carbon reduction targets.
- 4.5. The geology of Torbay is considered unlikely to contain significant deposits of fossil fuels such as shale gas that would be commercially exploitable. However any proposals for mineral extraction, exploration, appraisal and production, including hydraulic fracturing ('fracking') will be assessed against Policy M1 and other relevant policies in the Torbay Local Plan.
- 4.6. The UK has signed up to achieve a legally binding EU target that 15% of total energy consumed will come from renewable sources by 2020.
- 4.7. Local authorities are required by the National Planning Policy Framework (NPPF) to help increase the use and supply of renewable and low carbon energy and to recognise the responsibility on communities to contribute to energy generation from these sources. The NPPF seeks to build a strong and competitive economy; support high quality homes and healthy communities; and conserve, enhance and protect the natural and historic environment whilst meeting the challenge of climate change and its associated effects.

Planning Policy Statement 1, Sustainable Energy Assessment identifies considerable potential for the deployment of a range of renewable energy technologies in Torbay to support economic, environmental and social outcomes.

www.torbay.gov.uk/sustainableenergyassessment.pdf

- 4.8. Existing renewable energy installations in Torbay provide a fraction of Torbay’s energy demand, and have the potential to significantly increase, delivering quick wins. The UK has seen high levels of solar PV deployment together with a significant reduction in the cost of installation. In total 1.2% of homes in the Bay have PV installed and proposals for ground and building mounted solar PV and small wind projects continue to come forward. Given Torbay’s higher levels of sunshine than other areas of the UK that have experienced higher take up of solar PV, there is potential for improvement.
- 4.9. The government has introduced financial support mechanisms for small-scale renewable energy: Feed-in-Tariffs and a Renewable Heat Incentive that is primarily intended to improve the economics of investing in renewable energy technologies for householders.

Energy price predictions suggest that further energy cost rises can be expected. This will impact all fuel types including petrol, diesel, gas, electricity, oil, liquid petroleum gas and even wood fuel and bio-fuel costs as the demand rises for alternatives. Domestic energy prices have risen by 140% between 2004-2012 against household income rises of only 20%.
- 4.10. In Torbay in 2011 there were 64,000 domestic electricity meter points, just under 3% of the regional total of almost 2.4 million. Commercial and industrial electricity meter points totalled 5900 just under 2.5% of the regional total of almost 2.4 million. An average of 3,928 kWh of electricity was used per consumer in Torbay, 9% (390 kWh) lower than the regional average of 4,318 kWh and 4% (167 kWh) lower than the England average of 4,095 kWh.
- 4.11. Domestic electricity prices have increased by 56% since 1998, and are predicted to rise by 35% (2015) and 45% (2020) based on central growth & fossil fuel price rise scenarios. Domestic gas price rises are expected to be +26% (2015) and +21% (2020) from 2014 prices.
- 4.12. Thousands of homeowners in Torbay have seen energy bills rocket in recent years. Whether due to the cost of space heating, hot water, electricity or the price of petrol, the UK’s energy crisis means consumers are seemingly powerless from preventing their bills rising significantly.



This graph illustrates the how annual domestic energy use has decreased and how bills have risen in Torbay in recent years.

- 4.13. In 2011 the total cost of domestic and commercial energy in Torbay was in the region of £462M which based on current predicted price increases over the next five years could reach £623M
- 4.14. Heating, lighting, driving vehicles and throwing away rubbish all lead to greenhouse gas emissions. Many local people are reducing their emissions through simple actions like using powering-down electrical appliances, using less water and recycling.
- 4.15. Neighbourhood planning provides an opportunity for communities to come together and understand and plan for their future energy needs. This could include measures to reduce energy demand and the development of community owned renewable energy projects.
- 4.16. There are a number of groups taking action in Torbay by developing their own local environmental projects. It is hoped that this level of interest will increase as localism and the neighbourhood planning agenda develops. Collaborative local action and community projects make new ways of doing things more attractive and acceptable and are important in influencing a shift to low carbon and more sustainable lifestyles.

5. Powering the local economy

- 5.1. The Torbay Economic Strategy 2013-18 seeks to develop the local economy while having a positive impact on the environment and recognises that low carbon development is important for sustainable economic growth. Torbay is a naturally beautiful area, and is big draw for both businesses and visitors. The local tourism sector already works to capitalise on this, as does promoting the Bays natural benefits to businesses looking for investment opportunities.
- 5.2. The number of low carbon sector local businesses in Torbay is growing and there is potential to develop inward investments from within the low carbon sector. There is a cross-over with the hi tech sector which is a key target market for Torbay, as many low carbon businesses are hi tech in their operations.
- 5.3. The coastal nature of Torbay lends itself to particular sectors, namely environmental and marine technology and tourism. Marine life and environmental research is an important sector in South Devon. Both Plymouth and Exeter are encouraging further growth, building on the high quality of research at the two Universities and the Plymouth Marine Laboratory, so there are great opportunities for a sub regional network and a knowledge based & research backdrop to the whole area. The facility at Brixham Environmental Lab owned by Plymouth University is part of the City Deal and is recognised as a strategic site.
- 5.4. The transition to a low carbon economy and sustainable lifestyles brings many business opportunities including the development and marketing of low carbon technologies. The low carbon sector has the potential to create significant employment opportunities in Torbay, supported by training and learning opportunities locally in response to evolving demand. In addition the projected levels of growth expected in Torbay over the next 15 years will bring significant opportunities for creating innovative low carbon solutions.
- 5.5. With increasing energy costs it makes sense for all businesses and organisations to actively improve resource efficiency and reduce their energy costs. A number of national and regional programmes are in place to incentivise this. Over time, their influence will result in some further reductions in emissions from the industrial and commercial sector in Torbay.
- 5.6. These programmes are aimed predominantly at energy intensive sectors and large organisations. Less energy intensive sectors (such as retail and business services) and Small to Medium Enterprises are also vulnerable to energy price rises (directly and via their supply chains), and together comprise by far the highest proportion of Torbay's industrial and commercial sector emissions.

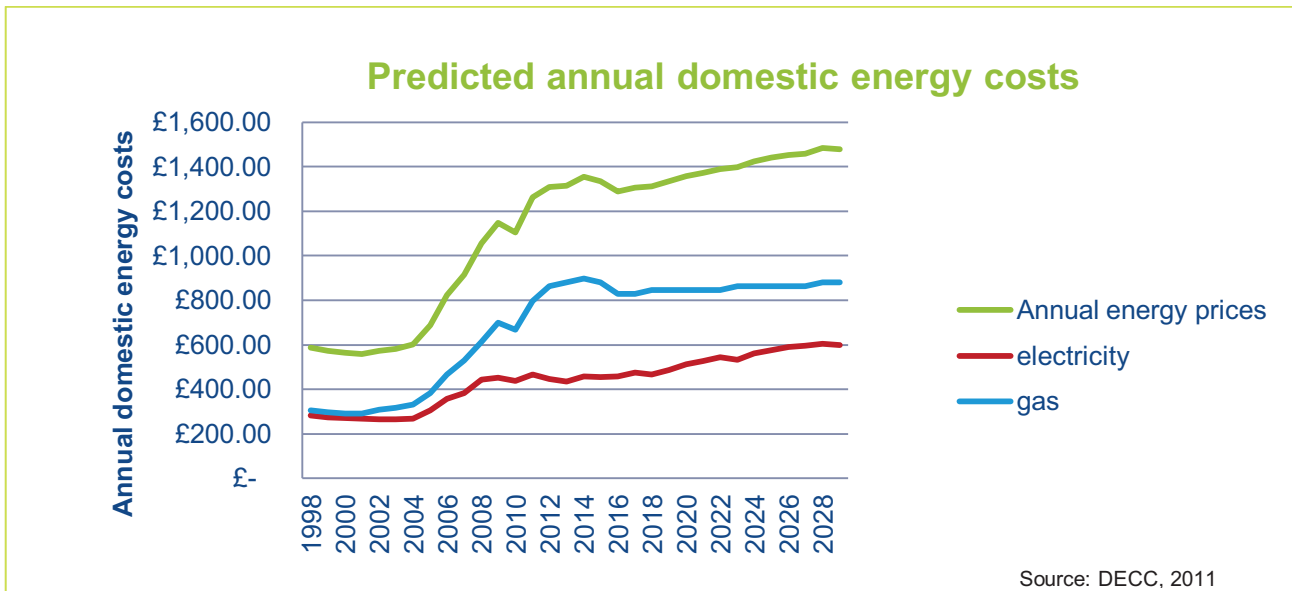
- 5.7.** Efforts to localise sourcing of low carbon products and services will be crucial to ensure that local economic benefits are realised. Local production, sales and consumption of products and services close to where people live and work are important for local economic vibrancy and diversity, as well as reducing the need to travel to access products and services, and reducing the emissions embedded in the production process of the products we consume (e.g. food miles). Sustainable management of agricultural land and countryside, specifically woodland in Torbay can create both economic and environmental opportunities.
- 5.8.** In 2009/10 the low carbon and environmental technologies sector contributed £23M to Torbay's economy and provided 1,300 full time equivalent jobs. The low carbon economy is likely to require a diverse array of skills across many sectors, ranging from engineering and design, to waste management, transport technology, as well as renewable energy. By 2022 the retrofitting of energy efficiency measures to domestic properties in Torbay is anticipated to generate a further 200 jobs and add £50M to the local economy.
- 5.9.** The South West Energy Centre at South Devon College in Paignton specialises in energy related skills and training. It aims to help to fuel an economic recovery in Torbay and South Devon, driving demand and ensuring manufacturers, suppliers and installers have the skilled workforce needed, directly leading to the creation of many private sector jobs. The centre is a catalyst for private sector growth, opening up market opportunities in the green sector through activities specifically designed to drive up demand and promote growth.
- The Torbay Development Agency (TDA) manages incubation spaces within the Energy Centre to develop small low carbon local businesses.
- 5.10.** Efforts to localise sourcing of low carbon products and services help to realise local economic benefits. Local production and consumption of products and services close to where people live and work are important for local economic vibrancy and diversity, as well as reducing the need to travel to access products and services.
- 5.11.** The Heart of the South West Local Enterprise Partnership (HotSW) has identified growth in the low carbon and energy sector and is working with Torbay Council to maximise its potential through the Strategic Economic Plan.
- 5.12.** The Energy Company Obligation (ECO) scheme is funded by the large energy companies to install energy efficiency measures into homes including insulation, draught proofing and new boilers. The Devon Green Deal Partnership is a partnership of local authorities, working with Eon to fund energy efficient measures to eligible properties focusing on vulnerable people and those who struggle to pay their fuel bills. Through this agreement the amount of ECO funding invested is expected to exceed £18M per annum. In Torbay, this could translate to creating, or safeguarding, 156 jobs in the domestic eco-refurbishment sector until 2016 supported by the development of local workforce trained at the South West Energy Centre.
- 5.13.** The programme aims to cut energy bills and carbon emissions from homes by making energy efficiency easy and affordable for householders and businesses. In Torbay the Green Deal could equate to £34M of private investment in housing stock by 2015.
- 5.14.** ECO Warm Home Discount Scheme has the potential to help 5,000 households in Torbay to save up to £400 per year on energy bills by March 2015. People living in certain areas or claiming certain benefits are eligible for a free home assessment in addition to free energy saving measures.
- 5.15.** In 2013/14 Torbay was successful in securing £100,000 of Green Deal pioneer funding from DECC. This has provided 150 Torbay residents with free home energy efficiency assessments to help them take advantage of Green Deal financing. Using these funds, homes have had several energy saving measures installed and are being used as demonstration homes.

6. Energy efficient homes

- 6.1.** Domestic energy use is responsible for around a quarter of the UK's CO₂ emissions. It is estimated that poor insulation means around £1 in every £4 currently spent heating UK homes is wasted. A third of CO₂ emissions from housing relate to domestic space and water heating which could be significantly reduced through making existing housing stock more fuel and energy efficient.
- 6.2.** The domestic sector produces the highest proportion of Torbay's CO₂ emissions (47%). Improving the energy efficiency of local housing stock would help reduce Torbay's emissions, reduce fuel poverty and enable more disposable income to flow back into the local economy. The council's knowledge of the area puts it in a unique position to design and deliver effective domestic energy efficiency interventions.
- 6.3.** There are in the region of 64,000 domestic dwellings in Torbay of which 70% are owner occupied, 22% are privately rented and 8% are owned by housing associations. An Energy Saving Trust survey in 2013 estimated that 6330 dwellings needed loft insulation and 32,410 dwellings cavity wall insulation (Private Sector Housing Stock Condition Survey 2011). 11,400 homes have solid walls and are harder to insulate. For these hard to treat homes, improving the fabric of the building can be costly and involves long pay back periods.

Measure	Dwelling	% of stock
Loft insulation (top-up to 270mm)	36,000	53.6%
Cylinder insulation (70mm Jacket)	30,500	47.7%
Double Glazing (to all windows)	16,700	26.1%
Cavity Wall insulation	15,800	24.7%
New Boilers (High efficiency gas boilers)	12,400	19.4%
New Central Heating	3,000	4.7%
Any measure	53,800	84.1%

- 6.4.** Provision is being made in the Torbay Local Plan to potentially accommodate another 8 - 10,000 homes over the next 20 years and beyond. It is predicted that over this period 400-500 new dwellings will be built. These will bring a corresponding increase in energy use and associated CO₂ emissions. However, changes to Building Regulations will ensure that new-build houses are as energy efficient as possible, with a move to zero carbon homes from 2016 (and zero carbon non-domestic buildings from 2019). The national 'allowable solutions' approach could help Torbay invest in low carbon projects that deliver local carbon reductions. <http://www.zerocarbonhub.org/zero-carbon-policy/allowable-solutions>
- 6.5.** Energy price predictions suggest further retail energy cost rises over the coming years. This will impact all fuel types including petrol, diesel, gas, electricity, oil, liquid petroleum gas and even wood fuel and biofuel costs as the demand rises for alternatives. By 2016 as many as 1 in 3 households in the UK could be in fuel poverty.
- 6.6.** Higher energy prices have had a universal impact and will increasingly be severe on low income households in 'hard to heat' homes. These households spend a disproportionate amount of their income on fuel, and are said to be in 'fuel poverty' – a fuel poor household needs to spend more than 10% of its income on fuel in order to heat the home to an adequate standard.



- 6.7.** Rising energy prices impact on all sectors. The importance of energy issues in relation to Torbay’s public buildings as essential social infrastructure should not be underestimated. Not all communities will be well equipped financially or socially to adapt to climatic and energy cost changes, however it is essential that key public services are not also eroded by rising costs, at times when they may be needed most.
- 6.8.** Each year, many people die or become ill due to cold homes. Evidence shows that living in poor housing can lead to an increased risk of cardiovascular and respiratory disease as well as to anxiety and depression. Aligning the environmental and health agendas on the health benefits of reducing fuel poverty and improving the thermal efficiency of existing housing stock is clear. In Torbay many people live in cold, damp sub-standard, energy-inefficient housing which is estimated to cost the South Devon Health Care NHS Trust in the region of £3.4M per year.
- 6.9.** Home energy use is responsible for over a quarter of UK CO₂ emissions and 44% of the Bay’s emissions, which contribute to climate change. Ultimately, by 2050 all dwellings will need to achieve an energy performance rating in the range of a high Energy Performance Certificate band B to A if we are to reach the target of an 80% cut in CO₂ emissions across the entire housing stock.
- 6.10.** The UK government revised definition of fuel poverty (August 2013) is that households that have fuel costs that are above average (the national median level) and were they to spend that amount they would be left with a residual income below the official poverty line. Previously a household was said to be fuel poor if it needed to spend more than 10% of its income to maintain a satisfactory heating. In 2010 it was estimated that 9400 Torbay households were in fuel poverty with 11.3% in the owner occupied sector, 12.5% in social housing and 28.8% in the private rented sector.
- 6.11.** In 2010 DECC statistics showed that 16% of the Bay’s homes were fuel poor with pockets as high as 23% in parts of the Bay. There are 11,475 existing solid wall properties and 18,765 properties with hard to treat cavities in Torbay. 27% of the Bay’s homes have solid walls with the proportion of solid wall homes rising as high as 95% in some localities. ECO funded solid wall insulation therefore has a potentially important role in improving the thermal efficiency of many of the hard to treat properties.
- 6.12.** Over 13,300 properties fail the Thermal Comfort Criteria of the Decent Homes Standard in Torbay (21%) than compared to nationally (13%). The private rented sector is worst with 36% of the stock failing the standard, equating to a total of 4,758 properties.

- 6.13.** The latest private sector House Condition Survey shows that a relatively high proportion of Torbay's housing stock are privately rented properties, 22% of the stock as compared to the National average of 14%. It is estimated that there are 8 portfolio landlords in Torbay accounting for approximately 6% of the rented stock. Their portfolios range in size from 40 – 250 properties, and consist of a range of accommodation from bed-sits to luxury flats.
- 6.14.** Government schemes to assist those in fuel poverty provide assistance to make homes more energy efficient and cheaper to heat, providing additional income and by reducing bills through energy price support schemes.
- 6.15.** Many homes in Torbay are inadequately insulated and are not energy efficient meaning the occupants are losing money. Up to 54,000 properties in Torbay (84%) could have energy efficiency measures installed at an average cost of £4,050 per dwelling. This could include retrofitting existing housing, prioritising the most cost effective measures such as cavity wall and loft insulation through the Green Deal and ECO.
- 6.16.** The Green Deal, launched in January 2013, aims to improve energy efficiency for home owners and businesses by removing the up-front costs involved in insulation and power generation measures to consumers, as the cost is instead recouped through savings on energy bills. <https://www.gov.uk/green-deal-energy-saving-measures>
- 6.17.** Government plans to regulate energy efficiency using the Energy Act 2011 expects that from 2016, landlords will not be able to unreasonably refuse requests from their tenants for consent to install energy efficiency measures, where financial support is available, from the Green Deal. From 2018, landlords will no longer be able to let buildings with an Energy Performance Certificate (EPC) rating of below E without showing that all cost-effective measures to improve energy efficiency have been implemented.
- 6.18.** The Energy Company Obligation (ECO) scheme provides funding support for some low income households from large energy companies. The Devon Green Deal Partnership is a partnership of local authorities, working with an ECO funding provider to deliver the free energy efficient measures to eligible properties and focuses on helping vulnerable people and those who struggle to pay their fuel bills. <https://www.ofgem.gov.uk/environmental-programmes/energy-companies-obligation-eco/eco-guidance>
- 6.19.** Smart metering will improve the efficiency of the energy network by balancing the energy supplies we have more accurately with our consumption patterns. In accordance with government proposals, all energy providers will be obliged to install 50 million gas and electricity meters installed in 27 million homes by 2020 allowing consumers to make more informed decisions to reduce their energy bills and carbon emissions.

7. Sustainable transport

- 7.1.** Transport is a major contributor to the UK's energy demand and greenhouse gas emissions. Significant reductions in demand and emissions will come from improvements to conventional engine technology and from developing vehicle technologies that will allow us to use low carbon fuels to power road vehicles.
- 7.2.** The UK Carbon Plan expects average emissions of new cars to fall by around a third over the next decade alongside a planned increase in the use of biofuels and emerging hydrogen technology. According to the Torbay and Devon Joint Local Transport Plan (LTP3), much or all of the decrease in emissions from improved vehicle efficiency and fuels could be offset by growth in road transport resulting from new development.
- 7.3.** Transport is a vitally important factor in economic growth, moving goods and workers, allowing people to access employment, services, friends and family, leisure and tourism activities and their wider communities. During 2011, 24% of CO₂ emissions in Torbay came

from road transport. The 6% fall in emissions between 2005 and 2010 was possibly influenced by factors such as improved fuel efficient vehicles and a decrease in road travel as a result of the economic downturn.

- 7.4.** Per capita transport emissions in the Bay are amongst the lowest in the South West peninsula at 1.2 tonnes. Around 40% of emissions are from the A-roads linking and running through the three towns, with the remaining 60% from smaller local roads. Around two-thirds of emissions are from cars with over half of car journeys being less than 5 miles in distance. In general road traffic is constant or declining, but with projected population growth this is likely to increase.
- 7.5.** In Torbay everyone can play a part in changing this by walking, cycling or taking advantage of public transport and considering innovative alternatives to travel. To reduce CO₂ emissions from the roads, the council will support behavioural change through engagement and education and physical infrastructure provision. The Local Sustainable Transport Fund (LSTF) is working to promote modal shift from single car occupancy to low carbon alternatives through a series of infrastructure projects, public transport service upgrades, collaboration with local employers, as well as behaviour change programmes.
- 7.6.** The long term plans set out in the Local Transport Plan focus on five goals; to reduce carbon emissions, support economic growth, promote accessibility, contribute to better safety, security and health and to improve quality of life and a healthy natural environment. The co-benefits from these measures encourage active travel that creates significant health economic benefits.

8. An energy efficient council

- 8.1.** In 2012/13 Torbay Council's £1.4M spending on electricity and gas equated to 13,541 tCO₂e (13.53 KtCO₂e) emitted. The council continues to realise significant financial savings and reduce its contribution to climate change through efficiency measures and continues to embed organisational change and develop behaviour change projects and policies that reduce costs and carbon in service delivery.
- 8.2.** Future challenges of increasing energy costs and reducing council capital and revenue budgets are significant. Government forecasts (DECC, 2011) estimate that energy inflation will rise between 5% (optimistic) and 10% (more realistic) in the short to medium term. This will raise the Council's energy bill significantly driving cost avoidance measures further.
- 8.3.** Torbay Development Agency's, Property Services and Asset Management teams monitor energy and water consumption from Council's buildings, including schools, libraries, and offices. Energy efficiency projects have been far ranging and have included voltage optimisation, draught proofing, solar filming, a water-less public toilet pilot, car park & street lighting and bollard upgrades, smart and automatic meter reading and the introduction of building management systems.
- 8.4.** Torbay Council's Local Authority Carbon Management Programme (LACMP) was based upon an invest-to-save model. Over the first two years of the programme (2008-2010) over £1M was saved when comparing energy use against a 'business as usual scenario' projected before the implementation of the Carbon Management Plan.
- 8.5.** Since 2008 a SALIX £280K fund has annually delivered eligible energy efficiency measures on council assets reducing electricity consumption and generating lifetime cost savings.
- 8.6.** Upgrades to highway lanterns, signs and bollards to low energy LED lighting have brought the cost of street lighting down. Additional investment in LED lanterns and centralised management system technology combined with conversions to white light sources, part night

lighting, dimming and removal of some lighting columns is expected to reduce the annual street lighting bill further.

- 8.7. For seven consecutive years, the council has reduced business miles generating financial and carbon savings. These savings reflect the changes in attitude and behaviour towards staff travel, transformed services and more effective delivery of essential journeys.
- 8.8. Up until 2013 the council responded to a range of national performance targets related to climate change, energy use and statutory annual emissions reporting under the Carbon Reduction Commitment (CRC). The council was subject to purchasing a 'Carbon Allowance' in the region of £160,000 a year. Current government policy indicates that Torbay Council will be exempt from future 'carbon tax' payments.
- 8.9. Waste management makes a significant contribution to UK emissions of greenhouse gases, in particular methane from landfills. Other forms of waste management (e.g. recycling or incineration with energy recovery) can result in net reductions of emissions of greenhouse gases through energy recovery or materials recycling. The Council aims to influence a reduction of emissions from sources associated with outsourced services, such as domestic waste collection and processing, Street scene services and asset management and those emissions 'embedded' in procured products and services.
- 8.10. Predicted future increases in household waste in Torbay, if not addressed effectively, will lead to significant increases in cost. The 2013/14 recycling rate of 44% reduces landfill costs and will continue to offset increasing landfill charges.
- 8.11. The council will continue to work with TOR2 to develop recycling schemes, and create improvements to current collection schemes and promotional activities to encourage residents to recycle 50% of their waste by 2020.
- 8.12. In 2014/15 Torbay will be sending its residual waste to an Energy from Waste facility in Plymouth. Over the life of the 25 year contract this incineration solution is estimated to save Torbay £106M against continuing with the landfill option. In carbon terms it will save the equivalent of around 73,000 tCO₂ (73KtCO₂) every year- this equals more than 700 hectares of forest, the size of 1,000 football fields.
- 8.13. 8.13 The UK already holds a 3.5% share of the global market for low carbon and environmental goods and services, worth around £107 billion and employing 880,000 people in this country, with significant potential for that to grow. Current projections suggest that by 2014/15 the low carbon and environmental goods and services sector in the UK could be worth as much as £150 billion, and it is Torbay's task to claim a share of this benefit.
- 8.14. The renewable energy and energy efficiency sectors in the South West region directly employ around 10,000 people and have an economic benefit of over £400 million GVA annually. There has been considerable growth in the low carbon sector, with direct employment within the renewable energy industry growing by 80% from 2008 and 350% from 2005, RegenSW predict that this is a trend which is set to continue
<http://www.regensw.co.uk/>
- 8.15. The council has a unique role to play in capturing a proportion of this value for the local economy through job creation, wealth generation and addressing social deprivation. It has recognised this opportunity together with the potential to reduce the carbon emissions across the Bay and is working towards to establishing a vehicle which will facilitate the expansion of sustainable energy projects.
- 8.16. The council is currently exploring the option of an Energy Performance Contract model (EPC). It would provide a structure which has the ability to adapt to changing legislation and policy over time, be financially self supporting with the ability to attract external finance whilst enabling partnership working and providing an agile procurement route for future projects.
- 8.17. Identifying, controlling and managing risk associated with energy and climate change reduces the council's exposure to risk; reducing liabilities, insurable losses and potentially

insurance rates. The Corporate Risk Register considers the implications posed by the changing climate.

- 8.18.** Torbay Council uses the national Resilience Direct portal to facilitate multi-agency collaboration in an emergency. It is currently a pilot area in Climate UK's Severe Weather Impacts Monitoring System (SWIMS) and is supporting Environment Agency colleagues to provide appropriate support and guidance.

9. Flooding and drainage

- 9.1.** Torbay Council is a Lead Local Flood Authority (LLFA), it is responsible for delivering the statutory duties of the Shoreline Management Plan and Flood & Water Management Act and is preparing to become a Sustainable Drainage Approval Body (SDAB).
- 9.2.** The UK in 2013/14 experienced an exceptionally wet winter. It was the wettest January and winter season (December to February) since records began in 1766. The South West of England including Torbay suffered from both flooding and storm damage that caused significant damage and the closure of strategic transport infrastructure for prolonged periods.
- 9.3.** In addition to the transport impacts, flooding and storm damage affected homes, businesses, business continuity and communities across the Bay. As well as direct damage to individual businesses, there are signs that the 2013/14 weather events had an impact on tourism bookings.
- 9.4.** Protecting Torbay's communities, businesses and infrastructure from flooding is a pre-condition for sustainable growth. It is planning to undertake an assessment of the Bays coastal defences and assets to consider the implications of future sea level rise

10.A resilient Torbay

- 10.1.** The extreme weather events of early 2014 have once again highlighted the impact that extreme weather has on community resilience, transport, local government and the economy of the South West Peninsula. Severe flooding events, storm surges, tidal issues and high winds were experienced in Torbay having an impact on individual people, communities, infrastructure and economic performance. The whole region is southern Britain's front-line for intense storms tracking across the Atlantic under the influence of the jet stream. Climate change projections warn that such events will occur more frequently up to 2050 and beyond.
- 10.2.** The UK Climate Change Programme 2009 (UKCP09) starkly illustrates the changing weather patterns that are likely to be experienced in the UK as a whole and in the South West in particular. The increased risk of flooding in Torbay will be due to the combined predicted sea level rise and increased rainfall.
- 10.3.** Torbay needs to prepare and adapt to the changing climate to be ready for the impacts on homes, businesses, infrastructure and health that will arise from the effects of climate change. The climate will continue to change even if emissions are reduced to zero in the near future. Higher temperatures and heat waves, rising sea levels and more frequent, more intense storms are likely to lead to greater damage to property, utility networks, travel, and communications infrastructure and interruptions to business supply chains.

Furthermore, health and social care requirements and the way other public services are delivered are likely to change. Torbay Council will work with its partners in the National Health Service and with Public Health England to ensure it is resilient to and prepared for any health impacts arising from climate change.

The Department of Health and the Health Protection Agency published a draft report on the Health Effects of Climate Change in the UK. From this and other sources, climate change can be expected to cause an increase in deaths, disability and injury from:

- extremes of heat and cold;
- floods and storms, including health hazards from chemical and sewage pollution;
- food poisoning;
- respiratory problems from the damaging effects of surface ozone during the summer and mould growth in housing;
- skin cancer and cataracts;
- insect-borne disease from increases in flies and fleas

- 10.4.** Torbay Council as an estate manager, service provider and community leader plays a vital role in ensuring that climate change adaptation is taking place at a local level. Whilst some of the policies and proposals highlighted in this document are the responsibility of the council other policies and proposals cover areas of joint responsibility where there is a need to develop shared solutions. Local government, industry, communities and civil society all have important roles to play.
- 10.5.** The council's Corporate Business Continuity Strategy considers what critical functions and resources are required to deliver key products and services and identify the risks to these critical functions. Business continuity plans relate to business units and specific locations each considering external emergencies such as extreme weather, flooding, or infectious diseases.
- 10.6.** The council is working to gain a collective understanding of the most urgent climate risks as well as widespread commitment to action. Working in partnership with Heart of the South West Local Enterprise Partnership (HotSW) and regional local authorities, Torbay is contributing to the development of projects that help the Bay and its communities withstand extremes of weather more robustly.
- 10.7.** The council is working in partnership with HotSW and regional local authorities to draw attention to the urgent need for developing resilience measures. Torbay has lobbied central government for better rail links that meets the needs of 21st century businesses and visitors. The Peninsula Rail Task force is calling for faster and improved capacity whilst promoting electrification of the line.
- 10.8.** Torbay is reliant on a small number of strategic routes which means that the implications of closures, incidents and delays on both the highway and rail network are very significant. The resilience of vital infrastructure will continue to be high profile and will require investment both locally and nationally. The direct impacts of weather events that create damage to the condition of roads results in significant financial implications for Torbay Council.
- 10.9.** The completion of the South Devon Link Road will improve access to Torbay complementing proposals for a resilient additional railway line in the South West positioning Torbay as a global destination on the UK's main transport network.

11. Energy security case study

- Enable the installation of energy efficiency measures and improvements in existing homes, businesses, council and school buildings
- Support the delivery of the Green Deal and ECO in Torbay
- Disseminate information about incentives on the delivery of micro renewable technologies
- Investigate the creation of an 'allowable/off site solutions' fund to assist developers meeting their CO2 reduction obligations and to deliver local renewable energy solutions

Torbay schools light the way forward by helping the environment and generating their own electricity.

Torbay Council has worked with schools in the Bay to install solar panels saving thousands of pounds over the panels' lifetime (25 years). In addition to the CO₂ emissions saved every year.

Projects like these are practical examples of the council working in partnership to reducing carbon emissions to become greener and save money. Our schools have a major part to play in helping Torbay become more environmentally friendly - not just by using renewable energy, but also as a resource that can be used to help educate pupils about energy security so they can pass the message onto their parents and carers.



12. Powering the economy case study

- Business resilience to climate change is becoming increasingly important. Incorporating the changing climate into planning is helping businesses to identify new opportunities and challenges. Planned change is more cost effective and less expensive than last minute, reactive actions. It has been estimated that every £1 spent on climate adaptation could save £4 in avoided damages. Some changes that can make businesses more resilient can be made without any direct costs such as changes to policy or procedures.
- Torbay Council aims to provide climate change advice and project development support to businesses in the Bay
- Strengthen local supply chains and promote the use of local goods (including food) and services within the parameters of procurement legislation
- Torbay Council is providing personalised travel plans to SMEs in key employment areas to support the new sustainable transport infrastructure

The Green Deal aims to cut energy bills and carbon emissions from buildings by making energy efficiency easy and affordable for householders and businesses. The government aims to insulate 14 million homes by 2020 through the Green Deal and says it should deliver energy efficiency and heating measures worth an estimated £1.3 billion. The Green Deal programme is expected to double the number of insulation and construction jobs to 60,000 by 2015.

www.torbay.gov.uk/greendeal



13. Energy efficient homes case study

- Enable the installation of energy efficiency measures and improvements in existing homes
- Market home energy efficiency improvement schemes and incentives under the Cosy
- Work with social housing providers and private landlords to improve the energy efficiency of Torbay's housing stock in partnership with Devon County Council (ECO/Green Deal)
- Investigate the creation of an 'allowable/off site solutions' fund to assist developers meeting their CO₂ reduction obligations and to deliver local renewable energy solutions

Through means of sustainable construction, the Bay's affordable housing projects will help to achieve a low carbon footprint for the community and minimise residents' home running costs. New homes will be designed to consider energy efficiency, water and surface water management, site waste management, household waste management and use of materials.

The Passivhaus example at the South West Energy Centre displays photovoltaic cells, smart meters, solar panels, rainwater recycling and permeable paving, excellent air tightness, significant levels of insulation and triple glazing. Photovoltaic cells will generate electricity for the residents and the solar energy generated will provide them with hot water, these combined with very high levels of insulation will result in significantly reduced running costs.



14. Sustainable transport case study

- Secure funding for rail improvements, to increase the rail network and improve multimodal access to local stations and journeys by train
- Provide bus infrastructure improvements, through the introduction of shelters, public transport timetable information and real time information both on site and through mobile technology

Citizen rail projects funded by Interreg (European Regional Development Fund) have provided more trains and better stations on the line between Exeter, Newton Abbot and Torbay as part of a £6.5m EU project focusing on local and regional railways. The project includes partners from Britain, France, Germany and the Netherlands and will run until September 2015.

Led by the Devon & Cornwall Rail Partnership, the project will include additional services between Newton Abbot and Paignton, local marketing and publicity campaigns, station improvements and building up community involvement in the line, through the establishment of a new community forum and encouraging volunteers and station friends groups, including the existing Torbay Line Rail Users' Group. <http://therivieraline.com/>



15. An energy efficient council case study

- Monitor energy consumption and implement behaviour change and energy management programmes to deliver more efficient use of corporate buildings and schools
- Review and rationalise the street, highways and car park lighting developing LED bulb replacement
- Continue to streamline and green the council's vehicle fleet and fleet operations
- Implement the staff travel plan and smarter working policies to reduce staff mileages
- Improve our understanding of the greenhouse gas emissions arising from outsourced products and services and use our influence to reduce them
- Consolidate and rationalise the council estate by making better use of space
- Help residents, schools and businesses reduce, re-use, recycle and compost their waste



Power Down is a Mayoral initiative to help all staff to develop an energy-aware culture at work to save money and make carbon savings. Energy is one of the largest controllable overheads in many local authority buildings so we are taking as many opportunities as possible to make savings and create long-term sustainable changes.

Reducing energy use makes perfect business sense; it saves money, enhances the council's reputation and helps in the fight against climate change.

The reality is that staff are just as important as energy saving devices. It is people that control the equipment and know how things get done.

16. Glossary

Carbon dioxide	CO ₂	Carbon dioxide is a gas in the Earth's atmosphere. It occurs naturally and is also a by-product of human activities such as burning fossil fuels. It is the principal greenhouse gas produced by human activity.
Climate change		A pattern of change affecting global or regional climate, as measured by yardsticks such as average temperature and rainfall, or an alteration in frequency of extreme weather conditions. This variation may be caused by both natural processes and human activity. Global warming is one aspect of climate change.
Defra	Defra	The Department for Environment, Food and Rural Affairs (Defra) is the government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities in the UK.
Fossil fuels		Natural resources, such as coal, oil and natural gas, containing hydrocarbons. These fuels are formed in the Earth over millions of years and produce CO ₂ when burnt.
Greenhouse Gases	GHG	Natural and industrial gases that trap heat from the Earth and warm the surface. The Kyoto Protocol restricts emissions of six greenhouse gases: natural (carbon dioxide, nitrous oxide, and methane) and industrial (per fluorocarbons, hydro fluorocarbons, and sulphur hexafluoride).
Equivalent carbon dioxide	CO ₂ e	Equivalent carbon dioxide (CO ₂ e) describing how much global warming a given type and amount of greenhouse gas may cause, using the functionally equivalent amount or concentration of CO ₂ as the reference.
Kilowatt Hour	kWh	A unit of energy equal to 1000 watt hours. The kilowatt hour is most commonly known as a billing unit for energy delivered to consumers by electricity utilities.
Intergovernmental Panel on Climate Change	IPPC	The international body for assessing the science related to climate change. It was set up in 1988 by the World Meteorological Organization (WMO) and United Nations Environment Programme (UNEP) to provide policymakers with regular assessments of the scientific basis of climate change, its impacts and future risks, and options for adaptation and mitigation.
Local Authority Carbon Management Plan	LACMP	Carbon Trust's initiative to enable Torbay Council to apply a systematic and ordered approach to reduce carbon emissions.
Local Plan		The document sets out key issues, aspirations for the future, and policies for delivering and managing change to 2032. It forms the statutory basis for decisions on spatial planning within Torbay and builds on the ongoing engagement with Torbay's three Neighbourhood Forums.
National Planning Policy Framework	NPPF	Published in 2012 this key part of Government reform makes the planning system less complex and more accessible whilst protecting the environment and promoting sustainable growth.

Neighbourhood Plan		The Localism Act 2011 introduced new powers for people to make neighbourhood plans and neighbourhood planning orders. They are in addition to existing opportunities for community involvement, which are already part of the planning system.
SALIX		Salix Finance Ltd. delivers 100% interest-free capital to the public sector to improve their energy efficiency and reduce their carbon emissions.
Solar PV		Solar photovoltaic cells (PV) capture the sun's energy and convert the sunlight into electricity.
Torbay Development Agency	TDA	A public and private sector partnership created to ensure the regeneration and future sustainability of Torbay.

Prepared by:

Environmental Policy Team, Torbay Council, 2nd Floor Electric House, Castle Circus, Torquay. TQ1 3DR

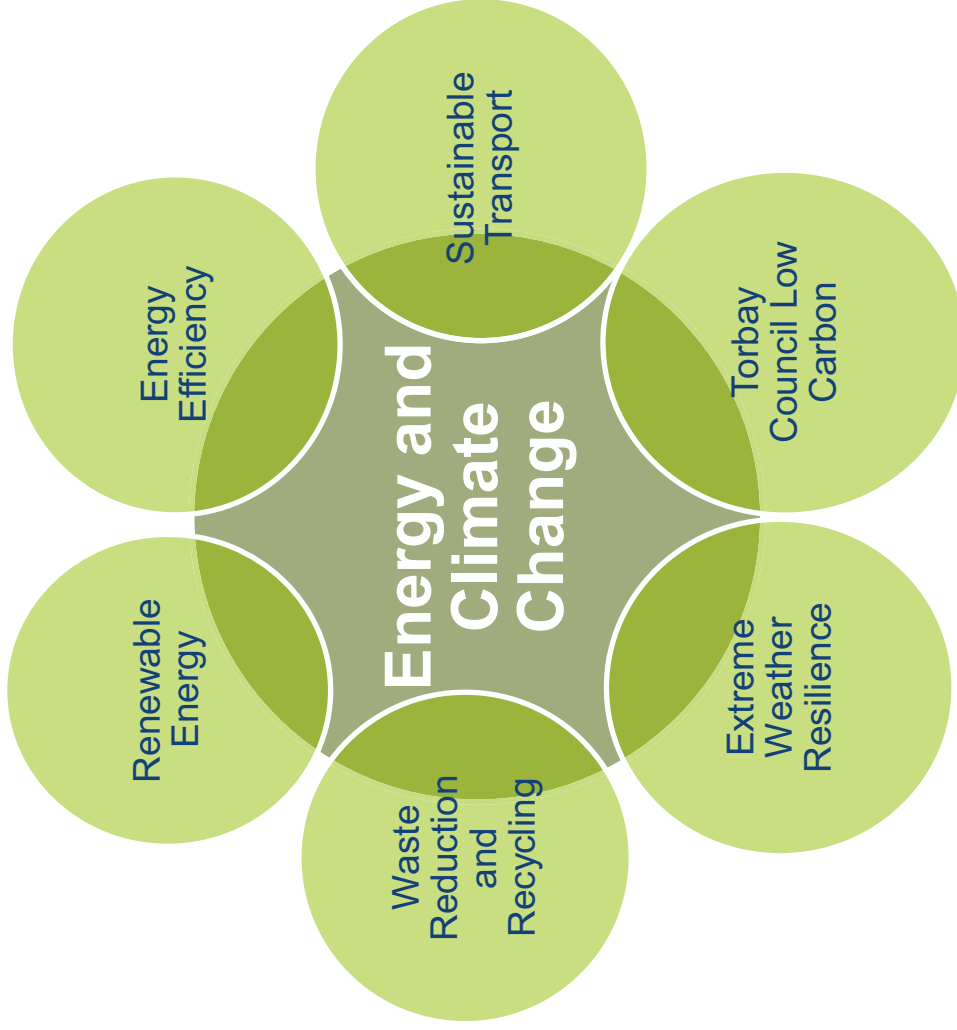
Torbay Council's Environmental Policy Statement was approved on World Environment Day 5th June 2013 and recognises the need use resources wisely and encourage others to do the same.

www.torbay.gov.uk/environmentstatement

For further information on this report or to request an alternative format please contact Environmental Policy on 01803 207750 or email sustainability@torbay.gov.uk

This report can be accessed via the internet: www.torbay.gov.uk/climatechange

17. Appendix 1: Energy and Climate Change Projects 2014-2019



Energy and Climate Change Action Plan

Torbay Council's energy and climate change projects will help to create a low carbon future, improve resilience to the changing climate and to keep resources in the Bay.

Energy and climate change projects underpin the council's response to core climate change issues and will result in capital investment from the private and public sectors over the strategy period. In order to deliver projects the strategy aims help support the council's ability to secure additional grants and investments from a variety of sources. Torbay Council will further seek to secure funding through the submission of bids as relevant funding opportunities arise.

Energy Efficiency

National energy efficiency programmes will deliver significant investment in Torbay over the next five years. There is also considerable potential for Torbay Council to work in partnerships and encourage low carbon private sector development. Torbay Council will promote activity and involvement in energy efficiency measures and renewable energy generation to the community and businesses.

Project	Action	Funding	Timescale
Energy Company Obligation (ECO) projects as a bay wide initiative focusing on areas most at need	Delivery of ECO projects working with vulnerable residents, and hard to treat properties 100% funded by EON supported by officer time	£1.6M up until March 2015 to deliver 1113 energy efficiency measures in Torbay	Phase 1, 2014/15 with delivery to be extended over the length of the strategy subject to contract performance
Green Deal projects for homeowners, private tenants and landlords	On-going promotion of national schemes	100% funded by national government supported by officer time as part of the Cosy Devon brand	Market led over the duration of the strategy
District heating/Combined Heat and Power	Support and progress development where appropriate. Supported using officer time	Assessed for suitability on developer application	Developer led over the duration of the strategy

Energy efficiency and investment in renewables in the built environment	Many potential projects could be developed once funding has been secured	Developer contributions through Section 106 agreements and future Community Infrastructure Levy will be sought and there will be potential for funding schemes through European funding. Use 'allowable solutions' funding to deliver additional energy efficiency projects. Supported using officer time	Projects will be delivered over the duration of the strategy as funding is secured
Torbay Council partnership working with the South West Energy Centre and TDA	Projects that encourage low carbon economy e.g. Innovation Centre incubation units	Supported using officer time over the period of the strategy	On-going over the period of the strategy 2014/19

Sustainable Transport

The Local Transport Plan 3 (LTP3) details projects and activities that will deliver economic benefit, carbon reduction, and increased resilience in Torbay. The council will work with local and regional partnerships to ensure road and rail links are as resilient as possible. Capital funding will continue to come from our annual LTP Integrated Transport grant from Government and major scheme funding. The Local Sustainable Transport Fund (LSTF) provides capital and revenue funding to March 2015 with bus revenue support budgets of LSTF related services.

Project	Action	Funding	Timescale
Railway station developments	New station subject to Local Enterprise Partnership funding 2017/18. Torquay, Torre and Paignton station improvements in development. Supported using officer time and pre-development funding	Subject to Local Enterprise Partnership funding	Pre development phase 2014/15 towards delivery 2017/18
Sustainable transport initiatives	On-going including walking, cycling, public transport initiatives and travel planning. Supported using officer time	Capital funding will continue to come from our annual Local Transport Plan Integrated Transport grant from Government and major scheme funding	Projects will be delivered over the duration of the strategy as detailed in the LSTF
Real time bus information	Baywide real time bus/travel information system	Funded from the Better Bus Area Fund Grant of £514,000 in 2014/15	Real time bus/travel infrastructure and delivery going live 2014/15

Electric vehicle charging points	Planned 3 x installations 2014/15.	Grant funded (75%) from the Department of Transport with council support from existing budgets.	Project delivery due to be started 2015
----------------------------------	------------------------------------	---	---

Torbay Council Low Carbon

Energy efficiency will be implemented on council buildings and assets. This can be achieved by using funding methods such as an energy performance contract; a council invest to save model and the development of an energy service company. The council will continue to develop staff travel policies and work practices that reduce carbon emissions, save money and resources.

Project	Action	Funding	Timescale
Buildings and assets energy efficiency projects	Projects based on funding opportunity and business cases. Begin the first phase of an energy performance contract to generate energy reduction measures on appropriate corporate buildings	Project funding based on opportunity and business cases	On-going projects 2014/19 based on funding opportunity and business cases
SALIX funded energy efficiency projects	Torbay Council matches the Carbon Trust Salix Fund as a long term loan to create an annual energy efficiency fund. Leadership and support for the delivery of this fund is provided by the Torbay Development Agency	Currently £140,000 is available to departments to enable investment in projects to reduce energy costs and CO ₂ emissions. Projects need 100% matched funding from existing council budget	Eligible projects to be delivered based on available match funding
Staff awareness, training and education	Development of relevant /learn training modules. Inclusion of energy efficiency in staff induction plans, staff code of conduct and promotion via internal communications	On-going internal communication and initiatives developed using officer time. Officer time to secure council involvement in national campaigns like Climate Week based on existing budgets	Annual programme of local and national campaigns. Staff policy development over the period of the strategy 2014/19
Environmental management system	Development of an EMS	Business case development based on ISO14001 using invest to save principle and officer time	Initial project development 2015

Street and car park lighting	On-going management and up-grading improvements	Use eligible SALIX funding on an annual basis with match secured on an invest to save basis from council budgets	Annual review of opportunity and delivery where appropriate
Policy delivery	Further develop and embed the Sustainable Procurement Policy, Environmental Policy Statement , Corporate Travel Plan and IT solutions	Use office to time to progress	Annual review of policy to improve and further develop delivery

Extreme Weather Resilience

Working in partnership to reduce our vulnerability to extreme weather events, sea level rise and flooding.

Project	Action	Funding	Timescale
Environment Agency and South West Water partnership projects	Haldon and Princess Pier projects (subject to funding)	Support the development of flood defence projects, community resilience and flood warden schemes using officer time	Close partnership working to secure investment. Ongoing flood steering group meetings
Coastal Defence Study	Undertake an assessment of Torbay's coastal defences and assets in respect to flooding	Subject to Environment Agency funding	2015/16
Sustainable Drainage Approval Body	Confirmation of approval body status due 2015	Funding provided via Sustainable Drainage Authority status	SDAB status to be confirmed by government 2015/16
Peninsular Rail Task Force	Safeguarding and improving the strategic rail links to the South West	Supported using officer time	On-going monthly meetings
Local Resilience Forum	On-going partnership working with Devon, Cornwall and the Isles of Scilly Local Resilience Forum	Supported using officer time	On-going monthly meetings
Resilience Direct/Severe Weather Impact Monitoring System	Torbay Council to use and support the development of national systems	Supported using officer time	On-going project development and engagement

Waste Reduction and Recycling

The Torbay Council Municipal Waste Management Strategy details projects and activities that will reduce waste, improve recycling rates and manage residual waste in Torbay.

Project	Action	Funding	Timescale
Waste reduction	Work with TOR2 to improve efficiency of the service and jointly develop projects that improve collection schemes	Supported using officer time and existing budgets	2015/16
Recycling	Work with TOR2 to jointly develop recycling education projects and promotional activities to encourage residents to recycle 50% of their waste	Supported using officer time and existing budgets	Annual recycling plan agreed with TOR2
TOR2 Carbon Plan and reporting	Work with TOR2 to agree Carbon Plan and annual carbon report	Supported using officer time	Carbon plan agreed to the end of the strategy and monitor annual carbon report

Renewable Energy Projects

The council will support the community and businesses in the development of renewable energy where possible. The potential to deploy solar PV and biomass boiler projects on council buildings and assets will continue to depend on robust business cases that show a return on investments.

Project	Action	Funding	Timescale
Energy from Waste facility	Residual waste to be taken to Plymouth Energy from Waste facility from 2014/15	Funded from existing budgets with estimated savings of £29M over 25 years	Project due to commence 2014/15
Solar PV projects	Appropriate projects could be developed on council assets	Council project proposals will be considered based on their own business cases	Projects considered on their own individual merit as they come forward as opportunities. On-going projects 2014/19 based on funding opportunity and business cases

Biomass projects	Appropriate projects could be developed on council assets	Council project proposals will be considered based on their own business cases	On-going projects 2014/19 based on funding opportunity and business cases
Renewable heat projects	Support and progress development where appropriate e.g. Micro-renewables/ heat pumps	Based on individual invest to save business cases using the national Renewable Heat Incentive scheme	Projects in 2014/19 based on funding opportunity and business cases



June 2014

Statement of representations Energy and Climate Change Strategy

Contents

Contents.....	2
Introduction.....	3
Consultation and Engagement Process.....	3
Overview and Scrutiny.....	4
Public Consultation Responses	4
Energy and Climate Change Strategy - Press Release	7
Have your say on Torbay's Energy and Climate Change Strategy PR4298 27/05/2014	7
Appendix 1	8

Introduction

Torbay Council is committed to ensuring that this revised strategy considers a consultation process engages with the local community and partners. The consultation process for the Energy and Climate Change Strategy has included involvement of key internal and local stakeholders, including elected Members, the local community and partners.

Consultation and Engagement Process

Public Consultation

A three week public consultation period was conducted between 28th May 2014 and 18th June 2014. The document was made freely available on the Torbay Council website, printed draft copies were available for reference in Torbay's libraries and Connections offices.

The consultation period was publicised with press releases to local media and distribution of posters advertising the consultation. Targeted emails were sent to Voluntary and Community groups and Social Enterprises in Torbay. External partners were also individually invited to comment. Various social media platforms were used to promote the consultation.

Internal Council meetings

The strategy was the subject of consideration and discussion at various internal departmental meetings and considered more widely at the Conservative Group 22/04/14, and Senior Leadership Team meeting 29/04/14.

The draft strategy was considered by the Council's Overview and Scrutiny Board at its publicly accessible meeting on the 18th June 2014.

Consultees

An invite to engage with the consultation was sent to organisations and representatives of:

All Torbay councillors
Brixham Town Councillors
Torbay Harbour Authority
Torbay Development Agency
TOR2
English Riviera Tourism Company
South West Energy Centre
Torbay Coast and Countryside Trust
Torbay Community Builders
Living Coast/Paignton Zoo
Teignbridge Council
South Devon AONB
South Hams District Council
Devon County Council
464 local Voluntary and Community groups and Social Enterprises in Torbay (see Appendix 1)

Overview and Scrutiny

Torbay Council's Overview and Scrutiny Board considered the strategy on the 18th June 2014 and recommended amendments.

O & S Board recommendation: That examples/action plans to underpin the strategy and core climate change issues the Local Authority should be tackling are included in the strategy.

The strategy was amended by the inclusion of five case studies and an action plan detailing the funding and timescale of project delivery over the five year duration of the strategy

Public Consultation Responses

All representations received have been given careful consideration together with the issues they have raised. Where appropriate, amendments have been made and incorporated into the text

Cllr Matthew James - Date received – 28/05/14	
Comment/ All document	It doesn't mention emissions from food. The UN in 2007 said food contributed more to CO2 emissions than anything else including transport. I think we need to seriously consider policies as an authority to reduce food emissions such as promotions of initiatives such as meatless Mondays, earth hour, local food, farmers markets and importantly – why not change our tree strategy to say the trees we plant on the streets or the plants we plant in our parks will be edible e.g. fruit trees which people can access food from if they so wish. It's many little things together that will add up to a big difference.
Comment/ reference 5.7	The other big thing I think is missing is raising awareness of the issue of Peak Oil. I couldn't find it mentioned in the strategy and I think it's a bigger threat to humanity than even climate change. I think it's very important to put information about Peak Oil in there and start getting everyone preparing for it – If oil runs out (and soon after the other non renewables run out)....we won't even be able to make things like solar panels....Torbay needs to start preparing people for that eventuality now considering its likely we have just passed Peak Oil.
Proposed action and notes	The strategy has been amended to include food security as an element of Climate change resilience Policy 9. 'A Tree and Woodland Framework for Torbay 2012-17 references Climate Change (3.3) and Community Orchards (4.3.5). Furthermore the GI strategy has many references to fruit trees The first CCS has a specific reference to Peak Oil, and sections on 'what is' and 'why act' on climate change. The revised updated document has been amended to link back to the original document and reference these sections.

Comment/ Document reference	The Torbay Strategy looks very promising but it would be good to see reference to the Community Energy Strategy https://www.gov.uk/government/publications/community-energy-strategy .
Proposed action and notes	The strategy has been amended adding a link to the Community Energy Strategy in section 2.8

Sheila O'Connor– Member of the public - 09/06/14

Comment/ All document	In reading through the draft energy and climate change plan, there seem to be two areas missing from the policies under Resilience. The first is the need for resilience and adaptation work that concerns nature and the natural environment in its own right, and not just using the natural environment as a means to improved resilience using the environment as stated in Policy 9 - Torbay Council will work with partners to explore opportunities for reducing carbon emissions and contribute to resilience using the natural environment. The second is given the importance of agriculture in Torbay, it seems an omission not to specifically describe a policy for working on climate change issues as they relate to agriculture.
Proposed action and notes	ECCS Policy 9 is written in a broad sense to encompass the comments made relating to the whole natural environment including agriculture and the wider understanding of the tern resilience including food security. Section 5.7 has been amended to include sustainable agriculture. The councils Local Plan specifically covers this area in detail: <ul style="list-style-type: none"> • Section 6.3.1.7. page 111 Policy SC4 Sustainable food production • Policy C1 Countryside and the rural economy p110 • and Policy NC1 Biodiversity and geodiversity p120

Chris Bouchard– Senior Valuer, TDA - 10/06/14

Comment re- 2.7	I think that the strategy should make reference to the potential effects of the Energy Act 2011 as it is intended that this will come into force on 01 April 2018.
Proposed action and notes	Section 2.7 references and includes a link to the Energy Act 2011. The potential exposure to financial risk to the authority is being considered in relation to mandatory EPC ratings in council owned buildings has been added in section 8.4 The Council, along with other commercial landlords, will need to consider the effects of the Energy Act 2011 in terms of the energy efficiency of their let estate. If any work needs to be done to ensure premises reach the required standard and if, for whatever reason, it can't be funded through the Green Deal and/or the Energy Company Obligation then there may be some cost implications to the Council or other landlords.

Doug Palmer– Member of the public - 18/06/14

Comment/ All Document -	I believe we all have to do as much as we possibly can to create a better future. Renewables are the only option for our future energy needs and it makes good financial sense too. In Torbay we have the potential for wind, solar (pv and thermal), hydro, wave and tidal energy projects.
-------------------------	--

	<p>The lagoon project currently being considered for the Bristol Channel could perhaps be adopted in part for the bay.</p> <p>Rain water harvesting should also be considered, as it reduces the energy required to pump and process our drinking water. It should help reduce the council's water costs.</p> <p>Low impact housing should be encouraged.</p> <p>And a monorail public transport system could provide a clean, environmentally responsible system.</p> <p>It also requires little floor space, would help tourism.</p>
<p>Proposed action and notes</p>	<p>Section 4.7 responds to the statements regarding renewable energy potential in Torbay signposting readers to Torbay's Planning Policy Statement 1, Sustainable Energy Assessment.</p> <p>Significant investment in offshore renewable projects in Torbay can only be considered at a national level and no current information regarding future projects is available.</p> <p>Section 8.11 has been amended to reference water management</p> <p>The document has been amended to highlight the potential for rainwater harvesting in Torbay and acknowledge the potential cost benefits</p> <p>The policies set out in the emerging Local Plan are essentially about growth within environmental limits. It contains policies that specifically encourage low impact housing e.g. DE1, ES1, ES2 and SS13.</p> <p>Investments in projects in sustainable transport systems are currently considered within the Local Sustainable Transport Plan 2011 – 2026 and no current information regarding future projects beyond that date is available.</p>

Energy and Climate Change Strategy - Press Release

Have your say on Torbay's Energy and Climate Change Strategy

PR4298 27/05/2014

Torbay Council has produced a new draft energy and climate change strategy and is seeking the views of Torbay residents and businesses. The consultation is open between 28 May and 18 June, and feedback can be given on line or by post.

Residents, businesses and other stakeholders are being invited to have their say which aims to tackle climate change and meet the energy challenge that faces everyone.

The strategy aims and build on the work already taking place in the Bay.

Torbay Council's second Climate Change Strategy aims to provide a framework for the council its partners and the wider community; to help build a low carbon future and increase energy security for local people.

The strategy takes forward the previous five year strategy of 2008 – 2013. It considers the financial and environmental impact of energy use and sets out actions on energy security and carbon reduction for the next five years. The policies and projects highlighted in the document build on the work already being carried out across the Bay.

Torbay has reduced emissions by over 25% since 1990 but to meet national targets - a 34% cut in carbon emissions by 2020 and 80% by 2050 - there needs to be considerable activity on an unprecedented scale.

Reducing emissions can have short term cost benefits for residents and businesses as well as helping secure the long term future of our energy resources and environment.

Torbay Council is keen to find out what the public thinks about the draft strategy; what they like about it, how it could be improved and how Torbay Council could support residents or businesses in reducing energy and emissions and addressing climate change.

The council's draft Energy and Climate Change Strategy can be viewed in Connections offices and libraries throughout the Bay, and on line at: www.torbay.gov.uk/climatechange and comments can be made via e-mail to sustainability@torbay.gov.uk or by post to Environmental Policy, Torbay Council, 2nd Floor Electric House, Castle Circus, Torquay, TQ1 3DR. The deadline for comments is 18 June 2014.

Torbay Council's Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy, Councillor David Thomas said: "Torbay Council is committed to safeguarding the energy resources for local people and ensuring that there is a sustainable and cost effective supply. Energy security and climate change has an enormous effect on us all; but it is in our hands to address it on a local as well as national level.

"We at Torbay Council realise that no one person or one organisation can tackle climate change alone; so we have devised a workable strategy that can enable us all make savings to help ourselves and the environment. We really want as many people as possible to tell us what they think so we can use their responses to shape this strategy."

Appendix 1

ORGANISATIONS
(T.O.R.C) Torbay Open Recovery Community
11th Torbay (Barton) Sea Scouts
1st Barton Brownies & Guides
2nd Paignton Boys Brigade
6th Torbay Britannia Sea Scouts
9th Paignton Guide Unit
Abbeyfield South West Society
ABCD / Riviera Renaissance
Acacia Training and development
ACE - Access to Community Education
Acorn Junior Badminton Club
Acorn Youth, Community and Sports Centre
Action for Blind People
Action for Children - Torbay Children's Centres
Active Devon
Adelphi Shuttles Badminton Club
Aetherius Society
Age UK Torbay
Air Training Corps - 200 Torquay ATC Squadron
Alcoholics Anonymous
All Saints' Babbacombe
Alstrom Syndrome UK Support Group
Alzheimer's Society South Devon Branch
Animals In Distress
Annie Westcott Consultancy
Anode - A Positive Connection
Arena Ice
Arthritis Care (Torbay Branch)
Assumption of Our Lady (The Church of the)
Babbacombe Corinthian Sailing & Cadet Club
Babbacombe Townswomen's Guild
Barnardos (parents in prison)
Barnardos South West
Barton & Watcombe Community Partnership
Barton Baptist Church
Bay Blooms District Action Group
Bay Bouncers
Bacons Wheelchair Dancers (The)
Bikers Make A Difference - BMAD
Blatchcombe Community Partnership
Blue Cross (The)

Bridge Associates
British Dyslexia Association
British Heart Foundation Shop
British Lung Foundation (The)
British Red Cross (Devon Branch)
British Red Cross Society (Project Torbay)
Brixham Admiral Swim Company Ltd
Brixham Amateur Swimming & Life Saving Society
Brixham Baptist Church Youth Groups and the Island Club
Brixham Battery Heritage Centre Group
Brixham Beacon of Light Fellowship
Brixham Buccaneers
Brixham Community Church
Brixham Community College
Brixham Community Partnership
Brixham Does Care
Brixham Heritage Museum & History Society
Brixham Hospital League of Friends
Brixham Junior Sailing Club
Brixham Methodist Church
Brixham Pirate Festival
Brixham Roman Catholic Church
Brixham Sea Anglers Club
Brixham Youth Rugby Club
Broadsands and Elbury Residents' Association
Brunel Patient Support Group
C.A.P.T.A.R.A. - Corfe and Pendennis Tenants and Residents Association
Cara Community Care
Carers Direct
Carers of children with disabilities
Caring Cancer Trust
Cary Park Junior Tennis Club
Cats Protection (Torquay and District)
Central Church
Centrepeace
Cerebra for Brain Injured Children and Young People
CHAD
Chelston Community Association
Cherryaiders
CHICKS
Chilcote Care
Childline South West
Childrens Air Ambulance (The)
Children's Hospice South West
Children's Society (The) & Children's Rights and Participation Torbay
Chill'd Out Youth Project

Choices Consultancy Service
Christ Church Paignton
Christian Science Committee on Publication for Devon
Christians Together in Brixham
Christians Together in Torquay
Churston Ferrers Grammar School
Churston Galmpton and Broadsands Community Partnership
Churston Golf Club Junior Section
Cinnamon Trust (The)
Circus & Barton Badminton Club
Circus Torbay
Clifton and Maidenway Community Partnership
Clive Olney Trust Fund (The)
Coalition of Disabled People South Devon
Cockington Chelston and Livermead Community Partnership
Collaton St Mary Playgroup
Colsia Enterprises
Community Service Volunteers
Contact a Family
Contact The Elderly - Torbay Branch
Cool Recovery
Corner Care Patient Support Group
Cornwall & South Devon Boxer Rescue
Covenants and Gift Aid
Creativity Centre Educational Trust (The)
Crossroads Care
Dart Sailability Group
Dartington School for Social Entrepreneurs (The)
David Jenkin Fitness
Dawlish Gardens Trust
Deaf Children's Society (Exeter & South Devon)
Devon & Cornwall Linux User group
Devon & Cornwall Lupus Group
Devon Air Ambulance Trust
Devon Appropriate Adult Voluntary Scheme (DAAVS)
Devon CAP (Child Assault Prevention)
Devon Clutter Busters
Devon Dyslexia Association
Devon EMS Associates
Devon in Sight
Devon Wildlife Trust
Diabetes UK (South Devon Voluntary Group)
Diamond Kite Group
Dimensions for Living
Disabled Sailing Association
Divers Down

Domestic Violence and Abuse Service (South and West Devon)
DownSouth
Eat That Frog
Eddystone Trust (The)
Elders & Youngers (The)
Elizabeth Finn Care
Ellacombe Community Partnership
Epilepsy Action (Torbay Branch)
Epilepsy Society
Experts by Experience
Faithnetsouthwest
Families and Carers Trust
Fata He BME Development
Feline Network
Fernlea Trust
Fibromyalgia Association UK
Fishstock Brixham
Foxhole Community Association
Foxhole Grace Baptist Church
Foxhole Unique Neighbourhood (FUN)
Friends of Kings and Torre Abbey Gardens
Friends of Kitson Park
Friends of Shoalstone Pool
Friends of the Churchyard
Friends of The Palace Theatre
Friends of Torre Abbey
Galmpton Pre-School
Galmpton Residents Association
Galmpton Village Institute
Go Kids Go! (Association of wheelchair children)
Goodrington Action Group
Goodrington Methodist Church
Goodrington Roselands and Hookhills Community Partnership
Grandparents Association Torbay
Great Parks Community Association
Grenville House - Outdoor Education Centre
Groundwork South
Guide Dogs for the Blind Association (The)
Hand in Hand Volunteering/ Mentoring Service
Headway Devon
Healthwatch Torbay
Hele and Lower Barton Community Partnership Hele's angels Community Board
Hele Hub CIC
Hele Road Baptist Church
Hele Village Community Association
Hele's Angels

Holy Angels Pre-School
Home Start Torbay
Hookhills & Broadsands Community Centre
Hookhills & Broadsands Park Community Association
Huntington's Disease Association
I Can Do That!
Ibex Canoe Club
IDT Training & Education
Imagine
Independent Age
Independent Training and Professional Coaching
Indigos Go Wild - Play Torbay
Individual Training Solutions
In-Tent
Intercom Trust
Inverteign Family Learning Centre
Jatis Project (The)
Jo Jingles
Just People - Prison Advice & Care Trust Project -
Karing Voluntary Group
Keibudo Karate School
Key Change
Kings Arms Church
Kings Bowling Club
Knowing me lifebooks
Leonard Cheshire Disability
Let the Children Live (Paignton)
Linx Christian Youth Trust
Lions Club of Babbacombe and St Marychurch
Lions Club of Torquay
Living Options Devon
Living Waters Assemblies of God Pentecostal Church
Living Waters Youth Club
Lupton Trust
Maidencombe Residents Association
Make-A-Wish Foundation UK
Mamatoto Birth
Mare and Foal Sanctuary
Marie Curie Cancer Care
MASH - Mutual Aid & Self Help
Mencap / Torbay Older Family Carers Initiative
Methodist Circuit
Money Back Switch Ltd
Motor Neurone Disease Association (Torbay & District Branch)
Moving On
Multiple Sclerosis Society South Devon Branch
National Association of Colitis & Crohn's Disease - Torbay Area Group

National Federation of the Blind - Torbay Area Branch
National Trust - Greenway (The)
Nightstop Devon
NSPCC - Devon & Cornwall Young Witness Support Project
NSPCC Torquay Committee
Oddicombe Swimming and Lifesaving Club
Our Lady Help of Christians and St Denis
Outset Torbay
Oxfam Charity Shop
Paignton Access to Learning (PALS)
Paignton Canoe Club
Paignton Community & Sports College
Paignton Friends of Guiding
Paignton Junior Sailing Club
Paignton League of Friends Trolley Shop
Paignton Parish Church
Paignton Regatta Committee
Paignton Sea Anglers Association
Paignton Spiritualist Church
Paignton Town Community Partnerhip
Parent Participation Forum
Parents Advisory Board (Watcombe)
Parkinson's UK (Torbay & District Branch)
Parkview Society (The)
Participate Arts CIC
PDSA - Charity Shop
Peninsula SQ
Photographic Angle (The)
Pilgrim BM 45 Trust Ltd
Plainmoor Girls' FC
Play Torbay
Plough and Share Credit Union
Pluss
Poets Torbay
Preston Baptist Church
Preston Community Partnership
Pride in Brixham Volunteers
Pride Torbay
Prince's Trust South West (The)
Purple Initiative
QUEST
Rainbow Café
Rape and Sexual Abuse Line
React
Re-Branch
Recovery Devon
Redeeming out Communities
ReFurnish

Relate South Devon
REVIVE
Riviera Concert Brass
Riviera FM
Riviera Life Church
Riviera Life Church - Loaded Youth Group
Riviera Printers
Riviera Spurs Football Club
Riviera Twirlstars
RNIB (Volunteering Team)
RNLI Torbay
Robert Owen Communities
ROC Café - Great Parks
Roselands Community Nursery & Playschool
Rotary Club of Babbacombe and St Marychurch
Rotary Club of Brixham
Rotary Club of Paignton
Rotary Club of Preston
Rotary Club of Torquay
Rowcroft Hospice
Royal Air Forces Association
Royal British Legion Torquay Branch
Royal British Legion Womens Section
Royal National Mission to Deep Sea Fishermen. R.N.M.D.S.F.
RSPB
RSPCA - Torquay & South East Devon Branch
Rural Racism Project (The)
Salvation Army (Brixham)
Salvation Army Corps and Community Church
Salvation Army Paignton
Samaritans of South Devon
Sanctuary Housing
Scope
SEAP (Support, empower, advocate, promote)
Shared Lives South West
Shekinah Mission
Shekinah Mission - Growing for Life
Shekinah Mission - Re-Work
Shelter Box
Shiphay and the Willows Community Partnership
Shopmobility Paignton
Shopmobility Torquay
Simple Signing Says... (Baby Signing Classes)
Single Parent Action Network - SPAN UK
Single Parent Travel Club
Sladnor Community Group
SMART
So-Fly CIC

Sound Communities
South Devon Biomass Company
South Devon Carers Consortium
South Devon Choir
South Devon College
South Devon Headway Centre
South Devon Healthcare (Voluntary Services)
South Devon Players
South Devon Ramblers (R.A.)
South Devon School of Gymnastics
South Devon TaeKwon-Do School
South West Children's Heart Circle
South West Energy Centre
South West Environmental Parks Ltd (Living Coasts)
South West Environmental Parks Ltd (Paignton Zoo)
South West Forum
Speaking Out in Torbay
SRS Training
SSAFA - Soldiers, Sailors and Air Force Assoc Forces Help
St Anne's Hall (Babbacombe) Ltd
St Cuthbert Mayne School
St George and St Mary Cockington
St John The Baptist
St John The Baptist, Shiphay
St Lukes Church
St Lukes Residents Association
St Martin's Church
St Mary Magdalene
St Marychurch & District Action Group (Bay Blooms)
St Marychurch and District Community Partnership
St Matthew Chelston
St Matthias Church and Centre
St Peter, Queensway, Chelston
St Peters Centre
Stable Friends
Stroke Association (S West Region) (The)
Sue Ryder Care
Sun Lotus Taiko
Survivors UK
Swim Torquay
Sylvan Adventures
Synchronise
Systain-able
TaeKwon-do Torbay
TBA
TCDT / EVE Project
TCDT / Fundraisers forum
TCDT / Trip

TCF - The Compassionate Friends
TGGS: All Weather Pitch
The Conservation Volunteers (former) BTCV
The Haven
The Land Society
Thera South West
TIC TAC
TIFF
Torbay District Lifesaving and Lifeguarding Club
Torbay & District Badminton Association
Torbay Advice Network TAN
Torbay Amateur Athletic Club
Torbay and South West of England Festival
Torbay Bipolar Group
Torbay British Sub-Aqua Club
Torbay Carnival
Torbay Citizens Advice Bureau
Torbay Civic Society
Torbay Coast & Countryside Trust
Torbay Counselling Service
Torbay Country Bowling Club
Torbay Dementia Action Alliance
Torbay Development Agency
Torbay Disability Information Service
Torbay Family Market
Torbay Foodbank
Torbay Governors Association
Torbay Guild of Artists
Torbay Hockey Club
Torbay Holiday Helpers Network THHN
Torbay Hospital League of Friends
Torbay IBD Patient Panel
Torbay Islamic Centre
Torbay ME / CFS Support and Fibromyalgia Group
Torbay Mencap Society
Torbay Neighbourhood Watch
Torbay Older Citizens Forum
Torbay Olympic Gymnastics Club
Torbay Poetry Festival
Torbay Prostate Support Association (TPSA)
Torbay Sailability Ltd
Torbay Scouts
Torbay Sea Cadets
Torbay Social Club for the Visually Impaired
Torbay Social Enterprise Network
Torbay Sports Council
Torbay Street Pastors
Torbay Tapes

Torbay Voice
Torquay Athletic RFC (Juniors)
Torquay Athletic Rugby Club
Torquay Boys Grammar School
Torquay Charities
Torquay Child Contact Centre
Torquay Christadelphians
Torquay Community College
Torquay Golf Club
Torquay Grammar School for Girls
Torquay Lawn Tennis Club
Torquay Leander Swimming & Lifesaving Society
Torquay Museum
Torquay Olympic Trampolining Club
Torquay PHAB Club
Torquay Rowing Club
Torquay Town Centre Community Partnership
Torquay United Indoor Bowling Club
Torquay United Inspirations Football Club
Torquay Wind & Surf Centre
Torre and Upton Community Partnership
Triumph Over Phobia
United Reformed Church (The)
Upton Vale Baptist Church
Victim Support In Devon
Victoria Bowling Club
Vocal Advocacy
Watcombe Community Association
WEEE Sort It
Wellwood and Torwood Community Partnership
Westcountry Housing Association
Westlands School and Technology College
White Rock Pre-school
Whitley Wildlife Conservation Trust (The)
Wild Fox Community Development Project
Willows and New Barton Community Association
Women's Running Network - Torquay
Wood and More Community Recycling
Wren Music
YMCA South Devon
Young Archaeologists Club (YAC) Torbay
Young at Heart - Torbay
Young Devon
Youth Enquiry Service (Brixham)
Youth Genesis
Zoe Bible Church



Energy and Climate Change Strategy

Report of the Overview and Scrutiny Board – June 2014

At its meeting on 18 June 2014, the Overview and Scrutiny Board considered the draft Energy and Climate Change Strategy that was currently subject to consultation. It was noted that the Strategy outlined ten policies including a carbon reduction target for both the community and the Council. It was also noted that having the Strategy in place would enable the Council to attract funding.

During the course of the debate, the Board heard how the Council was working under the banner of Cosy Devon to improve the energy efficiency of private rented properties within Torbay.

It was recommended to the Council: that the draft Energy and Climate Change Strategy should include an action plan to underpin the Strategy which identifies the core issues which the local authority should be tackling



Meeting: Council **Date:** 17 July 2014

Wards Affected: All wards

Report Title: Adult Social Care – Local Account

Executive Lead Contact Details: Christine Scouler, Executive Lead for Adult Social Care and Older People, (01803) 553236, Christine.scouler@torbay.gov.uk

Supporting Officer Contact Details: Caroline Taylor, Director of Adult Social Care, (01803) 207116, caroline.taylor@torbay.gov.uk

1. Purpose

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

2. Proposed Decision

2.1 That, subject to any additional recommendations from the Mayor and Group Leaders, the Local Account in Appendix 1 which sets out performance for 2013-14 and sets out intentions for the Annual Strategic Agreement for services for 2015-16 be approved and that the multi agency safeguarding report set out in Appendix 2 be approved.

Supporting Information

3. Position

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

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

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

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

4. Possibilities and Options

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

5. Preferred Solution/Option

5.1 To publish the Local Account.

6. Consultation

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

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

7. Risks

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

Appendices

Appendix 1 – Your Local Account of Adult Social Care Services

Appendix 2 – Multi agency safeguarding report for adults.

Adult Social Care Local Account 2013 - 2014

A local account of how adult social care services in Torbay have been delivered and performed throughout 2013 -14, with forward intentions for 2015-16



Contents

1. Foreword by Councillor Scouler.....	3
2. Our commitment to adult social care in 2015-16.....	4
3. Our performance in 2013-14.....	8
4. How have we performed in:	
i. Outcome 1 – Enhancing quality of life for people with care and support needs.....	9
ii. Outcome 2 – Delaying and reducing the need for care and support.....	12
iii. Outcome 3 – Ensuring people have a positive experience of care and support.....	14
iv. Outcome 4 – Safeguarding people whose circumstances make them vulnerable and protecting them from avoidable harm.....	18
5. Financial position and use of resources.....	21
6. Commentary from Healthwatch Torbay.....	24
7. Commentary from Overview and Scrutiny.....	25

1. Foreword by Councillor Christine Scouler – Executive Lead for Adult Social Care and Older People



Dear reader,

This is the third edition of your Local Account which reviews the year from 1 April 2013 to 31 March 2014, as well as looking forward to 2015-16.

Torbay and Southern Devon Health and Care NHS Trust and Torbay Council have had a history of successful partnership working and this year's Local Account again reflects the continuation of this despite the difficult economic environment and the changes that Torbay currently faces, with an ever increasing elderly population.

Torbay Council commissions Torbay and Southern Devon Health and Care NHS Trust to provide adult social care in Torbay. The Council takes overall responsibility as commissioners of adult social care and is therefore able to influence the strategic balance of the adult social care portfolio. Each year an Annual Strategic Agreement is drawn up between the Council and the Trust. The Trust reports to the Council on performance and financial matters.

The Local Account provides you with details of our successes but also information about how the local NHS and the Council have managed significant change. Although difficult at times, this has led to a greater quality of life for individuals and provides us with huge learning when embarking on change in the future.

The forthcoming year will undoubtedly continue to provide both organisations with an equal amount of challenge not only because of the financial constraints but also because of the demands on our service as our population grows older. We are, as always, committed to facing those challenges and changes with you by ensuring that we listen to what you have to say and including you in the decision making processes that we must go through.

We will continue to want, wherever possible, for people to be able to support themselves and remain as independent as possible, for as long as possible by ensuring they have the right support, advice or services available.

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

Yours faithfully,

Councillor Christine Scouler
Executive Lead for adult social care and older people

2. Our commitment to adult social care services in 2015-16

This section of the Local Account sets out our intentions for 2015-16



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



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

In Torbay we have a reputation for being at the forefront of developing new ways of working. As we look forward to future years and, starting in April 2015, the implementation of the Care Act we will be working with colleagues in Torbay Hospital, GPs from across the area, partners in voluntary organisations as well as Mrs Smith and her family to develop new solutions which result in better services being

delivered ever closer to where people live.

Our commitment to continuing to develop integrated working has led to Torbay being selected as one of the national Pioneer sites with the aim of developing more integrated services.

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



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



Mandy Seymour
Chief Executive



In Torbay, the Council and Torbay and Southern Devon Health and Care NHS Trust have successfully used the idea of Mrs Smith and her family to symbolise people who need health and social care support. This metaphor has been extended to include the concept of her grandson 'Robert' and how as a pioneer for integrated health and care we can improve outcomes for people of all ages in the Bay who may need our support.

The commitment statement below sets out what this continuing journey will mean for Mrs Smith, and her family. We are planning to implement the outcomes of the Care Act from April 2015. This gives new rights to individuals in a positive way, but also means changing many of our existing processes and previous assumptions to ensure we are legally compliant. We do this in a context in which local government continues to experience reduced resources. Our aspirations have to be set in this context.

Resources will continue to be used to support people to be as independent as possible, for as long as possible and we will work jointly with NHS and other partners, but particularly Mrs Smith. Mrs Smith is a partner and manager of her own health and care, and will co-design solutions to support her quality of life, with active community support in the Bay.

Caroline Taylor
Director of Adult Social Care Services
Torbay Council

Our commitment statement

Keeping Mrs Smith at the heart of an integrated health and social care system

The Council remains committed to making sure that services are integrated across health and social care, and believes that this is the best way to ensure Mrs Smith experiences person-centred services at a consistent quality. We will build on the success we have had to date by seeking to achieve integration of services for those experiencing mental health difficulties and working closely with GPs and primary care services. Torbay and South Devon are now a 'pioneer' for joined up health and care and we will focus on moving faster at pace and scale to deliver benefits for communities but at a lower cost than in pre-austerity times.

Independent living

We will continue to ensure that Mrs Smith is supported at home whenever possible with less reliance on traditional bed based care. Home could be with family, in supported accommodation, in extra care housing or an adapted property through disabled facilities or telecare/telehealth support, as well as personal care. Where Mrs. Smith is unwell and needs hospital or other acute treatment we will work with her and her family through reablement to get her back to being as independent as possible, as soon as possible.

Supporting carers

Part of remaining independent and having quality of life is to make certain that those who support Mrs Smith as carers get the support and wellbeing checks that they need to have a good quality of life. The Care Bill ensures carers have new rights to assessments and support and we will further support carers in this context.

Dementia

We will work with health colleagues to make sure people have an early diagnosis, and work with our communities to encourage people to come forward early if they experience potential symptoms. Our aim is to make Torbay a dementia friendly place. Our use of the Better Care Fund which pools money for health and care will be partly focused on improving dementia support.

Fair access to care services

The increasing pressure on resources, and the rising demands on services, makes it important to ensure that access to services provided by the Council is fair and equitable. It is now only possible for the Council to meet needs which are assessed as being 'substantial' or 'critical' against the nationally set Fair Access to Care Services (FACS) criteria.

This has not always been the case so to make sure that in similar circumstances everyone receives similar levels of care it will be necessary to ensure that services are only being provided to meet substantial and critical needs whenever a review or reassessment of needs is carried out by, or on behalf of, the Council.

Self-care and self-service /Personal budgets

We know many people already organise their own care, either formally by paying people for housework, meals or other support, or informally through family and friends. We will be working with the voluntary and community sector to ensure the natural support of family and friends is the first place for those in our community with less complex needs. We will continue to focus NHS and local authority resources on those with highly complex needs. Where people have substantial and critical needs we will continue to encourage them to hold their own personal budget and co-design the way in which the care they need is managed and provided.

Extra Care Housing

We will be considering how we can extend our Extra Care Housing provision to offer greater opportunities for people to live as independently as possible in their own accommodation. Extra Care Housing provides a safe environment in which people have their own accommodation but with easy access to the support the need to maintain their independence. There are several such schemes in Torbay already but we will be working with colleagues in the housing sector and the Trust to extend the opportunities which are available.

Paying for care and support

We welcome the government's support of the Dilnot review. This makes a commitment to cap the cost of care. We will ensure that there are clear communications to those in receipt of care and, through revised information and advice services, access to timely advice for those who may need care in the future.

The practical implementations of both Dilnot and the Care Bill are a huge change for the Council and the NHS and we have been working through the requirements this year to be ready for April 2015.

Ordinary residence

When someone who has existing care needs moves to live in Torbay there are some circumstances in which it is right that the cost of their care should be met by this Council. In this circumstance we will ensure that if it seems the responsibility for meeting care needs might transfer to this Council the placing authority, the person involved and their family are clear about what can be provided by the public purse in Torbay and what they will have to pay for themselves.

Children to adults

The transition from childhood to adulthood is important for everyone and this is particularly so where people need care and support. We will continue to improve this transition for children and young people with support needs as they become adults so that they and their families are clear about what options they have and choices they can make, well in advance of adulthood to ensure quality of life.

Learning disabilities

We have made some improvements in the choices people have to live independent lives by initiating projects to provide employment experience and independent housing for people with disabilities. We will continue to work on innovative schemes with people with learning disabilities to support independence and quality of life. We will work across the peninsula to ensure there is specialist quality support for individuals who have complex needs.

Working with the market

We have published a market position statement for the Bay, jointly with the NHS to outline what we do now, what future needs are, and what provision and innovations we are likely to need in the future for adults. We will work with providers of services, based on a market position statement, to help focus on a system which supports prevention and recovery for Mrs Smith.

Care and support services

The Council is aware that we need to work with Mrs Smith and her family in a way which reduces her dependency on public sector services and makes the most of her abilities. Support plans need to be sustainable and need to find new ways to address the issues which impact significantly on wellbeing, such as social isolation. In order to build community support around the individual, Torbay is re-tendering services for care and support through the Living Well At Home project, through which two prime contractors will be identified. As part of a shift towards outcome focused services, the prime contractors will be expected to develop links with the local community and voluntary services to make this happen.

Safeguarding and quality

At the heart of support for Mrs Smith is assurance that whatever support is provided and wherever it is received, it is of a good quality and is safe. We will continue to work with providers on quality systems and assurances that people are safe and treated with dignity, respect and care at all times. We continue to focus on ensuring Experts by Experience and

other user groups are involved in providing insights into provision in the Bay. We are working to ensure people are placed close to home, wherever possible. We are open to learning and improvement and have encouraged this through undertaking a peer review of adults safeguarding, so we can implement further improvements for communities in the Bay.

3. Our performance in 2013-14

This section of the Local Account looks at how we have performed and delivered on our responsibilities for adult social care in 2013-14. It aims to provide information to local residents to enable them to determine whether the NHS and the Council have done everything possible to ensure that the best care is provided to the elderly and the most vulnerable in Torbay.

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

Green	Exceeded, achieved or within one per cent of the performance target
Amber	Narrowly missed performance target but on track
Red	Performance in this area needs to improve

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

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

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

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

As always there is the inevitable focus on the financial position and performance from 2013-14 as well as details of the budget going forward into 2014 -15 and how we plan to allocate

and spend the resources available to us. There will be a review of how we have used the resources available and how we have ensured best value for money at all times. We are also keen here to provide you with an open and transparent review of the risks both organisations are facing in the forthcoming year together with plans to mitigate these risks where possible.

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

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

4. How have we performed?

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

What does this mean for the people of Torbay?

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

How have we performed?

Measure	2012/13			2013/14			
	Expected Target	Actually Achieved	Rating	Expected Target	Actually Achieved	% Actually achieved	Rating
Clients receiving a direct payment & contracting for their own care	541	551	✓	490	507	10.40%	✓
Clients who know the size of their weekly care costs	2976	3143	✓	3429	3036	62%	✗
Clients who have received an annual review	3281	3396	✓	3107	3484	89.70%	✓
Clients who have a copy of their care support plan	4897	4830	✓	4673	4580	93.10%	✓
Assessments completed within 28 days of referral	1541	1531	✓	1487	1609	70.40%	✓
Clients receiving their care within 28 days of assessment	913	1059	✓	1269	1479	98%	✓
Adults with learning disabilities living in settled accommodation	233	270	✓	268	258	68.10%	✓
Adults in contact with secondary mental health services in settled accommodation	204	225	✓	218	187	66.10%	✓
Adults in contact with secondary mental health services in employment	17	16	✗	16	7	2.50%	✗

The table above shows service users within Torbay continue to have rapid access to social care services. 70 per cent of people referred for an assessment are seen within 28 days and 98 per cent of the packages of care needed for service users start within a month of assessment.

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

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

Developments in telehealth and care

In 2013-14 our TeleHealthCare team continued to develop services aimed at improving the lives of people in Torbay. This marked a move away from just being able to provide telephone alarms (the system by which someone wears a pendant that they can activate if they fall or get into trouble) towards systems which actively promote the ability of people to continue living at home. These systems are referred to as telehealth and care.

An example of this is a scheme we have been trialling for patients who have been diagnosed with chronic heart failure. As part of this scheme, our technical development officers visit patients in their own homes and train the patient on how to use their state-of-the-art telehealth equipment. The patient is then able to take their own blood pressure and weight readings which are then automatically transmitted to a remote clinical team. The remote clinicians are able to analyse the information and advise the patient on their condition. This service supports the patient in their recovery without having to make daily visits to the hospital or their GP.

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

We received over 100,000 alarm calls in 2013-14 from our customers and 99 per cent of these were answered within 30 seconds. 5,000 calls were referred to the emergency services; this demonstrates how effective the service is and the peace of mind that it gives to the user and their family. If you are interested in having an alarm at home for yourself or a family member, please call us on 0300 456 4861 for more information.

We pride ourselves on working to the highest telecare standards. The call centre which supports our telehealth and care services is based locally in Torquay. All such call centres have to undergo inspections known as Telecare Services Accreditation. Our call centre was audited this year and passed, with complimentary comments on the professional way that we work. The accreditation is carried out by an independent body that provides best practice advice and undertakes assessments on organisations that provide telecare services.

Case study: Living with a long term condition and short term memory loss

Mrs Y is able to live at home on her own despite suffering from short term memory loss whilst at the same time being dependent on taking regular medication for her diabetes.

In addition to her community alarm providing reassurance in an emergency, it has also been programmed to remind her at set times to take her diabetes medication.

At a daily set time, her community alarm will alert her by a bleep and a flashing green light, Mrs Y presses a large the green button and a pre-recorded message is played to her saying: "Mrs Y please take your medication".

Should Mrs Y fail to press the green button an alarm is triggered at the monitoring centre, who will then call Mrs Y to investigate the reason why the alert was not acknowledged.

If the monitoring centre is unable to make contact with Mrs Y then they will proceed to call one of her predefined responders (family member, neighbour, friends or carer) to make a home visit. Should this become a regular occurrence the monitoring centre informs the Doctor or Care Worker to undertake a review.

Dementia care and awareness in Torbay

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

How GPS supports people who live with dementia and their carers

There has been a lot of debate nationally about the use of GPS devices for people with dementia - some positive and some negative. However this should always be viewed within the context of what happens when someone with dementia goes missing.

1. There will be 785,000 people suffering from dementia in England by 2020.
2. 60 per cent of people suffering from dementia will wander and 40 per cent of those will get lost.
3. In 2012, in Devon alone there were five forensically proven cases of death from wandering.

The effects of points 1 and 2 above are naturally very distressing on both the person with dementia and their family. For point 3, this becomes devastating and the obvious question is "was this preventable?". If the person was carrying a GPS locating device then the answer is not a 'yes' in all cases but a 'yes' in most cases.

Whatever the governance is for providing GPS devices within NHS or adult social care provided services, there will be a host of companies that will be selling such devices to the public, both good and bad.

By evaluating the potential GPS tracking devices that are on offer commercially, we have been able to select an organisation that shares the same values and ethos as our own - Ostrichcare. Ostrichcare has been supporting the Torbay Dementia Action Alliance and is a sponsor for the Purple Angel campaign; through this work they have developed their GPS service so that it specifically meets the need for people with dementia.

Using the Ostrichcare trackers we will be funding one year use of the service for 100 dementia sufferers in Torbay. Our Older People's Mental Health team will be supporting the one year's trial so that we can evaluate the effectiveness of the service and the impacts (both positive and negative) for service users and carers.

One of the key benefits of the Ostrichcare service is that whilst people will be encouraged to carry their device, nobody is watching their daily movements. It is only if they go missing, and that this is reported to the monitoring centre, that the GPS location of the person is accessed. This information is then passed, in the first instance, to their nominated responder. If in the event that the responder is either not available or it is an emergency situation then the incident is passed on to the police.

As part of developing this service we have helped the police to develop a protocol that is specific to finding people with dementia that have a GPS device.

We are very excited about the potential benefits that this service can deliver and we will publish the outcomes of the trial next year.

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

What does this mean for the people of Torbay?

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

How have we performed?

Measure	2012/13			2013/14		
	Rating	Target	Actual	Rating	Target	Actual
Number of people living permanently in a care home as at 31 March	!	703	717	✓	697	683

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

During the last six years the number of individuals living permanently in a care home has reduced each year and this trend continued in 2013/14. With an ever growing elderly population this enables those who most need this type of specialist care to receive it, whilst helping others to stay as independent as possible in the comfort of their own home.

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

Case study: Reablement - Mr and Mrs D

Mr and Mrs D were referred to the intensive home support service reablement team in early 2014 due to concerns raised by their GP about their wellbeing. Initially the couple were very reluctant to accept help and support due to their reclusive lifestyle - they kept curtains closed, seeing this as their way of "shutting out the world outside", historical anxieties around not wanting people in their home and the perceived cost factor. Additionally, Mrs D was very low in mood and felt that "the system" had "let them down".

The reablement team was put in place to engage and encourage the couple to be more accepting of the support offered, which aimed to: improve their personal care as Mrs D had become quite unkempt; motivate the couple in order to try and gradually introduce some structure to their day; and ultimately remain independent at home.

At the start of the reablement team's involvement it soon became clear the couple had no routine or structure to their daily living; were remaining in bed till midday due to late nights and high alcohol intake. All assistance and support were being refused. To try and get Mr and Mrs D to be more accepting of support it was agreed with the couple, that visits would be arranged for late afternoon. This allowed the couple to remain in control. Gradually the couple became more accepting of assistance from the team to the point where curtains and windows were being opened daily - which was a big step forward for the couple to undertake.

At the beginning of May, Mr D was admitted to Torbay Hospital and sadly passed away a few days later. Visits were increased to three times a day to ensure Mrs D's needs were being met. Mrs D's family - who she had little contact with prior to Mr D passing away - also began to get involved with her care needs and support.

Mrs D became very accepting to all support which resulted in her - for the first time in such a long period - having an established and positive routine: getting out of bed each morning, having a wash and getting dressed and eating three meals a day. Mrs D appears more engaged and is taking a more active role with her needs.

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

What does this mean for the people of Torbay?

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

How have we performed?

Measure	2012/13			2013/14			
	Expected Target	Actually Achieved	Rating	Expected Target	Actually Achieved	% Actually achieved	Rating
Carers receiving a needs assessment, a review, information, advice, etc	1686	1522	!	1396	1589	35.30%	✓

The proportion of carers receiving a needs assessment, review or information and advice is a nationally reported indicator with a formal definition that must be abided by. The carers' service is well developed in Torbay and includes partnership working with many other organisations. It is difficult to capture the advice, support and information these organisations provide to individuals and consequently, in accordance with the strict definitions, we are unable to include them when calculating this measure.

As can be seen from the section below, supporting carers – both young and old - has been and remains a high priority in 2014-15.

Supporting carers

Actively supporting unpaid carers remains a high priority for the Trust, Torbay Council and the local NHS commissioning group. We take a whole systems approach to supporting carers, involving all relevant agencies and ensuring advice and support is available at key points in a carer's journey. The basis for our local priorities is Measure Up, Torbay's interagency carers' strategy. Development of the next edition of Measure Up, covering the three years 2015-17, is in hand.

One area for specific attention in the past year has been carers' experience and involvement in hospital discharge. This is both a critical time for many carers and our previous evaluation highlighted significant areas for improvement.

We have recognised the benefits of taking a whole family approach and of joined up working between services. We have seen real progress in work between children's and adult services to support young carers and carers of people with mental health and substance misuse problems.

The implementation of the Care Act and the new rights for carers that it contains, will involve significant challenges. Early identification of carers, providing access to good quality information and advice, and offering assessments to any person with a caring role will be key requirements. The current model in Torbay, which combines direct access to support (our universal offer) and targeting specific groups of carers, including those with more complex needs, is well suited to the good practice requirements in the Act. There will however be capacity issues, particularly carer support in primary care.

Carer involvement continues to be a focus for all services, to ensure carers feel involved in discussions about the support provided to the person they care for, focusing on their own needs and in using their experience and expertise to improve services. A number of mechanisms have been recognised as examples of good practice – the use of carer evaluators in service evaluation has been adopted by several agencies; Torbay Carers Forum, a website for carers is now carer led and moderated; young adult carers play a key role in the Under 25 Strategy Steering Group and Torbay Carers Register Management group is made up of 50 per cent carers.

The significant improvement in the number of carers identified and those receiving a carers assessment over the past year is linked to the delivery of staff awareness training, a focus on recording the presence of carers by key staff groups, such as community nurses, plus informing carers of the support available.

The proportion of carers receiving a needs assessment, review or information and advice is a nationally reported indicator with a formal definition that must be abided by. In 2012-13 the performance on this indicator was 29 per cent on a target of 31 per cent, but in 2013-14, the 31 per cent target has been exceeded at 35.3 per cent, a significant improvement. All community nurse teams in Torbay have received carer awareness training and their assessment paperwork was amended to highlight identification of carers. Quarterly audits have shown excellent results in carers being identified by community nurses and given information on where to get support.

A joint commissioning for quality and innovation (CQUIN) payment framework with South Devon Healthcare NHS Foundation Trust (SDHFT) for 2013-14 identified some key improvements for carer identification and support at Torbay Hospital. Many people take on caring for the first time as a result of hospital admission and their involvement in decisions and discharge is critical. The achievements included:

- A Carers Contact Card, with key numbers to telephone, is now included in all discharge packs (except for women's and child health where they are on display and are promoted). The cards are also promoted at pre-assessment clinics and the plan is to roll these out across outpatient departments in the next year.
- Endorsement by SDHFT and the Trust of a new carers' policy and action plan for 2014-16 with specific targets to maintain progress on carers experience in hospital and discharge for the next three years.
- The Carers Support Worker post in the hospital discharge team has been made permanent.
- Action to involve carers in ward rounds and decision making within the Emergency Assessment Unit has been evaluated and learnt from, and we hope these improvements will be rolled out across Torbay Hospital.
- Recruitment of volunteers to support work with carers on the wards and on discharge (VICTor project).
- Follow up calls 48 hours after discharge from community hospitals provides early identification of problems and reassurance to patients and carers.

The Personal Social Services Survey of Adult Carers in autumn 2012 provided us with a whole host of information about carers' experiences of care and support and this information was a useful benchmark and has been used to inform local priorities. This survey will be repeated in November 2014 and will give us evidence of current service levels and indications of any improvements. We are currently developing the next edition of Measure Up for 2015-17, Torbay's inter-agency carers' strategy. The consultation on this will be independently led by Healthwatch Torbay.

National data from the 2011 census shows that there are 16,107 unpaid carers in Torbay (equating to 12.3 per cent of the population compared to a national average of 10.4 per cent). 10,361 of these carers are over 50 years old and 3,306 of them provide more than 50 hours of care a week. 7,361 of Torbay's carers (45.8 per cent) are juggling work and caring. 8.6 per cent of carers report very bad / bad health, significantly higher than the England average. In fact, our local research strongly suggests that there is underreporting of health problems by carers, so these figures may be much higher. We are introducing carer health and wellbeing checks in GP practices, carried out by carer support workers, for carers over age 25. This 'light touch' assessment will enable early support to be put in place and systematic referral for more complex cases.

The new Care Act, which will come into force in April 2015, will include new rights for carers and duties on the local authority to deliver early intervention, prevention and a focus on the health and wellbeing of carers. The Torbay model of carer support - which combines direct access for carers to information, advice and support, encouragement of self-care, and development of community capacity and self-help networks to support carers - fits well with the principles and duties set out in the Act:

- Our carers information service (Signposts) currently responds to 240 enquiries per month and it is likely to have significantly increased calls after implementation of the Act.
- There are groups of carers who are hard to reach. We have established a service for carers of people with substance misuse problems and the impact of this service has led public health commissioners to decide to sustain the service beyond the pilot phase. Significant numbers of families are being supported, and this whole family approach has been shown to be effective.
- Our partnership work with voluntary organisations to develop an enabling approach, self-assessment and volunteering for carers has been an important area of development which encourages early intervention and mutual support.

The number of local carers identified and being supported in Torbay is currently over 4,300 which is 26.7 per cent of the population of Torbay carers identified in the 2011 census figures. The average annual increase in the number of carers getting support from carers' services has been 15 per cent for some years. Given that the publicity surrounding the new rights for carers in the Care Act will further increase demand on services, carers support services in Torbay are likely to experience capacity issues over the next few years, at a time of budget constraints.

In 2012, we developed a fresh approach to young carers aged under 25 by combining the work of the Trust's young adult carers' service with Torbay Council's young carers service to produce a joint strategy. The approach is aimed at designing services around the needs of young carers and their families. The resulting 'Torbay Strategy for Young Carers Under 25' provided a joint agency approach. In July 2013, the action plan for the strategy was independently audited and the conclusion was that the services were in line with national best practice. One area for improvement was the awareness amongst adult social care teams of the needs of young carers. Targets for identification of young carers by these teams have been exceeded, with over 300 young carers recorded within the first year. The young adult carers' service is in touch with 186 carers aged between 16 and 25.

More than two thirds of the carers we are supporting are caring for an elderly person. Carers' services has been a partner in the Ageing Better BIG Lottery bid and, if this bid is successful, at least two projects to support carers of older people will be included in the first phase of the development from April 2015.

Transformation in learning disability services

In July 2013, the Trust Board agreed the report *Proposed Business Redesign of Torbay Community Learning Disability Assessment and Care Management*, which operationalises the overall commissioning of learning disability services as agreed at the Health and Wellbeing Board.

The Foundation for People with Learning Disabilities (FPLD), alongside Speaking Out in Torbay (SPOT), undertook the user engagement work for the review. FPLD brought a highly credible track record of work; with extensive experience of working with local government agencies, private and voluntary organisations across the UK and internationally. FPLD has a respected track record in reviewing and evaluating services, including the development of strategic improvement plans and long term support for strategic change. FPLD is completely independent of Torbay and Southern Devon Health and Care NHS Trust.

An implementation phase is now underway which will deliver the following outcomes:

- Improved access to primary care and mainstream services for people with learning disabilities.
- Enhanced support to mainstream services to enable them to meet the needs of people with learning disabilities.
- Timely specialist intervention for people with learning disabilities.
- Clear mechanisms to support the continued development of good practice, overseen by the Learning Disability Partnership Board.

In addition, the operational commissioning strategy for services for people with learning disabilities was published. This document describes the operational commissioning intentions of the Trust for people with learning disabilities living in Torbay.

A core principle underpinning this strategy is our commitment to personalisation and choice from a diverse market place. Rather than directly provide services ourselves, we will

commission services on people's behalf and co-ordinate the provision of information and support planning, either directly or through third parties.

The case study below describes the positive outcome for one individual in their own words:

"My name is Y and I'm 65 years old. I live in a bungalow that I rent from a housing association. I've lived here for over a year. My bungalow is lovely. I have a supporter who I employ with Direct Payments. I choose what I do.

I used to live in a residential home but now I have my own place. I love it here - I would never go back. I go out to bingo and the community hall. I also organise a stall for charity twice a year. My favourite thing to do is baking. I want to have a business where I sell my cakes.

My supporter helps me with shopping and cooking. We do banking on the computer. I have learnt about keeping safe and cooking. Next year I am saving up to go to Spain on holiday. In two years' time I am planning to go to Florida. I can't wait."

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

What does this mean for the people of Torbay?

Safeguarding adults services aim to protect adults at risk from harm and to keep them safe. An adult at risk is defined as anyone over 18 years who is, or may be, in need of support because of a disability or illness; and/or is unable to take care of, or protect their self against significant harm or exploitation.

How do we ensure that vulnerable adults are protected?

Torbay Safeguarding Adults Board leads the work on safeguarding adults, working with partner organisations to make sure there is a joined-up system to respond to concerns. We have invested time and effort into training and raising awareness about safeguarding adults for both staff and the public. During 2013/14, there was a 34 per cent increase in referrals. In 52 per cent of cases, the investigation concluded that the alleged abuse was 'substantiated' or 'partially substantiated' which shows that abuse is being detected more reliably.

The rise in referrals has placed considerable pressures on the staff teams involved in safeguarding. We aim to ensure that all safeguarding concerns are handled in a consistent way and acted upon in accordance with local multi-agency policies and procedures. However, it was not always possible to meet our targets for timescales during 2013/14 which has resulted in some delays in holding case conferences within our 20 day target.

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

How did we perform?

Measure	2012/13			2013/14			
	Expected Target	Actually Achieved	Rating	Expected Target	Actually Achieved	% Actually achieved	Rating
Safeguarding meetings held within 5 days to agree a strategy for client	115	125	✓	174	163	70.30%	!
Safeguarding multi-organisational case meetings held within 20 days	45	103	✓	125	95	53.40%	✗
Number of repeat safeguarding referrals in last 12 months	16	16	✓	16	20	N/A	✗

Safeguarding continues to be a high priority. We are making sure that the learning from national reports, including 'Winterbourne View' and the Francis report, is used to improve the quality assurance processes we operate to ensure high quality care and patient safety. Events are held for our staff to incorporate lessons learned from local cases which did not go as well as we would have wished, and to celebrate good practice, of which Torbay has much to be proud.

A tool, introduced successfully last year in community hospitals, to provide an early warning of potential issues has been adopted widely by residential homes. This is very encouraging and it supports us working together to protect individuals who live in these settings. It is planned to introduce this into domiciliary care organisations.

We promote a positive and person-centred way of working and we are developing ways to empower individuals and make sure a good range of information about keeping safe is widely available so that people in Torbay can protect themselves and their families. This is really important, as is the need to help individuals who find themselves in the safeguarding adult process to feel as comfortable as possible. Our Experts by Experience Group extended their research into this during 2013/14 and we will use the feedback to improve our services.

The Council is required to undertake annual social care surveys. We have been concerned about the proportion of people who use services who do not feel safe and secure. In depth work has been done to understand this further and it was revealed that people fear falling in their own homes, rather than a threat from abuse from others. We will consider how we can address this fear.

Assuring the quality of care in Torbay's residential homes

In October 2013, the Trust launched a new assurance process looking at the quality, effectiveness and safety of care provided in residential and nursing homes in Torbay. Several nursing and residential homes had worked in partnership with the Trust to develop a monitoring tool known as the Quality, Effectiveness, Safety Trigger Tool (QuESTT). QuESTT has been used as an early warning system in acute hospitals for some time and is in place in community hospitals and community teams across Torbay and Southern Devon. The tool has been adapted for use by care homes to complete on a monthly basis via a secure website.

The QuESTT records simple information about a number of potential risk factors, such as the number of staff vacancies, complaints, care plans and risk assessments undertaken by the home and demand upon the service. The risks are rated using a simple red, amber or green scoring system, and are used as an early warning indicator to ensure swift support is put in place preventing a high risk or crisis scenario occurring.

It is envisaged in the near future that care homes will share the information from their QuESTT with residents, families and visitors and make it available on their public websites so that they too can see the performance, risk and actions that are put in place.

Alongside QuESTT, the Trust's business support and quality team undertake comprehensive quality assessment care providers as part of the team's proactive monitoring work. This covers a greater variety and depth of assessment to provide a better awareness and understanding of service quality and potential concerns. Use of the new documentation has already led to early intervention and support for care homes to prevent an identified area of concern becoming more serious.

Since May 2013, the Experts by Experience volunteers have been engaged in a mystery shopping programme for all care homes in Torbay. This followed an extensive period of research and training by the Experts' facilitator, a qualified social worker with over 20 years of experience. It was important to ensure that a standardised process would take account of national issues such as Winterbourne View, whilst offering independent, timely feedback to each home visited. To date, 17 homes have been visited by the mystery shoppers.

Improving the safeguarding process

Following the successful Experts by Experience evaluation of client involvement in the safeguarding process for clients with learning disabilities, the exercise was repeated in 2013/14 with client volunteers aged over 65. Older citizens who had been involved in adult safeguarding were invited to participate in face-to-face interviews to relay their personal feedback on the process.

Already, the Trust has implemented a number of changes to ensure the individual and their family are involved in decisions about the safeguarding process, including the environment and location of any safeguarding meetings. Learning from the client's perspective, has been incorporated into the safeguarding adults training so that Trust staff can understand at first hand appreciate how it "feels" to be at the centre of safeguarding. This means we can find ways together to reduce the distress and anxiety often associated with this process.

Future plans

In addition to the developments mentioned already, we are making serious self-neglect a focus for attention next year. Serious self-neglect is a growing problem, which can have a number of causes, including mental health and substance misuse, and it can have a major impact on the wellbeing of that individual and their family, especially children. We hope to find ways to decrease this in future.

The Care Act 2014 was passed by Parliament in May 2014. This new Act replaces and introduces a number of changes to come in from April 2015. Significantly for safeguarding adults, the Boards are being placed on the same statutory basis as Local Safeguarding Children Boards. This recognises the vital role of the Board and gives additional responsibilities to local authorities as the lead organisation. During 2014/15 we will be ensuring that the Torbay Board is equipped and prepared to deliver its new statutory role.

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

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

This has resulted in a much larger number of people meeting this threshold, which is going to challenge our services. Further national guidance is expected in summer 2014.

5. Financial position and use of resources

The financial review provides an overview of the financial performance of adult social services in the Torbay area for 2013-14.

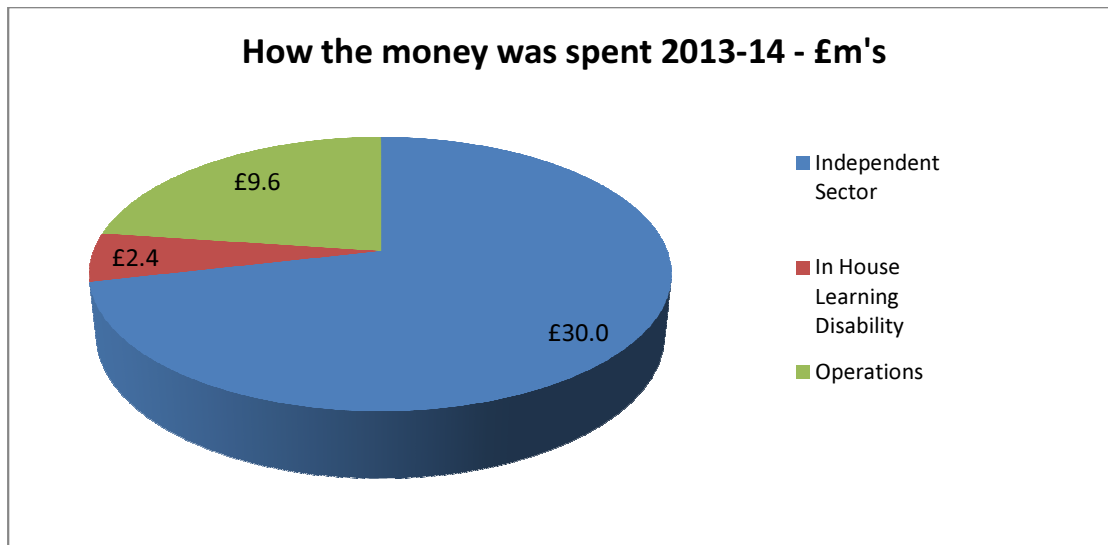
Torbay and Southern Devon Health and Care NHS Trust, provides adult social care on behalf of Torbay Council, providing integrated health and adult social care services across Torbay. The Trust is responsible for community health services in Southern Devon and works with a range of local voluntary sector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

During 2013-14 the Trust had a turnover of £154.6m. During this financial year the Trust managed its budget within the funds available and reduced the number of clients in long-stay residential care. This is a significant achievement given the financial challenges the Trust has faced, set against a backdrop of increasing demand and complexity of services needed to meet client needs. It also means we have been able to deliver more care closer to home.

In 2013-14 the budget for adult social care in Torbay was £43.2m. The total net spend in 2013-14 was £42.0m resulting in a £1.2m underspend. There were three material factors underpinning this:

- There was a significant reduction in residential / nursing placement numbers in the winter of 2012/13 and this was held during the 2013/14 financial year.
- There was an over achievement of Cost Improvement Programme (CIP) savings from all zone teams and the learning disability team. In particular, the over achievement can be linked to the on-going review of learning disability complex cases, robust case management within the zone teams and client contributions levels being maintained, in addition to the CIP savings being achieved on expenditure.
- Ordinary residency costs were below budgeted levels for the three quarters of the financial year. This is based on the delay of cases entering Torbay during this period.

The chart on the next page shows how the £42.0m was spent.



Spend analysis 2013-14

The Trust spent £2.4m on its in-house learning disability services in 2013-14, including costs of £1.1m for two residential homes and £1.3m on the provision of day care.

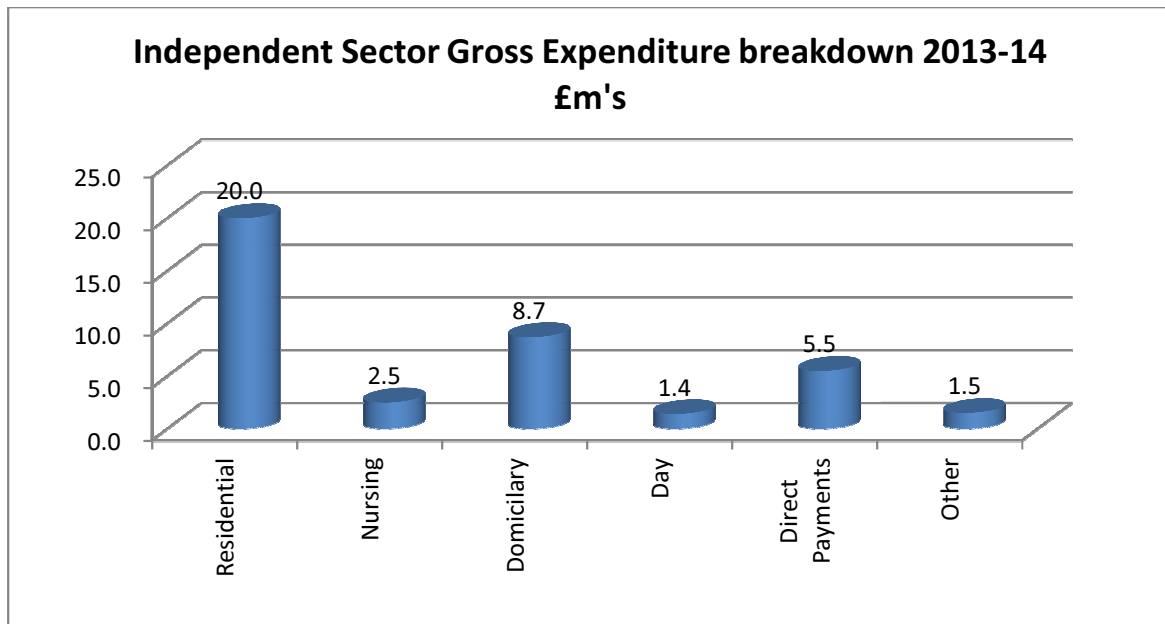
Operational costs totalled £9.6m in 2013-14. This is the cost of providing care management and social care support across Torbay and includes the cost of social workers, community care workers, occupational therapists, physiotherapists, finance and benefit assessors and commissioning and support service staff.

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

The age of the people receiving these ranged from 18 to 110 in 2013-14 and services were provided to clients with learning disabilities, dementia, sensory and physical disabilities, vulnerable people and the frail and elderly.

The net spend figure in the independent sector was £30.0m in 2013-14. Gross spend with the independent sector was £39.6m with income collected of £9.6m. The vast majority of income we collect is from charges made to clients. Under national legislation, all social care clients receive an individual financial assessment and this can result in a client being asked to contribute towards the cost of their care provision.

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



Financial outlook for 2014-15 and beyond

Funding arrangements for adult social care are under review at a national level. Therefore the financial arrangements for 2014-15 are based on what is known at present.

Torbay Council, in line with the comprehensive spending review (2011-2015), is required to make substantial budget reductions of about 28 per cent. The Trust and South Devon and Torbay Clinical Commissioning Group acknowledge the tight financial constraints over the period and will continue to deliver the best possible care and support within these constraints. This will be done in consultation with the Council and where it is necessary to make changes to the way services are delivered consultation will take place with the people and carers who use the service.

The total planned net gross spending on adult social care in 2014-15 is £41.2m. This is funded by Torbay Council and income received from clients who contribute toward the cost of their care.

6. Commentary from Healthwatch Torbay

Healthwatch Torbay response to adult social care Local Account 2013- 2014



The Torbay Local Account clearly explains the challenges and risks facing adult social care in the Bay, now and into the future. Healthwatch has read the account to determine its success as an accessible report for local residents on the performance of their services.

There are many examples of innovation and multi-agency working described through scenarios of real life experience. This paints a helpful picture of the complexity of adult social care support. What is not so clear is how responsiveness compares against national bench-marks. The Outcomes Framework agreed by the Trust and Council matches that published by the Department of Health. Although not a document set that all would want to read, it would have been useful to have given a reference, along with any other “further reading” that might arise. This might be helpful, for example, to the members of the public wishing to explore adult social care issues around equity (including race and sexual orientation) as this is not something specifically explored in the account. In the same context, it is assumed that an easy read version of the account will be available for people with learning disability.

The statistical data in the account makes an honest attempt to answer the question, “Are we doing as well as we should?” comparisons with last year being helpful. Using absolute numbers or % in different sections does make the answer difficult for the public to interpret. I.e. is a small change in % meaningful when not explained in terms of the number of people helped or the risk as a result?

The text makes reference to a number of processes which show how being caring and responsiveness is at the heart of the way of working. It was interesting to read how the Experts by Experience programme is developing and influencing the shape of the programme; an excellent opportunity for further Healthwatch partnership and a basis for informing the Care Quality Commission inspections.

Kind regards,

Patrick Canavan

Healthwatch Torbay Chair

NOTE: Having received this feedback from Healthwatch, the way in which data is set out has been changed to include numbers as well as percentages. The Local Account has been resubmitted to Healthwatch for feedback on this change.

7. Commentary from Overview and Scrutiny members

Statement from Torbay Council's Health Scrutiny Board on the adult social care Local Account 2013/2014

To be completed following Overview and Scrutiny Committee

June 2014

END

Safeguarding Adults in Torbay



Safeguarding
Adults

Annual Report
2013/14

Contents

Introduction from the Chair	3
Partnership and Principles.	4
The Work of the Safeguarding Adult Board during 2013/2014	5
Sub Group reports	7
Member organisations reports	13
Prevention item.	23

Introduction from the Chair

What is the Torbay Safeguarding Adults Board?

The findings from Winterbourne View are now being embedded into National Policy and individual practice. The Coalition Government continues with austerity measures, which are having an impact upon all partner agencies, engaged in Safeguarding. Working together has never been so important.

The knowledge and profile of 'Safeguarding' continues to increase. The demands being placed upon those engaged in safeguarding adults continues to push the boundaries of our capacity to deliver a professional, caring service.

Within this operating environment I am immensely proud of the positive contributions to improving people's lives being made by so many people, so often. As I witness the work undertaken by those working and volunteering within safeguarding, I am very aware of how the lives of carers and service users are affected each day when dealing with families and friends. A key strand for Torbay's Safeguarding Adults Board will be to hear more of the voices of service users, families and their loved ones.

This Annual Report seeks to demonstrate how the Torbay Safeguarding Adults Board is working to improve the lives of people who need our support most. This will be achieved by reinforcing our learning from the past, building stronger partnerships, building confidence in the service being delivered and building for the future.

Bob Spencer

Chair, Torbay Safeguarding Adult Board



Partnership and Principles

The overarching principles set out in Government policy for safeguarding vulnerable adults (May 2011) are fully supported by the Torbay SAB.

These are:

Empowerment – Presumption of person-led decisions and informed consent

Protection – Support and representation for those in greatest need

Prevention – It is better to take action before harm occurs

Proportionality – Proportionate and least intrusive response appropriate to the risk presented

Partnership – Local solutions through services, working with their communities.

Communities have a part to play in preventing, detecting and reporting neglect and abuse

Accountability – Accountability and transparency in safeguarding

The Torbay Safeguarding Adult Partnership has a zero-tolerance approach to abuse. Every person has the right to live a life free from abuse and neglect. It is everyone's business to ensure that we work together as a community to support and safeguard the most vulnerable in society.

The Torbay Safeguarding Adults Board continues to develop and establish strong partnerships to ensure that those most vulnerable are safe, and free from fear, harm and neglect. We recognise that this will not be achieved in isolation, but by working collaboratively as responsible partners and with others in society who will have a key part to play in protecting those most vulnerable.

The Board has continued to show commitment to the priorities in its terms of reference, with each member taking responsibility for their role in achieving these essential standards for safeguarding adults.

Who is represented on the Board?

Membership of the Safeguarding Adults Board includes senior representatives from all partner agencies, including the director responsible for safeguarding adults within Torbay and Southern Devon Health and Care Trust, the lead agency for safeguarding adults in Torbay.

A full list of members can be found on our website. See: www.tsdhc.nhs.uk/ourservices/safeguardingadults

The Work of the Safeguarding Adult Board during 2013/2014

The Torbay Safeguarding Adult Board meet three times during this year in April, July and October. Most of the detailed work of the Board is carried out through sub committees, each of which provides a report of their work below. An Executive Group was created this year in addition to our established sub groups in order to make decisions at senior level more swiftly where appropriate.

The Board works to a Business Plan which identified four priority areas for action for the forthcoming year:

- 1. Ensuring clear governance as the statutory body responsible for Safeguarding Adults in Torbay.**
- 2. Learning, Improvement and Training**
- 3. Prevention**
- 4. Policy, Performance and Practice Standards**

This report shows the work we are doing towards these priority areas

Performance

In total, 506 safeguarding adult concerns were raised in Torbay in 2013 compared with 434 in 2012. Of these, 282 required multi-agency safeguarding adult interventions representing a 56% increase on the previous year. This represents a significant challenge to both the Single Point of contact and to frontline teams, a challenge which is reflected in our key performance indicators. We are confident that initial strategy meetings provide a framework for keeping people safe, but the rise in referrals and reduction in resources across all of our partner agencies mean that case conferences can be delayed. This is a concern and work is being done to understand this further and address the issue.

Agencies continue to work in partnership to respond to concerns in a timely manner and timescales for responses are monitored both by the lead agency and Safeguarding Adults Board.



In 2013 Torbay participated in the South West Peninsula Safeguarding People staff survey, providing valuable feedback on staff awareness of Torbay safeguarding adult issues.

Of the 362 Torbay participants the result identified



Responses were fed back to contributing agencies to identify areas for improvement. The policy and practice sub group of Torbay Safeguarding Adults Board are also taking forward findings related to specific partnership improvements such as public website awareness and disseminating learning from serious case reviews.

A key performance measure for the Board is to ensure a person centred approach to safeguarding adults. The Experts by Experience group have played a critical role in undertaking discovery interviews to ascertain service user views on safeguarding adult interventions. The results of recent surveys are directly fed back to the Safeguarding Adult Board and Policy and Practice sub group. Representatives from this group are members of SAB and Policy and Practice sub group to ensure the learning from these interviews is directly linked to policy and practice developments.

Peer Review

As an alternative to more formal inspections, the Local Government Association (LGA) is working with the Association of Directors of Adult Social Services (ADASS) to deliver a series of Peer Challenges. All Local Authorities are expected to participate in a peer challenge event. Each Peer Challenge has a small team, consisting of a Director of Adult Social Services, a Senior Manager with appropriate experience, an Elected Member and a Local Government Association representative, and visits the area for three days. This visit is very intensive and the findings are delivered at the end of the period.

Torbay has chosen to make Safeguarding Adults the subject of our peer challenge, which will take place between 30th June to 2nd July. The main areas of focus have been agreed as

- Experience of the safeguarding process for domiciliary care providers
- How we can further improve the safeguarding process and to what extent we share learning and feedback with other organisations
- How do governance arrangements need to change given the changing role of the Health and Wellbeing Board, the recommendations of Winterbourne View and Francis enquiries etc.

Sub Group reports

Executive Group

Since April 2013, there have been major changes to the way in which NHS services are arranged, with new organisations coming into being and significant changes in roles and responsibilities for others. This included the formation of the South Devon and Torbay Clinical Commissioning Group, NHS England and the establishment of the Health and Wellbeing Board by Torbay Council. Other member organisations have also had their own internal reorganisations. This resulted in concerns that all parts of the system were represented and accountable. Having reviewed the position, we are satisfied that we continue to have full commitment from all local organisations involved in Safeguarding Adults and that we have set up links with other Boards as necessary.

We are continuing to develop a 'score card' which includes measures of activity and performance for all our member organisations.

Business support for the Board has also been under consideration, with some additional resources available to strengthen and develop its function.

Experts by Experience

The Experts by Experience members remain committed to the role of the service user sub group for the South Devon Healthcare Trust Board.

The Experts by Experience group are currently undertaking a peer qualitative service evaluation on behalf of the Board. One of the outcomes is to provide knowledge of the reality of what it is like to go through Torbay's safeguarding process from the individual perspective.

The evaluation framework included informing committees, taking due regard to governance, health and safety, easy read options for literature, face to face interviews and analysing the material in order to make recommendations for the safeguarding team and Trust Board.

Each interview resulted in rich information. The Expert by Experience group ratified the questions and script to be asked and in some interviews the person's story flowed and members asked few questions, other than to check out the interviewee's story. In other instances prompts were necessary, as was a break for



one individual. The recorded information was transcribed and analysed at a later date.

The first phase of the project included face to face interviews with people who had a learning disability. The second phase moved forward to ask for participation from people over the age of 65 who had been through the safeguarding process. The study was able to compare the findings from phase one and phase two.

This evaluation will inform and assist in developing strategies to promote safeguarding in a personalised way for people in Torbay, ensuring they are informed and at the centre of any plans made with them. One finding from both people with learning disabilities and people over 65 years of age was the acknowledgement of the need to have a safeguarding process. Further recommendations will help to support this, ensuring people retain control and directions of their lives. The learning from the evaluation is being shared with the Torbay Safeguarding Board, partner organisations and implemented within the Trust.

Safeguarding and personalisation remain the priorities for the Experts by Experience group and again we look forward to continuing to support and contribute to the Torbay Adult Safeguarding Board in the forthcoming year.

Key messages from the Qualitative Evaluation

1. Consider support in place - how we 'leave' people following meetings. Particularly lone family members and family members who have not been invited to the meetings and may feel excluded.
2. Consider any stigma the participant or family member may feel and how to deal with this.
3. Consideration for the same people from

all agencies and professionals to remain consistent in meetings and throughout the process, including the Chair. Safeguarded person to be informed of any absence of key people and the reasons why.

4. Consider the clarity of information given to an individual or their supporter when more than one statutory agency is involved - this includes the roles and responsibilities of each agency.
5. Consider written safeguarding information to be given to people at the start of the safeguarding process. In a wider context consider media awareness for the public of what safeguarding means.
6. Consider the environment and location of the safeguarding meeting and for the safeguarding person to be involved in this decision. Evidence from our research seemed to indicate that when the location was familiar to the individual their engagement was more relaxed and involvement in the process easier for them.
7. For consideration, where a meeting is held in two parts it is more appropriate for the person to be the first in the room rather than enter a room of professionals.
8. Consider person-centred safeguarding meetings as best practice with the right people being present for their contribution they can make rather than a reflection of professional roles e.g. ensuring the safeguarding person is asked who they would like to attend, not duplicating roles and reducing the possibility of participants feeling overwhelmed. Thus making best use of resources available.
9. Design a range of information leaflets alongside service users to reflect the different parts of the process and the

agencies that will be involved.

Serious Case Review (SCR) Sub-Group

The SCR sub-group convenes every quarter to discuss referrals and monitor progress on action plans. The group is formed of representatives from acute health care, community and social care, the police, mental health services and others. This multi-agency and multi-disciplinary group come together to review safeguarding adult cases that require special investigation. For the period April 2013 to January 2014 five meetings were held. Two cases were referred in 2013/14 and the group also monitored progress on cases and action plans from 2012/13. Each case resulted in specific actions but there are common themes relating to communication, documentation and timeliness.

This year we have led the development of a revised Torbay SCR policy that links to the Devon SCR policy so that staff and people who use services can become familiar with one process. Over the last year we have enhanced our links with the Devon Safeguarding Adults Board to work together on investigations, where appropriate, and to share the learning. We are also working closely with our Clinical Commissioning Group (CCG) colleagues so that they are aware of the learning from SCR investigations and are able to influence improvements.

Learning from a serious case review published this year showed that whole home investigations take too long and cause significant stress for all involved. For this reason we have reviewed our policy for managing whole homes investigations. This comprehensive policy now provides staff and local homes with detailed guidance on how to conduct an investigation. It is hoped that this will reduce the stress and disruption of an investigation whilst ensuring a prompt and thorough process.

The SCR sub-group have to consider which method of investigation should be used in each case. For some investigations we use Root Cause Analysis (RCA) and for others a method called Appreciative Inquiry. This year, a new method of investigating serious cases has been used. The aim of introducing the Social Care Institute for Excellence (SCIE) method is to improve the learning from serious cases and to reduce the time it takes to complete an investigation. We will be evaluating the impact of the SCIE method during 2014.

Policy and Practice Sub-Group

Purpose

The Policies and Practice Sub-Group support the work of the Torbay Safeguarding Adults Board by carrying out key functions of the Board regarding policies and practice and progressing issues detailed in the Trust's Business Plan.

Key aims and objectives

The key aims and objectives for this Sub-Group are listed below:

- To look at safeguarding policy and practice
- To methodically evaluate to ensure practice is compliant with policy
- To evaluate learning from practice to inform national policy and practice
- To understand the interface with the Mental Capacity Act and Deprivation of Liberty Safeguards
- To ensure information from this sub-group is fed into other groups to include training, Experts by Experience and others

The group's functions include:

- Receiving information and assurance – audits of records and practice
- To have an awareness of significant developments in health and social care (both locally and nationally) and how these will impact or influence safeguarding
- To influence development and



improvements in safeguarding practice within Torbay

- To commission and receive specific pieces of evidence, audit or research
- To monitor compliance of all relevant services in the safeguarding process
- Monitoring the impact of the training strategy for all involved in caring for adults regardless of employing organisation
- To agree and monitor an audit programme that will measure quality; involving peer audits across organisations and teams. These audits will include record keeping and compliance with standards set within the safeguarding adults policy
- To communication with the MCA Group, receive their documents and have an awareness and understanding of their remit

Outcomes:

- To ensure systems are consistent
- Increase awareness of safeguarding adults
- Staff have clear and consistent advice from safeguarding team
- That we have a workforce that has the necessary knowledge in safeguarding adults
- That the service we provide is effective in meeting the desired outcomes of those we aim to protect.

Mental Capacity Act (Joint with Devon)

During the last 12 months, the mental capacity facilitator has developed further guidance and tools to support the application of the Mental Capacity Act in practice. A good example of this has been the review and further development of the Managing and Chairing Best Interest meetings training session specifically for Managers. This training module sets out how important it is for a robust planning process to take place prior to a meeting being convened, as well as the provision of accurate, relevant and

timely information available to clients and family members prior to any decision making process. A checklist has been developed to support the Managers with their planning processes which has a strong focus embedded within it on ensuring the views and opinions of the client and their family remain central, and a clear honest and transparent approach is taken to building a rapport upon which effective communication can take place.

When supporting the views, opinions and rights of people who have been assessed as lacking mental capacity, Torbay has been identified as having a higher referral rate (per head of population), to the Independent Mental Capacity Advocacy service when compared with another comparable Local Authority. We are very proud of this achievement and our year on year increase in referral rates, and view this outcome as directly linked to an effective training strategy that enables our staff to understand the statutory requirements the Act places upon them and to act in a manner which actively empowers a very vulnerable group within our community.

When considering the implementation of the Deprivation of Liberty Safeguards, we have worked hard to ensure that all those who have a responsibility within the process are able to demonstrate competence when discharging their duties. In April we set up a contract with the Devon Partnership NHS Trust for the recruitment, approval and re-approval of skilled and knowledgeable Mental Health Assessors. There is now a dedicated Deprivation of Liberty Safeguards Medical Lead with responsibility for the governance of the contract which is scrutinised by the local authority within quarterly contract monitoring meetings.

In October we held our first Peer Audit Quality Assurance Panel (alongside Devon County Council). The panel members included

Local Authority legal team, senior manager, lead assessors, lead medical officer and the lead for the Independent Mental Capacity Advocate service. The panel applied a robust scrutiny process over anonymised completed applications, considering quality and timescales. A report was produced on learning outcomes which was shared with the Mental Capacity Act Sub Group of the Safeguarding Board and the Safeguarding Adult Board.

Torbay Council, in collaboration with our colleagues in Devon County Council, has demonstrated real innovation in its desire to deliver a high quality service and once again is very proud to be the first local authorities to set up quality assurance processes such as this within the South West region.

The Safeguarding Adult Board is committed to supporting its partner agencies in understanding the requirements of the Act and working in an effective and collaborative way. An example of strong collaborative working can be seen in the work currently being developed by the Mental Capacity Facilitator in supporting the police and the anti-social behaviour team within Torbay in developing their own skills and knowledge regarding both the Mental Capacity Act 2005 and the Deprivation of Liberty Safeguards. A bespoke MCA awareness session has been put together, with the help and support of a senior police officer with a view that the first sessions will be run at the end of March 2014.

On the 13th March 2014, the House of Lords Select Committee for Mental Capacity Act published its full report which sets out 39 recommendations. Within the next 12 months we will continue to commit to staying informed of all legislative change and above all ensure that our systems and processes are developed as quickly and as effectively as possible upon receipt of direction from the Government.

Training

Devon and Torbay Safeguarding Adult Boards have established two joint sub groups in recognition of the similarity of the partner agencies and issues affecting both Boards. These groups are the Learning and Improvement group and the Mental Capacity Act Group.

The Learning and Improvement Group held their first quarterly meeting in September 2013. The remit of the group is to support both Boards by enabling organisations to plan, commission and monitor Safeguarding Adults and Mental Capacity Act training, by looking at strategic issues affecting both learning and improvement and identifying areas where joint working would be beneficial.

One key area of current work is the joint Safeguarding Adults Workforce Development and Training Review of the arrangements for providing, and quality assuring, Safeguarding

Adult's workforce development training that is being carried out by Devon and Torbay Safeguarding Adults Boards. The aim of this review is to clarify what safeguarding adult training the partner agencies would like to be provided by the Board's training teams, the quality assurance work to be undertaken by the training teams against agreed competency frameworks, and the funding of both aspects of work. The recommendations of the review will then be implemented by the Learning and Improvement Group.

The group enables a close working relationship between Torbay and Devon training and safeguarding adult teams, enabling them to share best practice and learning. This is reflected in the formation of a number of small working groups to look at issues such as performance data and collating learning from national serious case reviews, with significant input from the Torbay Safeguarding Adults manager.

© Chris Slack



Member organisations reports

Torbay and Southern Devon Health and Care NHS Trust (TSDHCT)

TSDHCT acts as the lead agency for responding to Safeguarding Adult concerns in Torbay and leads and supports on much of the work described elsewhere in this report. This includes initiatives such as those described in the feature on Prevention in this report, including Serious Self Neglect, Financial Abuse and Vulnerability.

In 2013 the Trust played an active role in developing current policy and practice guidance with regard to whole home / large scale concerns, Deprivation of Liberty Safeguards, Local Prevent Strategy and Mental Capacity Act guidance for staff.

Our integrated health and social care approach provides the foundations for effective multi-disciplinary and partnership responses to safeguarding concerns. Working to the philosophy of 'safeguarding is everyone's business', the Trust is currently undertaking a drive to ensure that all staff have completed all safeguarding adult training relevant to their role. To underpin this on-going professional development programme has been drafted to support the development of professional capability through, for example, supervision and peer support networks.

In accordance with advice and guidance to Directors of Adult Social Care Services, the Trust is also working hard to ensure that safeguarding is outcome focused from the beginning to the end of the process and focuses on making a difference to people's lives. This is demonstrated in both safeguarding and MCA / DOLS policy and practice guidance and the Trust commitment to receiving qualitative feedback from the Experts by Experience group.

The need to ensure staff remain legally literate will be prioritised throughout 2014 in preparation

for the introduction of the Care Act 2014. The Act, for the first time, places a corporate duty on local authorities to make safeguarding enquiries as well as fund advocacy for assessment and safeguarding for people who do not have anyone else who can speak for them.

2013 saw a significant rise in the number of adult protection referrals. The Safeguarding Adult Single Point of Contact (SPOC) maintains the opportunity to have a central hub in Torbay for safeguarding adult concerns to be received and ensure these are triaged in a consistent way by professionally trained staff in partnership with operational teams and partner agencies. Given the increase in referrals it is essential that the Trust continues to look at ways to support proportionate partnership responses at the point of alert and, with this in mind, the Trust is currently looking at the viability of relocating SPOC within the Pilot Police enhanced referral unit. Benefits would include bringing two central hubs together to assess generic adult protection concerns as well as those associated with domestic abuse, prevent, missing persons and hate crime.

The Trust is also reviewing the way in which it supports individuals with a learning disability who are experiencing increasingly complex health needs.

The Integrated Safeguarding committee meets bi-monthly to provide assurance to the Trust Board on both Children and Adult Safeguarding. The committee receives and scrutinises update information on qualitative and quantitative performance, training updates and policy and practice issues. Much of the information within this committee is then directly fed back to the Torbay Safeguarding Adult Board to provide further scrutiny and assurance to the local safeguarding adult partnership.

Torbay and Southern Devon 
Health and Care
NHS Trust

South Devon Healthcare NHS Foundation Trust

South Devon Healthcare NHS Foundation Trust runs Torbay Hospital and provides acute services to the population of Southern Devon and Torbay.

The Director of Professional Practice, Nursing and People's Experience is the lead executive for safeguarding, supported by the deputy and associate nurse directors.

The Trust has two named professionals for safeguarding adults, who receive alerts, manage safeguarding procedures and provide training and advice for staff within the Trust. The Director of Nursing is a member of the Torbay Safeguarding Adult Board. The Trust is also represented on sub-groups of the Board. The Trust operates a Safeguarding Adult Committee, chaired by the Director of Nursing or deputy. Key functions of this group are to ratify policy and procedure and to oversee any complaints and recommendations which relate to vulnerable groups.

The Trust's work this year has included:

- Constantly working to improve patient safety has been a key focus for the Trust and they continue to monitor and ensure that their clinical governance processes are closely aligned to safeguarding principles. The subject of pressure ulcer prevention remains a feature of our safety programme.
- The Trust has reviewed the extensive findings of the Robert Francis report into the care failings at Mid Staffordshire and has drawn up areas for action. These include work on nurse staffing levels, and reviewing the appraisal process and linking this to values and behaviour. They are also working with the Education Department to ensure that our Health Care Assistants, who

are an important and much valued part of our workforce, are supported in achieving required competencies, for example, vital signs monitoring.

- The Trust continues to promote direct observation of the care environment, and real time feedback to improve the patient experience.
 - In recognition that people with dementia are potentially increasingly vulnerable in a busy hospital setting, the Trust has continued to work across the health community to share good practice and to work towards the South West standards for hospital care. They have also been working to improve their response to the National CQUIN which seeks to improve the recognition, assessment and onward referral of patients with suspected dementia.
 - A further cohort of young people with a learning disability have started their internships at Torbay Hospital under the banner of Project SEARCH. This is a partnership arrangement with South Devon College and the social enterprise Pluss. The programme lasts a year, during which time 10 students will work in three placement rotations in many different areas within the Trust including catering, postal service, portering, medical records, haematology clinical preparation and administrative support in human resources.
- The end aim is to help the students find paid employment within the Hospital or elsewhere in the community.
- The Trust has set up a mealtime volunteer scheme, which seeks to provide additional help and social interaction at mealtimes in order to improve the experience of eating and therefore increase nutritional intake.

This has been a very successful initiative and has generated interest from other Trusts. A dedicated clinical lead and matron have helped to make this a success.

- The Trust's Learning Disabilities Liaison Nurse has overseen the production of a video for anyone who may be anxious, or concerned about coming into hospital via A&E. This video is visible on the Trust intranet and internet, and You Tube. This video shows the whole process from A&E to radiology, to the fracture clinic for a plaster cast to be secured. There are two productions of this, one male and one female, as people with Autism may not recognise the opposite sex as applying to themselves.

Priorities for 2014

- Maintain focus on pressure ulcers by participating in the Pressure Ulcer Collaborative which is being run across the health community. This will involve members of teams across all settings of health and social care to develop skills and knowledge in improvement methodology with the focus on recognition and prevention of pressure ulcers.
- Improving dementia awareness for all staff groups and achieving the Purple Angel recognition.
- The Safer Care Group work plan includes Transitions of Care which will focus on the potential for harm to occur at the point a patient moves from one setting to another.
- Increase the Trust's focus on gaining feedback from service users, with a particular focus on those from vulnerable groups.

South Devon Healthcare 
NHS Foundation Trust



Devon Partnership NHS Trust

The Director of Operations is Executive Lead for Safeguarding for Devon Partnership NHS Trust and is supported in this role by the Managing Partner and Management Lead for Adult Safeguarding.

The Trust is represented at the Safeguarding Adults Boards in Devon and Torbay by the Executive Lead for Safeguarding. The Trust has representation at the sub-groups of the Boards including Multi Agency Public Protection Arrangements (MAPPA).

Each Directorate has an identified lead for safeguarding and acts as a Champion for the agenda. The Trust has an identified MAPPA Lead who attends the Strategic Management Board.

A Safeguarding Committee is in place chaired by the Director of Operations. The role of the committee is to oversee the development of the safeguarding agenda and to ensure compliance with safeguarding requirements and best practice guidance and to monitor learning from incidents, serious case reviews and inspections.

The Safeguarding Committee is supported by a number of work stream groups.

The Safeguarding Committee reports to the Quality and Safety Committee and through this Committee to the Board of Directors.

An organisational Chart showing the Governance arrangements is included at the end of the report.

Policies and procedures

Staff can access the following safeguarding information from the Safe Services section on the Trust intranet:

- Adults Safeguarding Policy
- Policies

- Guidance notes
- Information leaflets and posters
- Safety briefings – produced regularly to develop shared understanding and promote good practice.

The following policies are in place and have or are being reviewed this year:

- The Safeguarding Adults Policy (to include PREVENT)
- Mental Capacity Act
- Incident Reporting Management and review

Single point of contact

The Trust is supported by a single point of contact for all Adult Safeguarding Alerts in Devon and Torbay. These arrangements take account of the guidance 'Clinical Governance and Adult Safeguarding: an integrated system'.

Training

The Trust has completed a training needs analysis for adult safeguarding which was approved by the Trust's Management Board. The training standards for safeguarding form part of the contract with commissioners and are monitored as part of the Contract Quality Review meeting.

All staff are required to have completed the core learning module which is available through e-learning. In addition all staff in a clinical role are required to complete practitioner level training which is a half day course. 85% of eligible staff are required to complete the training by 31 March 2014. Compliance with this target is monitored and arrangements have been put in place at team level to ensure that the training standards are met.

The following training is provided:

- Mental Capacity Act
- MAPPA



■ PREVENT (in development)

Training for administrative staff in 'minute taking' is being undertaken. This will ensure a consistency of recording and reporting for all safeguarding meetings and reviews.

All staff are required to have monthly supervision sessions which includes safeguarding. This is monitored on a monthly basis at Huddle (a weekly half hour session attended by the Executive Team and Senior Leaders) and Directorate Performance Reviews.

Employment checks

The Trust has standards in place to ensure that all staff have the appropriate employment checks completed. Guidance has been updated to include the requirements of the protection of freedoms Act (2012) now with the Disclosure and Barring service (DBS) who now undertake criminal checks. These standards are monitored through the Workforce Committee and reported to the Quality and Safety Committee.

The Trust has a statement about staff responsibility to safeguarding in all job descriptions

Quality and safety

The Quality and Safety Committee receive quarterly reports from the Safeguarding Committee.

The Trust's Risk Register and Assurance Framework sets out the risks associated with Safeguarding and this is reviewed at the Safeguarding Committee and at the Quality and Safety Committee. The most recent assessment confirms that systems and processes have been developed but practice has not been fully embedded across all areas of the Trust. Actions plans are in place to ensure that the required changes in practice are fully implemented.

Safeguarding standards are monitored through:

- Safeguarding Quality Improvement plans
- Safeguarding Assurance Framework
- Team performance dashboards
- Response to safeguarding alerts raised through the Single Point Of Contact (SPOC)
- Clinical records self-monitoring
- Learning from safeguarding alerts and serious case reviews
- Management and practice supervision
- Review of CQC Provider Compliance Assessments (Outcome 7)
- Safeguarding training dashboards

Audit and monitoring 2013

The following clinical reviews have been completed:



- Embedding safeguarding practice: audit of team minutes
- A full review of all risk registers ensuring an accurate position is noted
- A full review with external agencies of the outstanding alerts and notifications that require action.

Priorities for 2014

The following priorities have been identified for 2014

- To consider the need to have a dedicated Adult Safeguarding Manager for the Trust. A business case is currently being developed
- To ensure the processes for reporting, monitoring, investigating and learning from safeguarding alerts is further streamlined and established within the Trust
- To ensure our partner agencies are kept informed of any changes to personnel or processes therefore reducing the time between allocation, investigation and action of alerts.
- To negotiate with our partner agencies on how they manage referrals to them and give decisions regarding on-going investigations or actions back to the Trust. Therefore reducing the time pending decisions being made.
- To ensure learning from safeguarding events is embedded into practice, via supervision and Trust training programmes.
- To remain responsive and reactive to changes as they occur in policy directives or good practice guidance.
- To continue to develop the PREVENT agenda and support staff in this area of safeguarding practice.

Devon Partnership



NHS Trust

NHS England

NHS England is an executive non-departmental public body. It works under its Mandate from the Government to improve the quality of NHS care and health outcomes, reduce health inequalities, empower patients and the public and promote innovation. Its key responsibilities include:

- Authorisation and oversight of CCGs and support for their on-going development
- The direct commissioning of primary care, specialised health services, prison healthcare and some public health services (including, for a transitional period, health visiting and family nurse partnerships)
- Developing and sustaining effective partnerships across the health and care system.

NHS England has a single operating model and is largely organised into three functional areas, i.e. nationally, regionally and locally. There is senior clinical leadership at all levels, including those with responsibility and expertise in safeguarding. The NHS England Local Area Team will each have a Director of Nursing who is responsible for supporting and providing assurance on the safeguarding of children and adults at risk of abuse or neglect. The Devon and Cornwall Area Team have the responsibility to ensure the assurance of the safeguarding system is working across Primary Care and CCGs.

For 2014, NHS England Devon and Cornwall Area Team will be focusing on getting the safeguarding alert process right in Primary Care, ensuring information is available for strategy discussions and serious case reviews. In addition, they will be reviewing the training and the impact of that training that GPs and Dentists receive to support embedding lessons learnt in practice across the whole range of vulnerable adult groups.



Devon and Cornwall Police

The force's focus remains on its strategic priorities, one of which is protecting people from harm, by:

- Protecting vulnerable people
- Working with partner agencies to reduce alcohol and substance abuse
- Preventing violent extremism
- Reducing the number of people being killed or seriously injured on our roads
- Pursuing those people who cause the most harm to the community
- Reducing the harassment experienced by disabled people

These priorities have been linked to the Police & Crime Commissioner's vision (Police and Crime Plan 2013-17) relating to vulnerable people, by addressing these key areas;

- Protecting the most vulnerable with a focus on domestic, family and sexual abuse and better awareness and response to so called hidden crimes
- Working to better understand and respond to crimes motivated by prejudice against someone's beliefs or circumstances, such as hate and mate crime
- Reducing anti-social behaviour
- Increasing the safety of the vulnerable, young and victims by protection from those posing the most serious harm
- Giving victims and witnesses a stronger voice

The Safeguarding Vulnerable People (SVP) review is instrumental in driving the Force's priorities in relation to vulnerable adults and their safeguarding. The SVP review has now been completed and accepted as best practice by the Force Management Board. A pilot of the new processes is to take place within Torbay in May 2014, with a view to a roll out across the Force after a full evaluation has been completed. The design has been developed as a result of extensive consultation with key stakeholders from within the organisation and externally. Good practice both locally and



nationally has been incorporated. Benefits include:

- A Single Process for Safeguarding which utilises a Central Safeguarding Team(CST) to ensure all cases are researched, risk assessed and considered for multi-agency information
- A new vulnerability screening tool (the ViST) which will better equip frontline officers and staff when identifying risk. The new tool will be included within the Torbay pilot.
- As part of the roll out of the ViST all frontline officers and staff will be receiving a training input to enhance their understanding of vulnerability across the Safeguarding spectrum. This course will be trialled within Torbay with a view to a wider roll out.
- A new risk based approach will be trialled in relation to the allocation of Adult Safeguarding enquiries which will improve the way the Force uses specialist officers to deal with high risk and complex enquiries. These officers will be assigned to units called Multi-functional Local Safeguarding Teams (LST's) – combining the skill sets and resources of child abuse investigators, safeguarding adult investigators and domestic abuse officers. Officers will have a primary and secondary skill set to create a more resilient and flexible workforce.
- As part of the review, the hours worked will be increased enabling officers to give advice/guidance to frontline staff outside of core hours.

The Force is progressing its work across the peninsula with our multi-agency partners, to improve knowledge/reporting in the important area of safeguarding Adults and Financial Abuse. In Torbay, the strategic Financial Abuse Task and Finish Group with multi-agency and voluntary sector representation has met on a number of occasions to discuss issues around financial abuse. Tasks/ideas to progress include;

- Developing an 'easy read' leaflet for service users in conjunction with the National Illegal money Lending Team in relation to Financial Abuse.
- Staging a number of multi-agency workshop awareness events for frontline staff

The Torbay Vulnerability Forum continues to address the needs of vulnerable adults in the community, failing to reach the threshold for statutory intervention. It minimises risk to vulnerable adults, providing a multi-agency forum to discuss, assess and signpost vulnerable adults to appropriate support and services. This includes adult vulnerability relating to mental health, learning disability, older people, physical disability, substance misuse, carers, victims of hate/mate crime and repeat victims of crime. The Forum is attracting recognition at both a local and national level.



Devon & Cornwall Police
Building safer communities together

South Devon and Torbay Clinical Commissioning Group (CCG)

Since becoming formally responsible for buying and developing services for local patients, South Devon and Torbay CCG has continued to develop its role in Safeguarding Adults within Torbay and South Devon. The Quality Governance Directorate continues to take the lead for safeguarding adults and the Mental Capacity Act (MCA) for the CCG, providing representation at both Board and sub group level in order to support the Boards in the delivery of their business plans.

The Executive Clinical Lead for Patient Safety and the Director of Quality Governance both sit on the governing body and have responsibilities for safeguarding. They are supported by the Safeguarding Adult and Patient Safety lead, which also incorporates a lead MCA role.

The CCG gains assurance from the organisations from which they commission services using a variety of methods, including monitoring contracts against quality standards and participation on the Safeguarding Adult Board. Any issues of concerns are addressed through contract review meetings.

The CCG also becomes involved in safeguarding processes where it is perceived that there is an increased need for oversight in relation to specific healthcare issues. This provides assurance to both vulnerable adults and healthcare provider organisations that the process is supportive, effective, robust and impartial, as the Board is able to utilise both the skills and knowledge brought by the CCG to support change and improvement where it is required.

An external high level review of the CCGs safeguarding arrangements (both adults and children) was completed in January

2014. The CCG demonstrated that it has designed appropriate systems for discharging responsibilities in respect of safeguarding as part of the authorisation process. The findings of the review provides assurance that the safeguarding processes in place are fit for purpose and are working as intended. There were four areas that the auditors feel could be strengthened further, which the CCG had already identified as areas to focus on. Two were general to both safeguarding children and safeguarding adults and relate to the completion of the mapping of training needs within the CCG and development of comprehensive guidance regarding the sharing of information with external agencies in the light of the recent reorganisation of the NHS and the impact of the review of the Caldicott Principles which identify key principles which should be adhered to when sharing information. The audit also recommended updating the existing safeguarding adult's policy and strategy upon publication of the Care Bill.

Achievements

Locally the CCG has further developed the close working relationships with both Torbay and Devon's Safeguarding Adults team and the Safeguarding leads for Northern, Eastern and Western Devon CCG and the NHS England Devon, Cornwall and Isles of Scilly Area team, with some joint working on specific projects. The CCG has also contributed to the revised multi-agency policies and procedures of both Torbay and Devon. The CCG also liaises on a regional level through attendance at network meetings and forums enabling a sharing of learning, experience and best practice with both providers and other CCGs across the South West.

The CCG has developed a suite of Operational Principles (OP) which are values based principles that the Board, as commissioners, embed within their NHS contracts with



providers. They set out the commissioning intentions re quality of care, and describe various principles that the CCG expect providers to comply with. In order to get a higher level of assurance about how a provider is doing against an OP, the CCG has started holding annual events for each OP where best practice, good ideas and challenges can be shared between different providers and key partners, whilst also giving the Board evidence of overall levels of attainment, and where people are struggling. The safeguarding adults annual event was held at the end of January 2014. It was well attended and the overall impression was that it was useful and informative, and updating the diverse range of attendees provided an opportunity for networking, sharing experiences, celebrating good practice and thinking positively to improve services and to work closer with other organisations.

A key focus for NHS England has been the roll out of the PREVENT agenda, a key part of the Home Office's Counter Terrorism Strategy that focuses on identifying vulnerable people at risk of radicalisation and supporting them in order to prevent them from committing crimes. The CCG has been had a key role in this locally as the Department of Health is clear that this falls within safeguarding and has rolled out training across the country with the aim of helping front line healthcare staff to support patients.

As part of the CCG's role in leading safeguarding adult processes they have developed closer relationships with providers where they place people who need additional care that is not available in the community.

This closer relationship has enabled providers to use the CCG a source of advice and support for their ongoing development and improvement as well enabling the Board to monitor the systems and processes they have in place to deliver safe effective care. Involvement in Serious Case Reviews has enabled us to escalate identified areas of learning to NHS England as appropriate. These include issues such as a Primary Clinical Lead for complex vulnerable adults and also clarification of other specific issues relating to the GP contract. The CCG is also working closely with colleagues who place or care for people in care homes in both Torbay and South Devon to support the development of the quality assurance of the systems and processes of care homes. The CCG is in the early stages of looking at models of care in which frail people with receive more individualised, focused, coordinated multi-agency care with the aim of preventing people coming to harm.

Work Planned

The CCG's key responsibilities for safeguarding adults can be summarised as assurance, leadership and partnership. These areas mean that Safeguarding Adults and the prevention of harm to vulnerable adults and effective use of the Mental Capacity Act will continue as a priority for the CCG, with the CCG implementing forthcoming changes within the Care Bill through the strategy and policy when they have been updated.



***South Devon and Torbay
Clinical Commissioning Group***

Prevention item

This year, a 'virtual' workstream on prevention has been co-ordinated in order to identify the strands of work being carried out. In 2013/14, this will become a formal sub-group, chaired jointly between the Clinical Commissioning Group and Torbay and Southern Devon Health and Care Trust.

Winterbourne View Action Plan

- We will ensure that the care we commission on behalf of people with a learning disability is outcome focused to protect those most vulnerable in society, based upon the learning for the Winterbourne View Serious Case Review
- We have completed a Commissioning Strategy for People with a Learning Disability in order to focus our services and how they are arranged, in order to make sure they focus on the outcomes needed to support individuals. This was done in consultation with service users and carers in Torbay. We are working closely with the Clinical commissioning group and Torbay Council to agree an implementation plan.

An Action Plan was developed in response to the Winterbourne View Serious Case Review with the Clinical Commissioning Group. This has been monitored through regular meetings during 2012/13 with each organisation updating their actions. As good progress is being made, the frequency of formal monitoring is reducing to quarterly and finalised in March 2014 as all work is incorporated into day to day work. TSDHCT has contributed significantly to this work with improvements to quality and performance monitoring across our local providers. Examples of this include:

- We are developing our monitoring of Care Homes in which vulnerable people are placed. This includes the use of the 'Quality Effectiveness and Safety Trigger

Tool ' to highlight potential concerns within the home, the collection of 'soft intelligence' to identify concerns outside of formal mechanisms and the use of an observational checklist by visiting staff to monitor the home environment.

- We are updating the contract used to commission care home placements with a greater focus on quality of care and safeguarding adult's requirements so that providers are clear about our expectations. We will incorporate the Operating Principles set by the CCG into this new contract format.
- We are planning to return any individuals placed away from home, using the least restrictive environment. To do this, we are working to provide high quality, safe care in community settings whenever possible.
- We are ensuring that our Safeguarding Adult processes and practice are designed to support individuals by taking account of feedback from people experiencing them. A Peer Review (carried out by colleagues from other Local Authorities) will take place in June 2014, to evaluate our Safeguarding arrangements against the six key principles of safeguarding, empowerment, protection, prevention, proportionality, partnership and accountability.
- The Community Learning Disability Team is on target to complete 81.6% of annual reviews due in 2013/14. The team is adopting a clearer focus on outcomes when reviews are undertaken. Each review carried out by the Community Learning Disability Team is audited by a manager to ensure that there is a focus on outcomes for the individual. Any actions identified in the review are RAG rated in order to prioritise work for the team.

Blue Light Day

Devon Blue Light day was held at Torbay Leisure Centre at Clennon Valley on Tuesday 20th August 2013 during National Learning Disability Week. The aim of the day was to raise awareness to people with a Learning Disability about all the services that are available in Devon to keep them safe. Over 200 people with a learning disability attended the day and there were lots of stalls to look at with information and advice for keeping safe. Different agencies came together for the day and provided information on keeping safe. Devon and Cornwall Police, Torbay Safeguarding Team, ambulance service, fire service, Torbay Council, Street Wardens, Mencap and ROC all attended alongside many other agencies. Torbay Community Learning Disability Team also held a stall on the day and provided advice and guidance on cancer screening programmes for men and women's health.

There will be a similar event on 29th July 2014 in another part of South Devon.

Vulnerable Adults Forum

The Torbay Vulnerability Forum was developed in January 2013 following consultation with key statutory and non-statutory agencies in Torbay, to meet the needs of the community and in particular those vulnerable adults who failed to reach thresholds for statutory intervention.

The aim of the forum is to minimise current or future risk to vulnerable adults by providing a multi-agency forum to share information, discuss, assess and signpost vulnerable adults to appropriate support and services.

The forum, which is being billed as best practice amongst an ever increasing number of agencies, both locally and regionally receives on average four referrals a month and tasks out 13 actions per meeting.

One specific example of how the forum is making a difference concerns a vulnerable woman who called the police 475 times in three months prior to being referred and on being discussed a number of supportive interventions were implemented resulting in appropriate support and a cessation of all calls.

Self-Neglect

Serious self-neglect is a category within our Safeguarding Adults policy in Torbay; however its definition is wide and subject to misinterpretation. Societal changes are resulting in an increase in the amount of people who may be considered to be seriously self-neglecting; although this may be true, not all of these people would meet the safeguarding adult's criteria of significant harm.

Serious self-neglect is a complex issue which encompass a complex interplay between mental, physical, social and environmental factors. It frequently covers inter-related issues such as drug and alcohol misuse; homelessness, street working, mental health issues, criminality, anti-social behaviour, inability to access benefits, and/or relevant health related services.

Whilst we have built up skills and knowledge in safeguarding people within this category of abuse, we need to ensure that we are targeting valuable resources to the people at the highest level of risk. Therefore we are working with Partnership agencies across Devon and Torbay to create robust, shared threshold criteria, to triage safeguarding alerts against.

Pressure Ulcer Prevention Project

The prevention of pressure ulcers is a local and national priority, recognising the human suffering as well as cost implications on resources. The occurrence of a pressure ulcer can cause increased risk of infection, emergency hospital admission, longer stay

in hospital, pain, psychological distress and often loss in independence and are considered to be a key indicator of the quality of care a patient receives.

The Pressure Ulcer Prevention (PUP) project has been developed with the aim of educating staff and service users about prevention of pressure ulcers as many of these are preventable, alongside resources being produced. With some basic principles, such as encouraging a person to make small but regular movement, the risk of pressure damage to the skin is reduced.

Currently the PUP project has taught 600 carers from residential, nursing homes and domiciliary care agencies within Torbay and Southern Devon. These are from half the establishments we have within the locality. NHS staff are also receiving training, including Registered Nurses, Allied Health Professionals and Skilled Non-Registered Staff.

They have achieved significant improvements in our hospitals, reducing the number of avoidable serious pressure ulcers acquired in our care by 50 percent so far this year. In the community, the results are not as conclusive as nurses have to rely on the skills and knowledge of others including family, care agencies, residential care homes and patients themselves to undertake the care activity.

The 'Staying Healthy' Booklet is being distributed which gives those people caring for someone clear guidance of prevention of pressure ulcers. The collaborative pilot starting in February 2014 will support the development of a system wide approach to pressure ulcer prevention including their partners in the independent sector.

Contracts

Torbay and Southern Devon Health and Care Trust is introducing a new contract for all of the organisations which provide services on

its behalf. These contracts will state clearly the range of expectations and requirements placed on them in terms of Safeguarding Adults and other essential aspects of care.

Quality

Torbay and Southern Devon Health and Care NHS Trust is working closely with the organisations which provide services on their behalf to monitor more closely the quality of care they provide. This includes an early warning system of any difficulties so that support can be considered to prevent the situation deteriorating. In addition, staff and visitors to homes are being asked to feed back and provide information on the quality of the environment and service.

Expenditure 2013/2014

13/14 Forecast spend:

Staffing	£344,292
SAB	£20,160
Venues / Office	£3,565
SCR / AI	£11,900
IMCA	£64,086
Training.	£25,933
TOTAL.	£469,936

Plans

The Business Plan for 2014/15 will be published on the web. The following priorities will be highlighted:

- To ensure that Torbay SAB is fit for purpose following the introduction of the new legislative framework for Safeguarding Adults, to be introduced in the Care and Support Bill during 2014.
- To ensure that learning resulting from local and national serious case reviews and case law is shared across our organisations and included in practice guidance.
- To work with the local community to develop networks of support for vulnerable individuals to prevent abuse wherever possible.



Agenda Item 11



Meeting: Council

Date: 17 July 2014

Wards Affected: All

Report Title: Commercial Team Service Plan. Community Safety (incorporating the statutory service plans for Food Safety and the Councils Under Age Sales Policy for Tobacco Products and other age restricted goods.)

Executive Lead Contact Details: Councillor Excell, Executive Lead for Safer Communities, 01803 207579, robert.excell@torbay.gov.uk

Supporting Officer Contact Details: Steve Cox, Environmental Health Manager (Commercial), 01803 208025, steve.cox@torbay.gov.uk

1. Purpose and Introduction

- 1.1 For Members to note the overall contents of the Commercial Team Service Plan (part of the Community Safety Business Unit) and to specifically agree the Food Safety Service Plan, and the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Good. The Commercial Team Service Plan includes the current work plan of the Commercial Team within Community Safety which comprises of the functions of Food Safety, Trading Standards, Licensing, Health and Safety and Emergency Planning which are managed together as part of key front line services protecting the public
- 1.2 By approving the Statutory Food Safety Service Plan, and the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods, Members will ensure that businesses, residents, employees and the wider community of Torbay are protected and the resources allocated to the service are deployed to areas of highest risk.

2. Proposed Decision

- 2.1
 - (i) **That the Statutory Food Safety Service Plan as set out in Appendix A of Appendix One be approved.**
 - (ii) **that the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods as set out in Appendix C of Appendix One be approved.**
 - (iii) **that the overall workplan of the Commercial Team for 2013/14 be noted.**

2.2 Reason for Decision

The Commercial Team Service Plan covers the work undertaken by the Commercial Team within Community Safety, all of which are statutory functions of the Council. Contained within this Service Plan is the Food Safety Service Plan which is a statutory plan required by the Food Standards Agency.

Within the Service Plan is also the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods. Torbay Council has a statutory obligation to review annually its Under Age Sales Policy with regards to enforcement action on tobacco and tobacco products in relation to the protection of children and young persons.

Supporting Information

4. Position

- 4.1 The Commercial Team Service Plan covers the work undertaken by the Commercial Team, Community Safety, all of which are statutory functions of the Council. The resources allocated to this team have reduced year on year, as highlighted within the Service Plan, though the current position is only a small reduction on the previous 12 months. The plan outlines the risks associated with reduced resources in fulfilling its statutory obligations especially with regard to the level of food hygiene inspections which are undertaken and the overall resilience of the service.
- 4.2 As highlighted in previous reports to the Community Safety Business Units now prioritises its workload based on risk and will always target first, those businesses, activities, emergencies and disease outbreaks considered to be of the highest risk. However its resilience to continue to deliver its full range of statutory duties and meet customer expectations, within the resources allocated is now under significant strain.

Food Safety Service Plan

- 4.2 Food Standards Agency guidance entitled Framework Agreement for Local Authority Food Law Enforcement details many requirements for Local Authorities, which had to be implemented from April 2001. These requirements include the production and implementation of an annual Food Safety Service Plan and a Food Sampling Policy. The guidance provides information on how enforcement services plans should be structured and what information they contain. Service plans developed under these arrangements will provide the basis on which Local Authorities are monitored and audited by the Food Standards Agency.
- 4.3 The document shown in Appendix A of the Commercial Team Service Plan is the Food Safety Service Plan. It includes food standards and food hygiene requirements in accordance with the Food Standards Agency prescribed format. It details matters such as achievements in service delivery, a review of last year's implementation and

this year's work plan for 2014/15, this may alter during the year as the service is very reactive and responds to changes in legislation as and when is necessary.

4.4 In November 2011 the Food Standards Agency audited Torbay Council. The key issues highlighted in their report were:

- the large volume of seasonal businesses and the fact they need to be inspected quickly;
- the backlog of medium risk premises that require an intervention.

An action plan was developed and agreed with the Food Standards Agency to mitigate the issues raised however with the current level of resources allocated to this service the Food Safety Team is not able to carry out 100% of interventions in all the premises as laid out in the statutory Food Law Code of Practice. This was reflected in the Food Safety Service Plan written 12 months ago. During 2013-14, significant improvements have been made and the target of inspecting 50% of Category C premises was significantly exceeded. This was due to a combination of hard work by the Food Safety Officers, some additional resources being used and no other significant workplace challenges as have been experienced in previous years. Although this may reduce the likelihood of further Food Standards Agency inspections currently, this could easily change in the future if resources are not maintained.

4.5 The new Food Hygiene Rating Scheme has been a huge success, with 722 premises scoring 4 or 5. (5 being the highest score). It has helped drive up standards and this has meant there has been a some reduction in the number of high risk premises, which has helped mitigate some of the loss in resources.

Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods

4.6 Torbay Council is required by Section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991 to consider, at least once a year, the extent to which it is appropriate to carry out a programme of enforcement action in relation to tobacco and tobacco products. This report fulfils the requirements of this annual review, but also extends its remit to other age restricted goods. Through the control of age restricted products, Torbay Council has actively contributed to the reduction of anti-social behaviour and reduced the risks to children and other vulnerable groups.

4.7 Council last considered Torbay Council's Policy regarding enforcement of legislation prohibiting the supply of tobacco and tobacco products to children and young people, in July 2013. This report updates that Policy and renews our commitment to test purchasing, along with other early interventions to ensure that children and young people across Torbay are protected. See Appendix B of Appendix One.

4.9 This Policy contributes directly to delivering Torbay Council's corporate priorities and delivers our statutory responsibilities. It also links with the Council's children's and young people's safeguarding and safety responsibilities.

- 4.10 The Policy also relates to the Community Plan, in particular to the theme of 'Community Safety'. There are strong links between drug and alcohol problems and crime. The Policy is aimed at protecting children and young people from the harmful effects of cigarettes and alcohol. It also encompasses the sale of fourteen other age restricted products, including knives and solvents.
- 4.11 The Policy is linked to Torbay Council's responsibilities as a Licensing Authority, under the Licensing Act 2003. Trading Standards are statutory consultees under the Licensing Act 2003, in relation to 'The Protection of Children from Harm'. The Policy also contributes to Torbay Council's agenda for safeguarding children under the Children Act 2004 and the responsibilities of the Every Child Matters agenda.
- 4.12 During the past 12 months two Test Purchasing Operations have been undertaken involving 14 premises. This has included gambling and alcohol licensed premises, the later included two pubs. There were four failures and these have been addressed following the enforcement policy, whereby all four premises were giving warnings.

5. Possibilities and Options

- 5.1 The Council has approved a Food Safety Plan and an Under Age Sales Policy annually. The tabled Service Plan ensures that the resources allocated to the teams through the budget process will be deployed to best affect and deal with the areas of highest risk. In supporting the recommendations the council would be providing the baseline against which any future Food Standards Agency audits will be undertaken. If Members are not minded to approve the plans, then further negotiation will need to be undertaken with the Executive Head Community Safety and Executive Lead.

6. Equal Opportunities

- 6.1 The recommendations in this report will ensure that the resources allocated to the team are targeted at areas of highest risk.

7. Public Services (Social Value) Act 2012

- 7.1 This report is not recommending any direct commissioning of services and therefore does not have a direct impact with Public Services (Social Value) Act 2012. The report seeks the endorsement of the statutory work already undertaken directly by the Council.

8. Consultation

- 8.1 No external consultation has specifically been undertaken on the Commercial Team Service Plan although the budget allocated to the team was subject to public consultation through the Councils overall budget processes during 2013/14. Though Consultation does takes place on key pieces of work, such as Policy reviews and on many applications made under the Licensing Act 2003 and the Gambling Act 2005.

9. Risks

- 9.1 Torbay Council is required to produce an annual Food Safety Service Plan, so providing that is agreed then there is no immediate risk. There is however a risk associated with the declining resources and the resilience within the Commercial Team which may have an impact on the delivery of the services it provides including food hygiene inspections.
- 9.2 Torbay Council is required by Section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991 to consider the Policy on the Protection of Children in relation to Tobacco Sales, at least once in every period of 12 months, the extent to which it is appropriate to carry out in the area a programme of enforcement action in relation to tobacco and tobacco products. This is a statutory requirement with limited impact, as the work is already ongoing.

Appendices

Appendix One Commercial Team Service Plan 2014-15

Additional Information



Community Safety

Commercial Team Service Plan

2014/15

Contents

Introduction to Commercial Team

Scope of the Commercial Teams responsibilities.....	3
---	---

What has been achieved in 2013-14?

Food Safety.....	3
Trading Standards.....	5
Licensing.....	6
External Health and Safety Enforcement.....	7
Internal Health and Safety and Emergency Planning.....	8

Resource reduction, the impact and workplan for 2014-15

Resource reduction and impact.....	9
Audit inspections 2013-14.....	11
Workplan for 2014-15.....	12
Health and Safety Service Plan.....	12

Appendices

Appendix A	Food Safety Service Plan 2014-15
Appendix B	Policy for Mobile Food Traders at Events
Appendix C	Trading Standards Underage Sales Policy
Appendix D	Internal Health and Safety and Emergency Planning Annual Report
Appendix E	Commercial Team workplan 2014-15
Appendix F	Health and Safety Executive Intervention Plan
Appendix G	Devon Chief Environmental Health Officer's Sub Group workplan for H&S

Introduction to the Commercial Team

Scope of the Commercial Teams responsibilities

The Commercial Team within Community Safety Business unit is responsible for a range of functions whose officers primarily work with businesses to support and help them deliver their business aims.

These visits are broadly welcomed because officers advise and support business interpreting what they need to do to ensure they provide their business safely and to comply with the law. This saves businesses significant time and money in researching the law, seeking advice or employing expensive consultants.


The functions broadly fall into five areas




- Food safety & Infectious disease control
- Trading Standards
- Licensing
- Health & Safety
- Internal Health & Safety & Emergency Planning

What has been achieved in 2013-14?

Notwithstanding the great pressures on the Commercial Team and the department, a huge amount of great work continues to be done to help businesses, to maintain the health of the population, address complaints, support and protect the old and vulnerable and when necessary enforce against the excesses of a few.




Food Safety

<p>Case study 1</p> 	<p>National Food Hygiene Rating Scheme</p> <p>In November 2011 the national Food Hygiene scheme was launched in Torbay with a view to driving up food safety standards in the Bay and to provide consumers with an informed choice on where they should eat. To date over 900 food premises have been rated in the Bay, though removing closed premises the current figure is 868. Of these 722 (83%) scoring either a 4 or 5. However 72 (8%) premises are still below the level of basic food hygiene compliance, though in many cases this is due to a lack of paperwork, which means they do not necessarily present a significant risk. Where they do, enforcement action is undertaken.</p> <p>This compares very favourably to last year, when the 4 or 5 stars represented only 75% of the total and last year 10% were none compliant. A target set last year to improve at</p>
--	---

	<p>least 30% of premises was achieved.</p>
<p>Case study 2</p> 	<p>Food Standard Agency Medium and High Risk inspections</p> <p>The Food Team have achieved 100% inspections of Category A and B premises, and have increased the percentage of inspected premises, rated Category C, to 70%. This is a significant improvement from the previous years figure of 54%, and up from a low of 27% in 2010-11. This was achieved due to significant commitment from the food officers, with some added resources being used as well.</p>
<p>Case study 3</p> 	<p>Food Sampling</p> <p>In 2013/14 the Food Team undertook a considerable amount of food sampling particularly in relation to food fraud and authenticity of meat. This was following the Horse Meat scandal. A number of lamb samples were taken from takeaway premises to check if they were actually lamb. All samples came back as lamb.</p>
<p>Case Study 4</p> 	<p>Mobile Food Traders</p> <p>In 2013/14 the Food Safety Team in Torbay worked with mobile food vehicles to ensure that they are compliant with food safety requirements. This included running a food safety workshop specifically for mobile vehicle owners and the inspection of all the mobile food vehicles registered in Torbay with the view of giving them a rating under the national food hygiene rating scheme.</p> <p>A Mobile Food Traders at Events Policy has been written for events, to ensure the food sold meets the required standards. See Appendix B.</p>

A full summary of the work of the Food Safety Team is included within the Food Safety Service Plan, which is a statutory requirement and is attached, see Appendix A.

Trading Standards

<p>Case study 1</p> 	<p>Complaints about Fair trading, Consumer Protection, Counterfeiters</p> <p>For many years, civil matters such as whether a product works or a service meets an expected quality have been dealt with by Consumer Direct and now Citizen’s Advice Bureau. However the way products are sold, their safety, door step crime and fraud are criminal matters and investigated by Trading Standards. This included many complaints originating from residents on Park Homes sites.</p> <p>In 2013/14 the team received with 3008 complaints, of which 768 were dealt with by officers. Those that were criminal resulted in investigations being undertaken, advice was given, written warnings were issued and two formal cautions & two prosecutions were undertaken. This resulted £6,800 worth of counterfeit good being surrendered and the imposition of £3,600 worth of fines.</p>
<p>Case study 2</p> 	<p>Doorstep Crime and No Cold Calling Homes Or NPS’s</p> <p>In 2013/14 the Trading Standards Team further extended the number of properties issued with No Cold Calling Homes stickers to over 3000 properties, as well as continuing to raise awareness of the scheme. The scheme has now been extended to the whole of Devon and Cornwall Constabulary and a new sticker will be handed out to achieve consistency across Devon and Cornwall.</p> <p>Although there is general compliance with the stickers, two companies are within the legal system for failing to comply with the legislative requirements.</p>
<p>Case Study 3</p> 	<p>Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods</p> <p>Torbay Council Trading Standards Officers undertake investigations of underage sales based upon intelligence and complaints. The Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods for 2014-15 is attached in Appendix C for agreement.</p> <p>In 2013-14 two underage sales operations were undertaken. In August 2013, 7 premises were visited, 4 for gaming and 3 for alcohol. Of the four gaming premises three asked for ID</p>




	<p>and one allowed access to gaming machines. In the case of alcohol two sold alcohol to the under 18's. In December 2013, of the 7 premises visited for alcohol, 6 asked for ID, and one sold. This was a club. A service warning was issued to all four premises following investigations.</p>
--	--

Licensing

<p>Case study 1</p> 	<p>Licensing Applications</p> <p>The majority of applications are either Licensing Act applications for the sale of alcohol and/or to provide entertainment, or for Hackney Carriages, Private Hire Vehicles & their drivers. In addition however there are applications for Pet Shops, Animal Boarding, Dangerous Wild Animals, Gambling, Lotteries, Street Collection, Street Trading, Tattooing, Fireworks to name some. In total 2373 applications were received. Of those 718 have statutory deadlines and in virtually all cases these were met.</p> <p>There were no reviews of Licensing Act Premises Licence and no appeals of Licensing Committee decisions under the Licensing Act 2003 however there was one appeal over the refusal to grant a Pet Shop Licence, which was subsequently withdrawn.</p>
<p>Case study 2</p> 	<p>Licensing Forums</p> <p>During 2013-14 four Licensing Forums were held in Torbay. The most popular one is the Torquay Forum, now renamed Torbay Forum. Over 80 people attended both Torbay events and received presentations from Police & Crime Commissioner, Fire Authority, Police, TDA, and several Council dept. Subjects included changes in the law, advice for businesses, NPS (Legal highs) update, developments on the harbourside and the Neighbourhood Plans.</p>
<p>Case Study 3</p> 	<p>Renewal of Purple Flag</p> <p>In 2013/14, in partnership with the Business Improvement District, The Police and our colleagues in the Neighbourhood Team, the Licensing team helped make an application to renew the Purple Flag. Although the inspection was arguably tougher and at a more difficult time of year it was granted again. However it has highlighted further work is needed to maintain and improve the Evening and Night Time Economy.</p>

<p>Case study 1</p> 	<p>Gas Safety</p> <p>In 2013/14 officers from the Commercial Team continued to inspect gas safety in food businesses in Torbay. They carried out 466 gas safety inspections of which 94 were found to be non compliant, though this didn't mean they were an immediate danger. This was a vast improvement on 2012-13, with 20% non compliant, compared to nearly 50% the previous year. As a result of their findings a number of different actions were taken to secure compliance, there included the service of two formal improvements notices and the issued 83 formal warning letters. Also three unregistered gas fitters were reported to the HSE and a further 6 were passed to Gas Safe who were gas registered for domestic but not commercial businesses.</p>
<p>Case study 2</p> 	<p>Park Home (Mobile Home) Site Safety & Licensing</p> <p>In 2013/14 officers from the Licensing and Public Protection Team were again involved in a considerable amount of work protecting the health and safety and general civil rights of elderly and vulnerable residents in some of Torbay's Park Home sites.</p> <p>Some of the issues that have been dealt with include unstable banking, poorly built bases, contractual rights, the failure to meet licence conditions when selling homes along with more general health and safety issues such as the general maintenance of the sites.</p>
<p>Case study 3</p> 	<p>Safer Workplace Better Business Pack</p> <p>This pack developed by the Devon Health and Safety Sub Group has been used now for a couple of years to help small and medium sized businesses comply with health and safety. In 2013-14 a partnership was entered in to between a private sector company, Exeter University and Torbay Council to further develop this pack into a national health and safety management on line tool. A bid for money was made to the Better Regulators Development Office, part of Government department BIS. This will enable small and medium businesses across the UK to sign up to using this pack.</p>

Internal Health and safety and Emergency Planning

<p>Case study 1</p> 	<p>Accidents in the workplace</p> <p>There has been a 14% decrease in reported accidents in the workplace, and although some of this maybe due to a reduced workforce it will also be an improvement year on year.</p> <p>However there has been a significant increase in incidents of stress, which will need to be addressed.</p>
<p>Case study 2</p> 	<p>Torbay Council's management of Health and Safety</p> <p>A new set of Key Performance Indicators have been drawn up to ensure all Business Units are protecting the Council against legal challenge for poor Health and Safety. This is being reported back in the Annual Internal Health and Safety and Emergency Planning report see Appendix D, to Senior Leadership Team.</p>
<p>Case study 3</p> 	<p>Emergency incidents</p> <p>There were a number of incidents during 2013-14, but the weather will be remembered as the key challenge. The Emergency Planning Team was on call for most of the winter with pre Christmas storms and the horrendous weather in January and February. Fortunately the winds were predominantly from the west which undoubtedly protected Torbay from the worst of the weather and probably saved us from significant property flooding. However, the storm caused significant damage to assets and infrastructure and the loss of the railway line at Dawlish raised serious concerns about the impact on tourism and the economy. A number of departments (Residents & Visitors Services, Tor Bay Harbour Authority, Spatial Planning and Finance) were involved in managing the recovery phase. Difficult but correct decisions were made by staff throughout this period.</p>

The Annual Internal Health and Safety and Emergency Planning report is attached in Appendix D. This includes the strategy for future work.

Resource Reduction, the impact and workplan for 2014-15

Resource reduction & impact

Over the past 4 years (2011-15) the resources have reduced from 29.4 full time equivalents (FTE) to 23.0 FTE which has resulted in all but the most critical work being undertaken. This is a slight reduction from last year due to a returning officer on maternity leave reducing their hours. The team has also taken on 2+ FTE of extra work from other teams during this period. Although there has been no further significant reduction in the team's resources since the previous year, the following work, initially reported in 2013, is not being undertaken.

- No discretionary work is now undertaken.
- No low risk inspections are undertaken.
- No medium risk inspections are undertaken, except in Food premises, where it remains a statutory requirement of the Food Standards Agency or in other cases if the intelligence identifies a need.
- Complaints are not investigated unless there is deemed to be a serious risk of injury, serious health implications, or where there is serious consumer detriment or significant nuisance particularly to the old and vulnerable.
- Accidents are not investigated unless there has been a serious injury or a fatality.
- Civil complaints are not longer investigated or advice given

Last year this report described the impact of these resource reductions, which is now supported by the internal audit report, see below. The fact is that the team could no longer meet all of its statutory functions. Although this remains the case, there has been a significant improvement in the percentage of medium risk food businesses (Category C) inspected, and it is hoped that this can be improved upon again during 2014-15. This will be helped in 2014-15 by changes to the Food Code of Practice, which from the 1st April 2014 re-rates some of our Category C rated premises to Category D. The department cannot afford to be complacent however, as can be shown in previous years, where a loss of staff or a significant other piece of work quickly impacts upon these figures. This could have then, and still could result in intervention particularly by the Food Standards Agency.

A second significant consequence that was reported last year, is that there is no longer any resilience left within the team. This remains a threat, especially if there is any long term sickness or maternity leave, this places significant pressure on the team and as a consequence the remaining statutory functions can not be delivered against targets. This is being seen in a number of areas, particularly in Licensing, where staff sickness has placed huge pressures on the remaining staff.

This years risk is shown as a diagrammatical representation below, where it compares the team’s resources against statutory function for the current year 2014-15. Food safety remains a medium to high risk as 30% of Category C rated premises remain not inspected within statutory timescales, even with the improvements, though it is hoped that can be reduced in a subsequent year.

The rest of the team’s work remains at a low/medium risk to the authority due to the lack of resilience. Although there is a risk and all staff have an input into a varying number of the pieces of work, the management team move staff around both in the Commercial Team and the Department as a whole; to try and remain in a position as close to the statutory minimum as possible. This still presents an increased risk to the population of Torbay and to the Authority.

In almost every case advice and support is being given to businesses, so the fewer visits that are made then the less advice and support that can be given to those businesses.

In the table Green = No risk; yellow = low/medium risk; pink = medium/high risk & red = very high risk

Statutory Delivery	Above Statutory Minimum	At Statutory Minimum	Below Statutory Minimum	Risk to the authority
Statutory Activity				
Food Safety Inspections/ Food Hygiene Rating Scheme/Food Standards Inspections				PINK
Infectious disease control/ emergency incidents				YELLOW
Trading Standards - consumer detriment (fair trading, consumer protection, counterfeit goods etc.)				YELLOW
Trading Standards - Protecting the Vulnerable/No Cold Calling Homes/Test Purchasing				YELLOW
Administering Licensing Applications/Committee hearings/Policy development				YELLOW
Licensing enforcement/ partnership working with Police and NTE				YELLOW
Health and Safety Inspections/Interventions/ accidents				YELLOW
Complaints (Noise from licensed premises, Food Safety & H&S)				YELLOW

Park Homes inspections/ complaints/ administration				YELLOW
Public safety at events, football ground etc				YELLOW
Emergency Planning & Internal H&S				YELLOW

Audit Inspection 2012-13

Devon Audit Partnerships undertook an audit of the majority of the Commercial team during 2012-13, and a final report has been published. This included Food Safety, Trading Standards, Licensing and Health and Safety functions. The report supports the facts that the staff are working to a good standard but it supports the weaknesses of the lack of resources at that time, to achieve the statutory requirements.

The report identifies a **Fundamental Weakness** and says *'The risks identified are not being controlled and there is an increased likelihood that risks could occur. The matters arising from the audit are sufficiently significant to place doubt on the reliability of the procedures reviewed, to an extent that the objectives and/or resources of the Council may be at risk, and the ability to deliver the service may be adversely affected. Implementation of the recommendations made is a priority.'*

However it goes on to say by way of clarification

'Despite the Audit opinion given, the Service was found to have rigorous procedures that are effectively operated by competent and knowledgeable staff. The current Local Government climate has resulted in a reduction in available resource within the service which has impacted inspection levels achieved.'

'The audit opinion of 'Fundamental Weaknesses' is based upon the critical risk to public health, particularly in relation to the Food Safety inspection levels. Despite many food premises being inspected, the nature of this work along with work such as Licensing, Trading Standards and Health & Safety, is problematic in terms of allocating set / standard resources and time scales to tasks such as inspections.'

This is a result of insufficient resources to complete its statutory inspections, which is explained in more detail above. The report goes on to make a number of other recommendations, most of which have been or continue to be implemented or evaluated.

A copy of the report is not attach as this remains confidential within the authority, but can be accessed and viewed internally within the organisation.

Work plan for 2014-15

The workplan for the Commercial Team is simply to deliver its statutory duty to the best of its ability and to respond to emergencies. Its efforts are focused primarily on the premises and incidents of highest risk and to protect the most vulnerable in Torbay. To administer the licensing applications and undertake enforcement work in partnership with the Police and other agencies to ensure the night time economy, events and the football ground remain safe.

This will include continuing with the Food Hygiene Rating Scheme inspections, the Gas Safety inspections, to extend the No Cold Calling Homes scheme, and to undertake the three yearly Unmet Demand Study, as required, as Torbay Council restricts the number of Hackney Carriage licences.

The Internal Health and Safety and Emergency Planning team have current challenges around taking back the Rest Centre provision, which has been with the Care Trust for some years. This places additional strain on that team and the department as a whole as the resources for this will in part come from the department.

It should be noted with the reduction in staffing levels and resources that it will not be able to deliver as much work as in 2014-15, but it is still committed to providing a good and innovative service. Workplan is attached in Appendix E.

Health and Safety Service Plan

There has been a significant drop both nationally and locally in the resources put into health and safety enforcement. It was decided in 2013, that no Health and Safety Service Plan is currently needed. That position remains the same. The Team work very closely with both the Health and Safety Executive and other Devon and Cornwall authorities and agree a workplan across the region. I attach the two plans; one is the Health and Safety Executive intervention plan, where Torbay will be involved in Gas Safety work and involved in developing the Safer Workplace Better Business pack into an online tool, and the other is the Devon Chief Environmental Health Officer Sub Group workplan. See Appendices F & G.

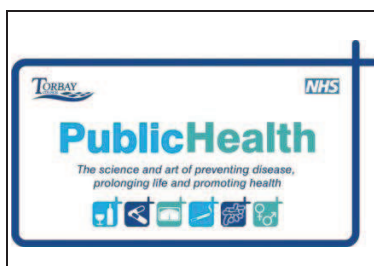
Food Safety

Service Plan

2014/15



Food Safety- why does it matter to Torbay?



Access to safe, healthy food is a fundamental basic right of the community of Torbay.

By ensuring that the food produced and sold in Torbay is safe to eat the Food and Safety team plays an important role in improving the health of the public in Torbay.



The National Food Hygiene scheme was launched in Torbay in November 2011 and over 900 food premises are now rated. Because of the scheme many premises have gone from a 0 or 1 to a 4 or 5 star. Five star being the top score defined as excellent.

We do not however currently meet the full range of statutory requirements set down on us by the Food Standards Agency due to the lack of staffing resources. This however has improved in 2013/14 from previous years with 70% of the C risk premises inspected.



In 2013/14 the Food Team have undertaken a considerable amount of food sampling particularly in relation to food fraud and authenticity of meat. A number of lamb samples were taken from takeaway premises to check if they were actually lamb. All samples came back as lamb. This work will continue in 2014/15.



Fishery establishments in Torbay cannot export their product without the support that is given to them by the Food and Safety team. In addition the team signs every Health Certificate that is needed before they can export to countries such as China and America. This help and support has resulted in a number of fishery premises expanding their export trade over the last couple of years.



In 2013/14 the Food Safety Team in Torbay started an intervention with mobile food vehicles to ensure that they are compliant with food safety requirements. This included running a food safety workshop specifically for mobile vehicle owners and will continue with the inspection of all the mobile food vehicles registered in Torbay with the view of giving them a rating under the national food hygiene rating scheme.

TORBAY COUNCIL

FOOD SAFETY SERVICE PLAN 2014/15

CONTENTS		Page No
1.0	Service Aims and Objectives	
1.2	Aims and Objectives	4
1.3	Links to Corporate Objectives and Plans	4
2.0	Background	
2.1	Authority Profile	5
2.2	Organisational Structure	5
2.3	Scope of the Food Service	5
2.4	Demands on the Food Service	6
2.5	Enforcement Policy	7
3.0	Service Delivery	
3.1	Food Premises Inspections	8
3.2	Food Complaints	9
3.3	Primary Authority Principle	9
3.4	Advice to Business	9
3.5	Food Inspection and Sampling	10
3.6	Control and Investigation of Outbreaks and Food Related Infectious Disease	10
3.7	Food Safety Incidents	11
3.8	Liaison with Other Organisations	11
3.9	Food Safety Promotion	12
4.0	Resources	
4.1	Staffing Allocation	13
4.2	Staff Development Plan	13
5.0	Quality Assessment	
5.1	Quality Assessment	13
6.0	Review Process	
6.1	Review against Service Plan	14
6.2	Identification of any achievements and Variation from the Service Plan	15
6.3	Targets and Areas of Improvement for 2014/15	17
Appendix A		
Organisational chart for the Service		

TORBAY COUNCIL FOOD SAFETY SERVICE PLAN

1.0 Service Aims and Objectives

1.1 Aims and Objectives

This Food Safety Service Plan is required under the Framework Agreement by the Food Standards Agency. The plan is concerned with food safety enforcement work for which Torbay Council is responsible for. This plan is a Key Policy document and as such requires member approved to ensure there is transparency and accountability and once approved the plan is published on the Councils website.

The Food Safety Service has the following vision:

- To improve public health and safety through partnership, education and enforcement

Torbay Council's Food Safety Service Aims and Objectives are:

Aim 1: To promote, through education and enforcement, the sale and/or production of food which is fit and without risk to health.

Objective 1.1: To undertake a risk-based programme of inspections and interventions in food premises in accordance with the Food Standards Agency Food Law Code of Practice

Objective 1.2: To register food businesses in accordance with EC852/2004 and the Food Safety and Hygiene (England) Regulations 2013.

Aim 2: To prevent and control the spread of food borne illness through education and enforcement.

Objective 2.1: To provide a risk-based response to all notifications of food related illness or suspected illness in order to minimise effects on the community.

Objective 2.2: To carry out pro-active sampling in accordance with nationally and locally set programmes.

Objective 2.3: To provide information, advice and education on food safety and public health issues to the business and residential community.

Objective 2.4: To respond to high risk complaints concerning food and food safety.

Aim 3: To take action on a consistent, transparent and proportionate basis.

1.2 Links to Corporate Objectives and Plans

The Council's Corporate priorities fed from the Community Plan sets out a number of corporate goals. One of these goals has direct links to the Food Safety Service:

- Working for a healthy, prosperous and happy Bay
- **Public Health.** With the introduction of the Public Health function now sitting within the Local Authority the Food and Safety Team have an important role to play in some of the aims and objectives of the Torbay Public Health Strategy based on the Joint Strategic Needs Assessment.

2.0 Background

2.1 Authority Profile

Torbay Council is a Unitary Authority which comprises of the three main towns of Torquay, Paignton and Brixham, on the south coast of England. Tourism is the dominant industry with the majority of employees working in the service industry. There is also a fishing industry predominantly based in the port of Brixham where there is a large fish market.

More details on the profile of the Authority can be found on the website www.torbay.gov.uk

2.2 Organisational Structure

The chart attached at Appendix A shows the structure of the Food and Safety Team.

The Food and Safety Team sits within the Commercial Team of the Community Safety Business Unit and comprises both Trading Standards Officers and Environmental Health Officers.

Additional support services:-

Additionally appointed specialist services are provided by the Food Examiner at the NAMAS accredited Health Protection Agency Laboratory in Porton Down and a Public Analyst from PASS Laboratory Services based in Wolverhampton.

Advice and support is also provided by Public Health England.

2.3 Scope of the Food Service

The Food Safety service comprises a range of key functions:

- Programmed food hygiene and food standards inspections of food premises within the Bay.
- Implementing and Promoting the National Food Hygiene Rating Scheme across Torbay
- Programmed High risk health and safety inspections and accident investigations
- Responding to food alerts and incidents of food fraud.
- Investigating food and food related complaints and other service requests on a risk based approach.
- Implementing an annual food sampling programme
- Registering food premises and mobile vehicles
- Assessing imported food and its origin.
- Support and advice to food businesses.

2.4 Demands on the Food Service

- Investigating cases of food related illness and other infectious diseases.
- Issuing of health certificates for the export of food products.
- Specific duties with regard to regulating Brixham Fish Market and the mussel harvesting beds at Fishcombe.

The Food and Safety Team has the main responsibility for food standards enforcement work, this work is carried out by both qualified Environmental Health Officers and Trading Standards Officers within this team.

The Food Safety service operates from Commerce House between 9.00am and 5.00pm, Monday to Friday. Early morning and late night visits are also undertaken as required.

Emergency food safety issues are currently directed initially to a 24 hour central control team and then onto authorised food officers as required. Community Safety does not have a formal Out of Hours Service.

On 1st April 2014 the Council had 1953 registered food businesses. The risk profile of these premises shown in Table 1 has been determined in accordance with the FSA's Food Law Code of Practice.

Table 1

Priority	Premises Category	Frequency of Inspection/ Intervention	Total number of premises in category (April 2014)
A	High	6 months	16
B	High	12 months	57
C	High	18 months	681
D	Other	24 months	355
E	Other	36 months	691
U	-	Awaiting inspection	153
Total			1953

The range of premises is as follows:- Primary producers 9, Manufacturers and packers 25, Importers and exporters 2, Distributors 11, Retailers 420 and Restaurants and caterers 1448.

Torbay also has 18 Approved fishery establishments which can take up a lot of time and staffing resource particularly in the area of exporting their products outside of the EU.

Brixham Fish Quay is also a significant cost driver to the work of the Food and Safety Team with its daily auction and regular exports to the EU and other nations and involves at least fortnightly food hygiene inspections by officers. There is also a mussel bed off Brixham which requires monthly sampling and has Category B status which means the mussels are required to be purified before sale.

The Torbay area has already been described primarily as a tourist area and there are a large number of hotels and other tourist attractions which are only open during the tourist season between Easter and October. There is also a high turnover of food businesses in Torbay putting an additional pressure on the Food and safety Team. In 2013/14 the turnover of food businesses was 12%.

Additional demands for 2014/15 include:

In June 2013 one of the Senior EHO's went off on a year's maternity leave, whilst we have an additional post of an EHO this post is currently working part of that post as a school meals client officer until November 2014. In terms of permanent staff there is a still a reduction of 0.3.

In 2014/15 the Food Team will be carrying out a gas safety intervention which will involve them auditing food premises in relation to gas safety issues at the same time as carrying out food safety inspections. This work has already shown very effective outcomes so will be continued.

As Torbay is a Unitary Authority, Public Health now sits as a function within the authority. Whilst this is still in the early stages of development the food and safety team will have an important role to play in some of the work that comes out of the Torbay Public Health Strategy.

2.5 Enforcement Policy

The Community Safety Enforcement Policy sets out what food businesses and others being regulated can expect from the service. The Policy is based on the principles contained within the Regulators Compliance Code and has been updated in 2014 to reflect the recent changes in the Code.

All formal enforcement actions such as prosecutions are taken before the departments Enforcement Panel made up of officers from Community Safety and the Councils Legal team.

The service is committed to ensuring the active implementation and monitoring of the Council's Corporate Equality and Diversity Policy, which states that services will be provided in a fair and equitable way to all groups and individuals in the community.

3.0 Service Delivery

3.1 Food Premises Inspections

Torbay Council has a number of internal performance indicators relating to food safety. For 2014/15 these are as follows:-

- Number of high risk food premises (food hygiene) inspected (Target 100 %)
- Number of high risk food standards premises inspected (Target 100%)

The inspection programme is based on the inspection rating scheme and the intervention Strategy contained in the FSA Food Law Code of Practice. This Code of Practice has been revised in April 2014 which has meant that a reasonable percentage of C risk premises have dropped into the lower category of D risk which means that they will not require as frequent interventions.

New potentially low risk businesses are contacted by a business support unit to ensure that they have basic information for compliance and to identify any that might be of higher risk which will then be inspected.

As there is a considerable turnover of premises in Torbay it is currently not possible to inspect them within 28 days, however they are all assessed following receipt of the food registration form and those of a high risk nature are given priority.

All premises where a statutory notice has been served or which are found to require significant work to be carried out will be subject to a secondary visit within an agreed timescale. It is estimated that at least 103 re-visits will be carried out in addition to the programmed inspections and alternative intervention initiatives. There may also be a number of businesses formally requesting to be revisited for the purposes of rescoring under the Food Hygiene Rating Scheme. In 2013/14 the number of requests for rescoring was 45.

Environmental Health currently has an estimated FTE of 5.0 permanent officers ([See Table 4](#)), working on food safety issues. This is a reduction of 0.3 FTE from last year. This is because one of the officers (0.6 FTE) is on a secondment post and one officer is also managing the school meals contract part time however from November this officer will become full time on food safety. A contractor was also appointed to undertake 50 inspections in 2013/14 and use of a contractor will also continue in 2014/15, this is an additional 1.0 FTE.

The primary objectives when carrying out interventions are in accordance with the Food Standards Agency Food Law Code of Practice. However, a special emphasis is placed on the level of compliance with the requirements for documented control systems. Specific consideration is also given to whether samples need to be taken during routine food hygiene inspection work.

3.2 Food Complaints

The Environmental Health Service responds to all complaints about food or food premises made to the Council, however deciding whether or not they require investigation will be done by using a risk based approach to ensure that resources are used effectively.

There were 38 complaints about defective food received up to the end of March 2014. There were also 652 other service requests received relating to issues such as unhygienic food premises, requests for information and advice that were handled by the Food Safety team in 2013/14.

3.3 Primary Authority Scheme

The previous Home Authority Scheme has now been replaced by the Primary Authority Scheme under the new Regulatory Enforcement and Sanctions Act 2009. This aims for the first time to give companies the right to form a statutory partnership with a single local authority. The objective of this is to provide robust and reliable advice on compliance that other Councils must take into account when carrying out inspections or dealing with non compliance.

The Food and Safety Team are currently not involved in any Primary Authority partnerships.

3.4 Advice to Business

The Authority is committed to improving food safety standards through both education and enforcement. In order to use limited resources most effectively, advice is targeted and is as follows:

- During inspections and as part of follow up documentation;
- Via electronic Food Safety Newsletters
- New Business advice.
- Through guidance information available on the Food Safety teams fully revised website pages
- Distribution of relevant food safety material to food businesses particularly via the website.
- Advice and information is given to businesses requesting guidance either by telephone or e-mail.

During 2013/14 the Food Safety Team further developed links into the business community by working with the Torbay Business Forum, The Business Improvement Districts, The Tourism Company and the Torbay Development Agency to further promote the Food Hygiene Rating Scheme across the Bay. The department is also at the start of a Better Business for All project which is run by the Better Regulation Delivery Office.

3.5 Food Inspection and Sampling

The Service has in place a documented and publicised sampling policy and a separate documented procedure and programme.

The sampling programme is drawn up in consultation with the Devon Chief Environmental Health Officers Food Sub Group and the SWERCOTS Food Group, in partnership with the Food Examiner from Public Health England Laboratory covering the Torbay area and the Public Analyst at PASS Laboratory Services.

The programme covers authority, county, national and when required European sampling objectives. Each Authority is allocated sampling credits by Public Health England in order to undertake food hygiene sampling and food standards sampling which is resourced from an allocated budget within the Food Safety overall budget.

During 2013/14 158 samples were taken of a range of products including cooked meats from non compliant premises, uncooked batter from fish and chip shops and imported fresh herbs.

Food standards sampling also included cod for substitution, pig's liver for dioxins, lamb based meals for authenticity and minced beef for species testing. Most of the results from these samples were found to be satisfactory and no further follow up action was required, however some of the samples were found to be unsatisfactory and follow up work was required to secure compliance. For example, there were some issues over the labelling of kebabs in terms of their meat content and therefore the food business operators were given advice on how to alter their labelling.

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

All formal and informal notifications are recorded on the Environmental Health Service Authority database. Subsequent investigations are based on the type of organism, the number of cases, and are in accordance with Public Health England guidance.

A documented procedure has been produced and agreed with Public Health England and follows the principles established in a countywide procedural document, prepared by the Devon Food Safety Sub Group. During 2013/14 314 infectious disease notifications were received, some of which were serious cases of infectious diseases where the cases were hospitalised and a full outbreak investigation carried out.

3.7 Food Safety Incidents

The service has a documented procedure which deals with action to be taken following the receipt or initiation of a food alert. The FSA Food Law Code of Practice has required specific recording of actions taken following the receipt of a food alert.

Food alerts are received by a direct email from the Food Standards Agency (FSA), by direct emails to the Principal Environmental Health Officer and the Food Safety email box which is checked every day and by text messages to officers' mobile phones.

The Food Alert warning procedure for food incidents recognises that such issues are required to be dealt with quickly in accordance with the categories for each food alert. The procedure identifies the mechanism for passing on the food alert to the appropriate officer, an outline of the action to be taken. Most food alert warnings received require only a small amount of officer resource.

However on occasions it is necessary to provide more resources to deal with food alerts. Any actions taken on a food alert are documented within the Authority data recording system.

During 2013/14 47 Food Alerts were received by the Food Safety Team, a number of which required local action in food premises in Torbay. During the national horse meat incident the Food and Safety team also carried out some work to ensure the traceability of meat supplies in its schools and hospitals, this work continued this year in terms of meat sampling to check authenticity e.g. of meat in kebab shops.

3.8 Liaison with other Organisations

Consistency and value for money is a key feature in all of the Council's Environmental Health functions. With regard to the food safety service, this is achieved by:

- Priority being given to attendance and active participation by the Principal Environmental Health Officer at the Devon Chief Environmental Health Officers' Food Sub Group. This Group co-ordinates peer review and consistency exercises, acts as the discussion forum for topical issues and a means of optimising countywide consistency in enforcement and advice.
- The Food Safety Service also liaises with the following :
 - Public Health England
 - Torbay Development Agency
 - The Food Standards Agency
 - Devon and Cornwall Police
 - The Immigration Service
 - TDA Business Forum
 - Trading Standards Sub Regional Group

The Community Safety Service have access to all development and building control applications and acting as a formal consultee on key planning and building control applications and a statutory consultee on all Licensing Act applications.

3.9 Food Safety Promotion

Education and promotional activities are considered to be important aspects in the delivery of a comprehensive food safety service and it is achieved in the following ways:

- Food Safety articles in the bi annual Food and Safety Newsletter emailed to all food businesses in the Bay.

- Food information available directly from the Food Safety section of the Council website and from the team directly.
- Targeted advice/information sent to relevant groups on issues of county or national significance e.g. on E Coli 0157 guidance, cooking of rice etc.
- Targeted seminars and training sessions are undertaken on various food safety subjects.

4.0 Resources

4.1 Staffing Allocation

The Community Safety Business Unit structure is based on a number of multidisciplinary teams. The Food Safety Team is located within the wider Commercial Team.

[Table 4](#) shows the current full time equivalent of staff working on food safety enforcement, broken down by the competency requirements of the Food Standards Agency Food Law Code of Practice (England) - General qualification and experience requirements.

EHRB officers are Environmental Health Officers who are registered with the Environmental Health Officers Registration Board, (EHRB), after attaining the approved qualifications in Environmental Health.

Table 4: Staff resources dedicated to food safety

Environmental Health Officer (Food and Safety Team)	EHORB	FTE	Other
Principal EHO	YES	0.8	No
Senior EHO	YES	0.8	Lead Assessor
Senior EHO	YES	0.8	Lead Assessor
Senior EHO	YES	0.4	Lead Assessor
Senior EHO	YES	0.8	Lead Assessor
Senior EHO	YES	0.8	Lead Assessor
EHO	YES	0.4	No
Senior EHO	YES	0.1	No
Senior EHO	YES	0.1	Lead Assessor
Trading Standards Officers (Food & Safety Team)	Dip TS/DCAT	FTE	Other
Trading Standards Officer x 3 (food standards only)	YES	0.3	New posts in team since April 2010

4.2 Staff Development Plan

All food safety staff are subject to an annual appraisal and one progress review which tracks and identifies training and development needs. Food safety training needs are prioritised in the context of wider Environmental Health requirements identified within the service wide training plan.

All food safety staff complete a training record log to further assist in identifying development and training needs and for monitoring the competency of individual officers. The officers undertaking specific duties, such as dealing with approved premises, are identified and the training requirements assessed accordingly.

Some of the specific food safety training undertaken by staff during 2013/14 include:-

- FSA Article 5 consistency training
- FSA Evidence and investigation skills course.

5.0 Quality Assessment

5.1 Quality Assessment

The provision of quality services is one of the Council's three guiding principles and food safety is no exception. With regard to food safety the quality agenda is pursued via a number of methods.

Management Monitoring

The documented quality management procedure includes specific monitoring arrangements that are in place for example checking of inspection letters and notices and joint consistency/quality monitoring visits undertaken by the Principal Environmental Health Officer. Complaints against the service are monitored on a Service and Corporate basis.

Food Standards Agency

The service is required to submit an Annual return, detailing the inspections, enforcement and educational activities undertaken, to The Food Standards Agency who closely monitor performance to ensure compliance with the FSA framework agreement.

The FSA also has the power to set standards and to monitor local authority food law enforcement services under the Food Standards Act 1999. The FSA collects information from all United Kingdom food authorities and submits the information to the European Commission.

As detailed in section 3.8, the Principal Environmental Health Officer attends meetings of the Devon Food Sub Group to discuss relevant issues on a regular basis. This group comprises of representatives of all the District and Unitary councils, and Public Health England.

This forum offers the opportunity to discuss, in detail, a wide range of quality and consistency issues relevant to food safety.

In April 2014/15 the Food Safety team will be taking part in an inter authority auditing exercise in relation to the food safety service.

6.0 Review Process

6.1 Review against the service plan

As detailed within Section 1.2, the Council has an established performance management board to monitor the performance of its services.

From an operational perspective the Principal Environmental Health Officer reviews the key performance measures and service improvements contained in the plan on a quarterly basis. [Table 5](#) shows some of the internal indicators covering service delivery and performance as well as the national indicator for food safety and the wider key indicators on the Community Safety Balanced Scorecard that the Food Safety Team feed into and it is those which are reported to management team and members through their performance boards.

In addition, regular one to one meetings are held with staff involved in the Food Safety Service. This is to ensure that on-going projects and improvements outlined in this service plan are effectively monitored and managed. The notes for these meetings are documented, along with actions and timescales for relevant staff.

Table 5 – Food Safety Service Performance Indicators

SERVICE DELIVERY INDICATORS		2012/13	2013/14	2014/15
Number of Category A and B risk food hygiene premises (due every 6 months) inspected	Target	100%	100%	100%
	Outcome	100%	100%	
Number of Category C high risk food hygiene premises (due every 12 months) inspected	Target	100%	50%	100%
	Outcome	54%	70%	
Number of high risk food standards inspections carried out	Target	100%	100%	100%
	Outcome	88%	100%	

6.2 Identification of achievements and any variation from the service plan

Table 6 below identifies the status of planned service improvement actions from 2013/14. Any remaining improvement objectives are shown in the table below along with the reason for the delay and a revised target, which will be included in the work programme for 2014/15 where appropriate.

Table 6 Achievements and variance from Service Plan 2012-13

Action	Planned Outcome/Output	Achieved Or reason	New Target Date
FABs cross professional working project	Following the evaluation of the cross professional working project, determine whether or not there is merit in progressing this work further	Achieved – evaluation completed. Results showed that there was no merit in taking this project further.	
To explore the opportunities and any joint working that can be undertaken with the new Public Health team now within the Local Authority and also with other Devon Local Authorities to share resources in this field of work.	Initially to understand each other's roles and identify where the Food Team can play a part in the implementation of Torbay's Public Health strategy particularly in relation to infection control issues relating to childcare and residential homes settings.	Achieved - Role of Public Health team now understood and Initial project brief completed for public health work on the provision of healthy children's meals in cafes and takeaways in Torbay.	March 2015
To ensure that the food safety web pages are up to date, relevant and user friendly for businesses and explore the use of social media such as Twitter and Facebook	To improve web pages and set up Twitter account for food safety	Achieved; - Twitter account set up for Food Safety and Licensing @TorbayFSL Webpages in progress although more work to do.	Ongoing work
To improve the links between the business community and the local authority food safety service.	To continue the work with the Torbay Development Agency and the Town Centre Company to increase the marketing opportunities around the Food Hygiene Rating Scheme in the Bay. To run a Food and Safety Update day to update food businesses on food and health and safety matters.	Achieved - Gave presentation at Torbay Enterprise Week. Attended Torquat Food Festival to promote the Food Hygiene Rating Scheme Ran Food Safety Awareness event for food business operators in Torbay. This was attended by over 70 businesses and was well received.	
To undertake work around the traceability and authenticity of food to ensure any food fraud in Torbay is detected and dealt with	To complete annual food safety and food standards sampling plans and also incorporate more work on the authenticity and traceability of food in Torbay.	Achieved – Food standards sampling programme completed which included work on meat authenticity.	

To ensure a consistent approach to rating premises under the National Food Hygiene Rating Scheme	To ensure that all authorised food officers undertake regular peer review exercises both internally and with the rest of Devon Local Authorities	Achieved - Torbay Council Food Team took part in all Devon Food Hygiene Rating scheme consistency exercises. Also complete quarterly internal monitoring exercises.	
To drive up standards of food hygiene in mobile food vehicles registered with Torbay	To implement the Passport system being developed by the Devon Food Sub Group and ensure that all mobile food business operators are aware of how to comply with food hygiene requirements.	Achieved - Mobile food vehicle Passport scheme introduced in Torbay. Mobile food vehicle food safety training undertaken for food business operators.	

6.3 Targets and areas of Improvement for 2014/15

Targets for 2014/15 are in Table 7 and the current planned improvements for 2014/15 are outlined in Table 8.

The Statutory Guidance requires 100% of C risk premises to be inspected. This hasn't been achieved for a number of years due to staffing resources as can be seen from Table 7 below although it has improved in the last year. In 2014/15 some additional resources have been allocated to food inspections by employing a contractor although this is only a short term measure and not a long term solution to the issue.

Table 7 – Targets for 2013-14

SERVICE DELIVERY INDICATORS		2011/12	2012/13	1013/14	2014/15
Number of Category A and B risk food hygiene premises (due every 6 months) inspected	Target	100%	100%	100%	100%
	Outcome	100%	100%	100%	100%
Number of Category C high risk food hygiene premises (due every 12 months) inspected	Target	100%	100%	50%	100%
	Outcome	53%	54%	70%	
Number of high risk food standards inspections carried out	Target	100%	100%	100%	100%
	Outcome	88%	100%	100%	

Table 8 Areas of Improvement for 2014/15

Service Improvement	Planned Outcome/Output	Link to FSA framework agreement	Target Date
To ensure that we offer the regulatory service in terms of Community Safety in a way that helps businesses, thereby encouraging economic growth	To develop a project plan to implement the national Better Business for All project into the Torbay area	All areas of framework agreement	Sept 2014
To increase the provision of healthy children's meals choices in cafes and takeaways in Torbay thereby linking into Torbay's Obesity strategy.	To implement the project plan for this work and ensure it is completed thereby increasing the number of cafes who offer healthy children's meal choices.	All areas of Framework Agreement	March 2015
To raise the standards of food hygiene on mobile food vehicles registered with Torbay	To inspect and rate all of the mobile food vehicles registered with Torbay and ensure that they are given a rating under the national food hygiene rating scheme.	All areas of Framework agreement	March 2015
To ensure that food businesses in Torbay are rated under the revised Food Law Code of Practice	To ensure that the provisions of the newly revised Food Law Code of Practice is followed in Torbay.	All areas of Framework Agreement	Ongoing
To improve the level of information that the consumer in Torbay receives in relation to allergy awareness and food labelling	To implement the provisions of the new Food Information Regulations when they come into force in December 2014	All areas of the Framework agreement	March 2015
To increase the public's awareness of how the food poisoning bacteria campylobacter is picked up	To promote the message Don't wash your raw chicken during National Food Safety Week in June 2014	All areas of the Framework Agreement	July 2014
To increase the public's awareness of the National Food Hygiene Rating scheme in Torbay	To promote the National Food Hygiene Rating Scheme in libraries in Torbay.	All areas of the Framework Agreement	March 2015

Policy for Mobile Food Traders at Events.

Due to their transient nature, mobile food traders may be of concern both in terms of Food Safety and Health and Safety. To ensure as far as reasonably practicable that the public attending organised events are not unduly put at risk, controls must be implemented by event organisers to ensure food businesses attending events are safe.

Events across Torbay generally fall into two categories:

- **Torbay Council Supported Events** - Events where the organiser is Torbay Council or where the event is held on land under the control of Torbay Council.
- **Privately organised events** – Events where the organiser is not linked to Torbay Council and the event is carried out on private land

For Torbay Council Supported events there is greater control of traders in that the Local Authority has the ability to deny the use of the site to traders/organisers not adhering to this policy.

For Torbay Council Supported Events the following shall apply:

- All traders must be registered as a food business
- All traders must have a Food Hygiene Rating Scheme rating of 3* or more.
- All traders must provide details of Public Liability Insurance
- Where applicable all traders must provide a valid gas safety certificate.
- Details of Food Businesses attending the event must be submitted to the Commercial Team no later than 14 days prior to any event.
- New Businesses (unrated, and registered in Torbay) may, at the discretion of Torbay Councils Commercial Team be permitted to attend events for the purpose of inspection to obtain a Food Hygiene Rating.

For Private events the following should apply:

- All traders must be registered as a food business*
- All traders must provide details of Public Liability Insurance
- Where applicable all traders must provide a valid gas safety certificate.
- Details of Food Businesses attending the event must be submitted to the Commercial Team no later than 14 days prior to any event.
- Event organisers should be encouraged to only accept food businesses with a 3* FHRS score or higher.

Agenda Item 11

Appendix 4

Supply of Age Restricted Products – Enforcement Statement

Torbay Council is committed to achieving compliance in a fair, consistent, proportionate, transparent and targeted manner. The emphasis will be on advice and education but other means of enforcement will also be used, if necessary. In so far as the supply of age restricted products is concerned, priority will be given to the legislation in Schedule A below which the Council has a duty to enforce; enforcement action in respect of legislation in Schedule B below will principally be in response to any complaints which may be received.

1. Premises selling these products will be included in the routine inspection programme. During these inspections Traders will be reminded of their responsibilities and checks will be made on the display of required notices, labelling of products, provision of underage sales policies for alcohol, the later which is a new requirement under the Licensing Act 2003.
2. All complaints will be investigated and appropriate action taken.
3. Legal proceedings will be taken where appropriate in accordance with the agreed Enforcement and Prosecution Policy and Torbay Council's responsibilities under the Licensing Act 2003.
4. Schools have been advised of the Council's commitment to enforce the law. Teachers and Children's Services staff having information about under-age sales from specific shops will be asked to contact the Trading Standards Service (part of the Community Safety Business Unit).
5. Each year the Community Safety Business Unit will carry out at least two surveys using volunteer under-age purchasers. The national LGA guidelines will be observed in carrying out the surveys.
6. Trading Standards will work with partner agencies to identify the source of illegal and counterfeit products which may present an increased risk to health.
7. To help businesses by writing procedural guidance in the form of any easy to use document for underage sales.

Schedule A – Statutory Duty to Enforce

Children and Young Persons Act 1933
Protection of Children (Tobacco) Act 1986
The Cigarette Lighter Refill (Safety) Regulations 1999 made under Consumer Protection Act 1987
Explosives (Age of Purchase) Act 1976
Fireworks (Safety) Regulations 1997 as amended by the Fireworks (Safety) (Amendment) Regulations 2004
Video Recordings Act 1984 as amended by Video Recordings Act 1993
Licensing Act 2003

Schedule B – No Duty to Enforce

Children and Young Persons (Protection from Tobacco) Act 1991 BUT Local Authority must consider annually a programme of enforcement
Anti-Social Behaviour Act 2003 (Sale of aerosol paint to under 16)

Criminal Justice Act 1988 as amended by Offensive Weapons Act 1996 (sale of knives)
National Lottery Regulations 1994
Intoxicating Substances (Supply) Act 1985
Crossbows Act 1987

Corporate Health, Safety & Emergency Planning

Annual Report 2013/2014

The Council recognises that there are legal, moral and economic reasons why health and safety should be managed. The integration of health and safety management into the general management process achieves a higher standard of health and safety performance which in turn supports the overall risk management and protects our staff, assets and the wider community within Torbay.

This Annual Report demonstrates the Council's commitment to the continual development and improvement of health and safety management systems and provides statistical information on accidents and emergency events and summarises some of the activities during the past year to achieve these aims. Additionally it establishes a number of objectives for 2014/2015.

The Corporate Health and Safety and Emergency Planning teams work closely together providing each other with support and complimentary competencies. Working in cooperation with external agencies they provide an internal cross cutting resource which aspires to the prevention and protection of the Council's staff, other assets, the wider community and environment through the provision of a framework of strategic and operational plans, guidance and training which meet national standards.

Accidents

The total accidents reported have seen a further 14% decrease on last year's report as can be seen in the attached appendix one. This further decrease is compounded by the reduced number of school and corporate staff across the Council. A major step forward in the electronic reporting of accidents has been taken within the Council with the introduction of the online reporting system within schools. It is envisaged that electronic reporting will be rolled out to the rest of the Council by the end of the year. Special thanks go to IT for their assistance in developing the Accident Recording System.

Audits

The health and safety team has received further audits from the Devon Audit Partnership who looked at the general management and performance of the health and safety department and the Chartered Institute of Environmental Health covering the quality and competence in the delivery of the CIEH training modules. Both audits were positive and showed improvements in health and safety with further recommendations being implemented to support the continued improvement of the service.

Key Performance Indicators

During the past year the health and safety team has developed some initial KPIs for Directors, Executive Heads and themselves to improve the health and safety performance across the Council's operations. The KPIs were consulted on and approved by the Senior Leadership Team in October 2013. The first round of bi-annual monitoring has been undertaken with mixed results as can be seen in appendix two. The full year's results will provide a clearer outline for further development of the KPIs to promote continuous improvement of health and safety.

performance within the Council and those services which are being commissioned in behalf of the Council.

Training

The Health and Safety team reviewed the number of courses provided corporately to ensure that the courses on offer met the Council's minimum legal requirements. In the event 26 face to face courses were planned with 8 being cancelled due to lack of delegates. There were 6 additional courses provided to individual schools or departments on request. In total 162 delegates attended the various courses on offer.

The Health and Safety team were granted a licence to run the First Aid at Work course by the Chartered Institute of Environmental Health in 2013; the first course was completed with a 100% pass rate. First aid at work courses are funded corporately with an average financial cost avoidance of £250 per head not counting officer time.

The I-learn system is continually being improved with 5 mandatory and a further 3 optional Health and Safety courses available. Further courses will be added in the future as and when there is sufficient capacity in the team to develop the course materials. During 2013/14 Business Units completed 2822 I-learn health and safety courses. See appendix three.

The Loss of admin support within the Health and Safety team will affect the number of face to face courses available in the forthcoming year with only essential courses being delivered. It is expected that any gaps will be backfilled with an increase in the number of I-Learn modules being developed.

Stress

There were 105 incidents of stress related illness reported during the year of which 55 per cent indicated that they were work related. This is a marked increase on the previous year and is a concern to this department and Human Resources who are jointly developing initiatives to support staff and their health and wellbeing. It should be noted that reports from schools are included in this figure, where referrals are made action is taken to ensure the necessary support and assistance is provided. See appendix four.

Policy & Guidance

The Corporate Health and Safety policy was revised in August 2013 and published in September. A new driver's policy with guidance has been developed and is currently undergoing consultation.

The Organising Events guidance documents have been reviewed and updated by the Corporate Events team and ourselves. Training is being developed with a view to delivering it to Small Event Organisers on behalf of the Public Safety Adviser Group. Further time has been spent advising Voluntary Groups particularly within Parks and Gardens area on risk assessment and safe working practices.

Radon

Further monitoring of the Radon gas levels in the lower levels of the town hall has been undertaken and the monitors returned to the Health Protection Agency, verbal

reports show the results to be within the safe guidelines and will be published when written confirmation is received.

Continued Professional Development

The Health and Safety team undertakes professional development training to ensure that their knowledge and understanding of the legal and scientific requirements of health are maintained at current standards.

Both members of the team have undertaken reinforcement training for first aid at work and Emergency Planning College training for multi agency event safety advisory groups.

Emergency Planning

Partnership Working

The Emergency Planning team collaborates with other emergency responders through the Devon, Cornwall and Isles of Scilly Local Resilience Forum (DCIoS LRF). The Council is represented on the following workstreams:

- DCIoS LRF meetings (once a month)
- LRF Chief Officers Group (quarterly)
- Risk Assessment Working Group
- Severe Weather Group
- Humanitarian Assistance, Evacuation & Shelter
- Coastal Pollution
- Mass Fatalities
- Fuel Shortage
- Telecomms Resilience
- Warning and Informing
- Local Health Resilience Group
- Site Clearance
- Recovery

Emergency Planning is also represented at the following meetings:

- Torbay Flood Steering Group
- Public Safety Advisory Group
- Port Security Group
- South West Emergency Responders Forum

Contingency Plans

The following plans have been progressed over the past year:

- Major Emergency & Business Recovery Plan
- 75% of Business Continuity Plans have been completed (up 15% on last year)
- The majority of existing Business Continuity Plans have been reviewed / updated
- Telecomms Resilience reviewed following changes to BT contingency arrangements.
- Report to the Mayor - Options for mitigating a loss of power.

Training and Exercises

Training and Exercises attended by Torbay Council staff are as follows:

- Torbay Public Health Transition Workshop
- Environmental Health Tabletop Exercise
- Tactical Coordinating Centre (Silver) Familiarisation
- Mini Tabletop Exercises for On Call Managers
- One to One briefing / training for On Call Managers
- Multi-Agency Gold Incident Command course
- Scientific and Technical Advice Cell training
- Exercise Short Sermon – Response to a radiological release in Plymouth
- Exercise Short Sermon – Recovery from a radiological release in Plymouth
- Exercise Autun – Testing local health / NHS emergency management
- Loggist Training x 2 (Facilitated by Gerry Cadogan)
- Public Safety Advisory Group training – (Public Safety at Events)
- Emergency Cascade Exercise
- Exercise Opus – Mass Fatalities Exercise
- Joint Emergency Services Interoperability Programme

Incident Response & Recovery

There were a number of notable incidents and events during the past year where the Emergency Planning team has had a role in assessing and coordinating the Council's Response. Incidents and Events during 2013/14 included:

- Response to Severe Weather events (Oct, Dec 2013, Jan, Feb 2014)
- Recovery from Severe Weather events (Feb, March 2013.....ongoing)
- House Fire in Dunmere Road
- Ongoing Industrial Action by Firefighters

Work plan for 2014/15

During the forthcoming year the health and safety team will:

- Complete the roll out of the Council's online accident reporting system to all departments within the council's area of responsibility with the provision of necessary training.
- Continue to develop the Council's health and safety KPIs to ensure continuous improvement of health and safety performance.
- Ensure that Executive Heads appoint appropriate numbers of nominated persons to undertake risk assessments and display screen risk assessments in their departments and provide training to them.

The emergency planning team's main objectives are to:

- Produce an Evacuation and Shelter Plan (Rest Centres).
- Recruit and Train staff as Local Authority Liaison Officers.
- Recruit and Train staff as Rest Centre Managers and Supervisors.
- Engage with Voluntary Organisations to supplement resource requirements at Rest Centres.
- Review procedures for accessing data on vulnerable people during emergencies
- Continue to review / amend the Major Emergency & Business Recovery Plan
- Review the Council's Strategic Guidance for Responding to a Flu Pandemic.
- Coordinate the Councils participation in a National Pandemic Influenza Exercise.
- Test a select number of Corporate Business Continuity Plans.
- Organize a 2 day Tactical Emergency Management course for members of SLT.
- Develop a web-based tool to enable efficient and secure (accredited to Official Sensitive level) exchange of information during both routine planning and response to emergencies.
- Support the development of Community Flood Plans (Pathfinder Project)

Total Accidents 2004 to 2013										
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Q1	527	489	278	282	268	336	272	280	330	215
Q2	454	436	203	204	224	286	235	241	241	178
Q3	586	389	238	332	290	339	267	347	286	211
Q4	512	200	306	340	284	386	323	435	172	281
Total	2079	1514	1025	1158	1075	1347	1100	1303	1029	885 ▼
Accidents by Person Specification										
Employees	592	560	565	537	415	457	385	387	328	353
Contractors	28	14	4	1	5	4	4	0	0	8
Pupils	618	450	387	538	565	546	495	610	479	421
MOP	812	480	64	57	85	160	203	294	215	101
Property	29	10	5	25	5	180	13	12	7	2
Total	2079	1514	1025	1158	1075	1347	1100	1303	1029	885 ▼
Accidents reported to the Health and Safety Executive										
Employees	10	34	23	24	17	20	10	8	15	4
Contractors	0	2	0	0	0	0	1	0	1	0
Pupils	5	25	18	17	35	12	9	3	0	3
MOP	1	0	0	1	3	2	3	6	0	0
Property	0	1	0	0	1	0	2	0	0	0
Total	16	62	41	42	56	34	25	17	15	7 ▼

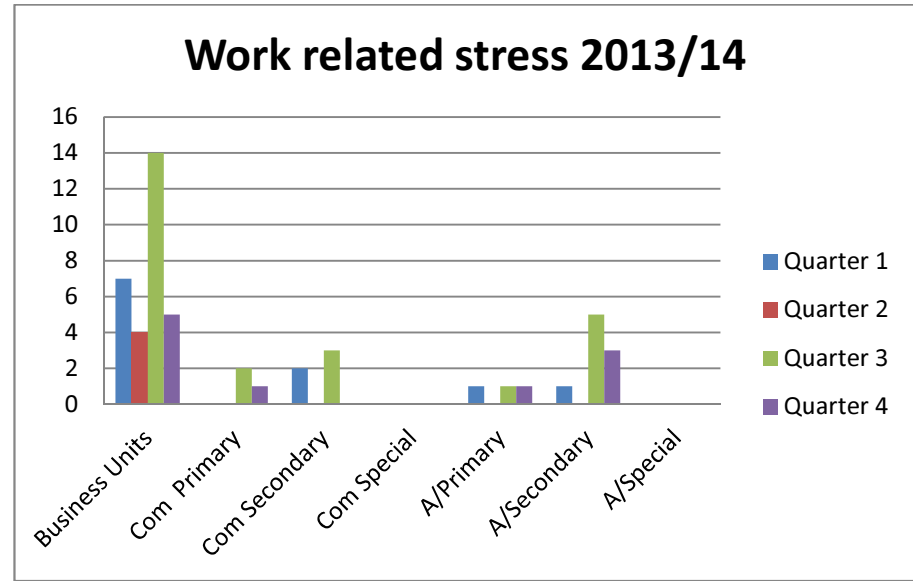
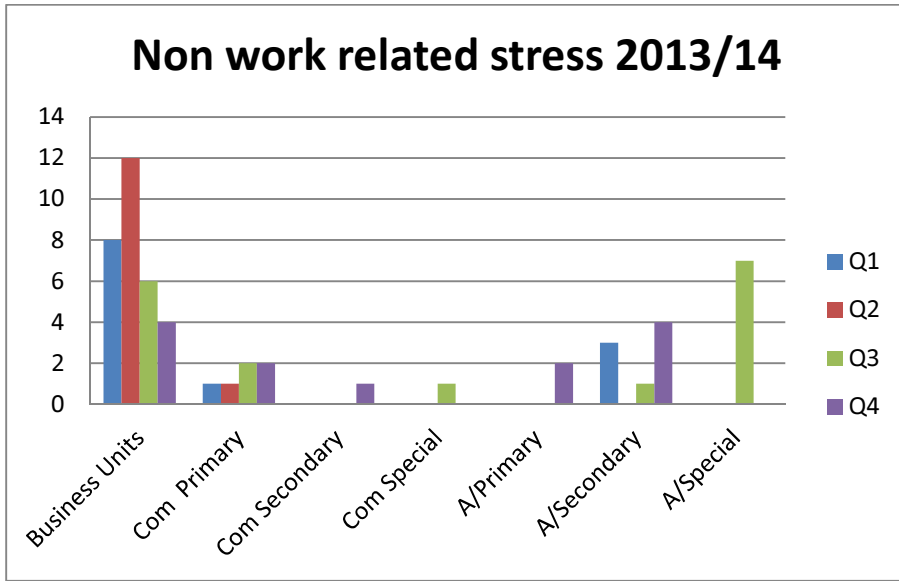
Key Performance Indicators

Plan	Do	Check	Act
The Council aspires to excellence in service delivery - Visible H & S leadership	Directors Targets	Executive heads	Health and Safety team
	Ensure executive heads establish suitable numbers of H & S duty holders within service areas, see 1.	Nominate and ensure appropriate training is provided to risk assessors and fire marshals within service area, see 2.	Provide annual report to Board and Scrutiny Committee
	Undertake a health and safety inspection in a high risk service area within directorate, see 3.	Undertake a health and safety inspection in a high risk department within service area, see 3.	
	Ensure staff are consulted on items which affect their health safety and well being, see 4.	As a minimum undertake quarterly team meetings with health & safety an agenda item, see 4.	
		Ensure risk assessments are undertaken and documented within service area and where necessary action is taken to eliminate or reduce the risk.	
		Provide bi-annual reports to Director and H & S team H & S actions undertaken.	Provide bi-annual reports on H & S actions and exceptions to Board
1.	There should be at least one nominated officer in every area, with additional requirements for critical function areas.		
2.	All <u>new</u> fire marshals to receive training before 31.03.14, and every 3 years thereafter. In shared premises Ex Heads should co-operate in provision of fire marshals and deputies.		
3.	High risk is defined as either on the critical function list, or where there is an above average accident/sickness rate, or where there are inherent risks to staff or the public.		
4.	Health and safety should be included in staff communications at least once a quarter or more often where there are substantial changes to working practices.		

Executive Heads KPI returns							
Business Unit	Fire marshals	Building	Trained within last 3 years	Risk Assessors	Building	Trained within last 3 years	H & S Communications evidenced within previous 3 months
Supporting people	1	St Edmunds	Yes	No response			Not evidenced
Childrens Commissioning	No response			No response			No response
Schools	No response			No response			No response
Safeguarding and wellbeing	No response			No response			No response
TDA	No response			No response			No response
Tor Bay Harbour Authority	1	Torquay Harbour	No	1	Torquay Harbour	No	Yes
	1	Paignton Harbour	No	1	Paignton Harbour	No	Yes
	1	Brixham Harbour	No	1	Brixham Harbour	No	Yes
Residents & Visitors	5	Town Hall	4 yes 1 no	2	Town Hall		Yes
	3	Bxm Lib & Connections	Yes	1	Bxm Lib & Connections	Yes	Yes
	7	Tqy Library	Yes	3	Tqy Library	1 yes 2 no	Yes
	4	PLAIC	Yes	1	PLAIC	08/10/14	Yes
				1	Churston Library		Yes
Spatial Planning	2	Town Hall	Yes	None	N/A		Not evidenced
Community Safety	6	Commerce House	Yes	4	Commerce House	Yes	Yes
	4	Town Hall	Yes	3	Town Hall	Yes	Yes
Public Health Commissioning	2	Town Hall	Yes	2	Town Hall	Yes	Not evidenced
Business Services	No Response			No response			No response
Commercial Services	No Response			No response			No response
Information Services	12	Town Hall	Yes	4 + BPIF	Town Hall	08/10/14	Yes
Financial Services	5	Town Hall	26/11/13	1	Town Hall	07/08/08	Not evidenced

Updated 01/05/2014

I - Learn	Business Unit	Details of courses completed April 2013 to March 2014							
		Asbestos	DSE	Driving	Back Safety	Fire Safety	Induction	First Aid	Stress Awareness
Adult Services & Resources	Adult Services	0	0	0	0	0	1	0	1
	Commercial Services	22	3	2	28	25	7	22	27
	Supporting People	3	0	0	2	4	1	4	3
	Information Services	43	5	2	47	47	3	40	50
Childrens Services	Commissioning	98	4	1	95	83	26	80	84
	Locality Services	0	0	0	0	0	0	0	0
	Safeguarding/Wellbeing	105	3	1	100	90	54	89	86
	School Improvement	6	1	0	8	8	1	7	7
Place & Resources	TDA/TEDC	17	1	0	20	12	9	12	9
	Business Services	4	1	0	3	6	3	6	6
	Finance	28	4	2	31	27	14	23	21
	Harbour Authority	12	1	3	12	12	10	13	11
	Residents & Visitors	101	33	21	98	98	49	90	87
	Spatial Planning	32	8	0	33	33	14	32	31
Public Health	Community Safety	38	8	3	27	46	19	36	41
	Public Health	7	0	0	8	7	6	7	7
Total health and safety courses completed		516	72	35	522	498	247	461	471



Commercial Team workplan for 2014-15

The Commercial Team is responsible for a wide range of functions which are covered briefly within the Service Plan. These are complaint driven work; inspections of higher risk premises, based upon their risk rating, government guidance and intelligence; protection of vulnerable groups; administering applications under varying pieces of legislation; protection of the wider public from the impacts of emergencies and disease outbreaks; protection of the employees of Torbay Council and the safe running of public attended events.

The key pieces of work being undertaken to help deliver this wide ranging agenda are

Better Business for All (BBfA) - to develop a partnership with Torbay Businesses and businesses across the Local Enterprise Partnership area of Devon and Somerset. Working with the Better Regulators Development Office (BRDO) and the other County, Unitary and District authorities and business leaders.

Food Hygiene Rating Scheme – this is the four year of this programme of work, which has been very positively received and continues to reduced the overall risks associated with food premises across Torbay.

Gas Safety in Commercial kitchens – these inspections are undertaken when premises are inspected under the Food Hygiene Rating Scheme above. A clear need has been established to continue this work.

No Cold Calling Homes – this piece of work is in its four year and has been very well received. In addition to giving those within the scheme more confidence and reducing cold calling significantly, it may also help deter travellers who may enter Torbay looking for door step work.

Second Hand Car Sales –Second hand car sales is one of the most complained areas in the consumer world. This project builds of work from previous years to target these businesses/individuals who sale unroadworthy cars. In previous years the outcomes are that some businesses have shut and others they have improved. In recent years we have undertaken a number of successful prosecutions and issued several cautions.

Early Morning Restriction Orders (EMRO) – to administer the process of applying for an EMRO should a body be able to provide evidence for the need to consider one.

Unmet Demand Study – three yearly review of Unmet Demand. This is a requirement if the LA wishes to maintain its regulated numbers of Hackney Carriages.

Childhood Obesity – to reduce the incident of child hood obesity in 5-6 & 10-11 year olds by working with cafes and takeaways. This work will be undertaken to support the Public Health team in their delivery against the local and national targets.

Safer Workplace Better Business packs – the work continues to ensure that the packs are widely used and are the main Health and safety intervention tool. To also work with a private sector company and Exeter University to develop and evaluate an on-line version.

Better Business Compliance Code Information pack – Written by trading standards for advice on things such as door step selling, underage sales. This builds on the support for businesses of Safer Workplace Better Business pack above and extends this into a new area.

Tattooist safety – Inspecting all our tattooists, and if appropriate introduce a rating scheme to the hygiene safety.

Agenda Item 11

Appendix 7

Sector, premises type or specific cross sector activity <small>(Where do you plan to intervene?)</small>	Evidence that identified the concern and set its priority <small>(e.g. statistics, RIDDOR reports, local intelligence. Why is it appropriate to address at this time? Can you identify the poor performers?)</small>	Planned intervention type <small>(tick all that apply)</small> <small>(Which methods are you going to deploy?)</small>	Rationale for intervention <small>(Why are you using this intervention? Have you considered using other interventions? Does it fit in with previous action to address this issue? Are you capable of measuring?)</small>	Planned activity or resource <small>(Timing and person days or no. contacts)</small>
LPG Pipework	Directed through HSE nationally, and local inspection data gathered by officers.	<input checked="" type="checkbox"/> Partnerships <input checked="" type="checkbox"/> Motivating Senior Managers <input checked="" type="checkbox"/> Supply Chain <input checked="" type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input checked="" type="checkbox"/> Inspection (Cat A) <input checked="" type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input checked="" type="checkbox"/> Recognising Good Performance <input checked="" type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input checked="" type="checkbox"/> Complaints <input checked="" type="checkbox"/> Other interventions	Inspection of premises as directed by HSE, possibility of using expertise pool to assist across Devon	Use of SME approach – targeted interventions during routine inspections based on local intelligence for gas safety (liaison with local Gas Safe inspectors). Use of E-newsletter with targeted interventions for other topics. Report to Chiefs on action taken so far.
Gas safety in catering establishments	Directed through HSE nationally, and identified through earlier work by Sub Group members showing an 21% failure in proper gas appliance maintenance and servicing regimes in local premises.	<input checked="" type="checkbox"/> Partnerships <input checked="" type="checkbox"/> Motivating Senior Managers <input checked="" type="checkbox"/> Supply Chain <input checked="" type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input checked="" type="checkbox"/> Inspection (Cat A) <input checked="" type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input checked="" type="checkbox"/> Recognising Good Performance <input checked="" type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input checked="" type="checkbox"/> Complaints <input checked="" type="checkbox"/> Other interventions	Use of SME approach – targeted interventions during routine inspections based on local intelligence for gas safety (liaison with local Gas Safe inspectors). Use of E-newsletter with targeted interventions for other topics. Report to Chiefs on action taken so far.	Use of SME approach – targeted interventions during routine inspections based on local intelligence for gas safety (liaison with local Gas Safe inspectors). Use of E-newsletter with targeted interventions for other topics. Report to Chiefs on action taken so far.
Estates Excellence project	Initial work in partnership with HSE targeted at Plymouth and Exeter with assistance from other authorities showed positive results when targeted high risk areas for intervention. Worked in partnership with other enforcement agencies and other organisation to guide and support small businesses and improve their ability to manage health and safety.	<input checked="" type="checkbox"/> Partnerships <input checked="" type="checkbox"/> Motivating Senior Managers <input checked="" type="checkbox"/> Supply Chain <input checked="" type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input checked="" type="checkbox"/> Inspection (Cat A) <input checked="" type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input checked="" type="checkbox"/> Recognising Good Performance <input checked="" type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input checked="" type="checkbox"/> Complaints <input checked="" type="checkbox"/> Other interventions	Following evaluation of this piece of work, consideration of rolling out to other estates throughout County.	Focused inspections of industrial estates. Initial advertisement of event leading to businesses volunteering to undergo an audit of their health and safety management, and providing specific training to raise competency in weak areas. Design our own Devon Estates Intervention to be rolled out over Devon.

Sector, premises type or specific cross sector activity <small>(Where do you plan to intervene?)</small>	Evidence that identified the concern and set its priority <small>(e.g. statistics, RIDDOR reports, local intelligence Why is it appropriate to address at this time? Can you identify the poor performers?)</small>	Planned intervention type <small>(tick all that apply)</small> <small>(Which methods are you going to deploy?)</small>	Rationale for intervention <small>(Why are you using this intervention? Have you considered using other interventions? Does it fit in with previous action to address this issue? Does it bundle with other activity? Are your outputs measurable?)</small>	Planned activity or resource <small>(Timing and person days or no. contacts)</small>
Swimming and Spa pool safety and water quality	Where regular pool water samples are taken, there is an average 25% failure rate. Following a fatality Torbay found over 50% of their pools did not comply with the managing pool safety guidance.	<input checked="" type="checkbox"/> Partnerships <input checked="" type="checkbox"/> Motivating Senior Managers <input type="checkbox"/> Supply Chain <input type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input type="checkbox"/> Inspection (Cat A) <input type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input type="checkbox"/> Recognising Good Performance <input type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input type="checkbox"/> Complaints <input type="checkbox"/> Other interventions	Public health and safety	Continue programme of inspections and provision of pool plant operators training if required started last year. Consider provisions of pool plant operator training. Provide an interim report to Chiefs
Ultra Violet Tanning issues	Identified by Public Health Focus Group, and work done by Plymouth and Exeter City Councils highlighting issues with unmanned tanning facilities.	<input checked="" type="checkbox"/> Partnerships <input type="checkbox"/> Motivating Senior Managers <input type="checkbox"/> Supply Chain <input type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input type="checkbox"/> Inspection (Cat A) <input type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input type="checkbox"/> Recognising Good Performance <input type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input type="checkbox"/> Complaints <input type="checkbox"/> Other interventions	Skin cancer reduction	Focused visits on un-manned tanning facilities. Possible joint work with DCC Trading Standards to consider under age purchasing visits.
Body modification issues Skin piercing/scarification/implants Laser treatments	Rapid expansion of the tattooing industry in the region, with easy access to equipment and large numbers of unregistered tattooists with suspect experience and knowledge posing a problem. Trawl for local information on type and extent of issues	<input checked="" type="checkbox"/> Partnerships <input type="checkbox"/> Motivating Senior Managers <input type="checkbox"/> Supply Chain <input type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input type="checkbox"/> Inspection (Cat A) <input type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input type="checkbox"/> Recognising Good Performance <input type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input type="checkbox"/> Complaints <input type="checkbox"/> Other interventions	Public health and safety	Raise levels of officer knowledge on issues. Clarify enforcement responsibilities between LAs and HSE Create Topic Pack for inspection/intervention. Work with Police to raise awareness of issues and under age tattooing Provide better information on our websites on the matters Produce uniform procedures.

Sector, premises type or specific cross sector activity <i>(Where do you plan to intervene?)</i>	Evidence that identified the concern and set its priority <i>(e.g. statistics, RIDDOR reports, local intelligence Why is it appropriate to address at this time? Can you identify the poor performers?)</i>	Planned intervention type (tick all that apply) <i>(Which methods are you going to deploy?)</i>	Rationale for intervention <i>(Why are you using this intervention? Have you considered using other interventions? Does it fit in with previous action to address this issue? Does it bundle with other activity? Are your outputs measurable?)</i>	Planned activity or resource <i>(Timing and person days or no. contacts)</i>
Care home issues – falls initiative	Accident data shows falls in care home to be a significant cause of RIDDOR reports received by LAs. Identified as of Public Health Concern.	<input checked="" type="checkbox"/> Partnerships <input checked="" type="checkbox"/> Motivating Senior Managers <input checked="" type="checkbox"/> Supply Chain <input checked="" type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input checked="" type="checkbox"/> Inspection (Cat A) <input checked="" type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input checked="" type="checkbox"/> Recognising Good Performance <input checked="" type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input checked="" type="checkbox"/> Complaints <input checked="" type="checkbox"/> Other interventions	Public health and safety	Allison to circulate project plan
SWBB Pack development	Significant work already undertaken to develop pack, trial and show use. Further work needed to ensure rational for pack development as a web based interactive tool for businesses.	<input checked="" type="checkbox"/> Partnerships <input checked="" type="checkbox"/> Motivating Senior Managers <input checked="" type="checkbox"/> Supply Chain <input checked="" type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input checked="" type="checkbox"/> Inspection (Cat A) <input checked="" type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input checked="" type="checkbox"/> Recognising Good Performance <input checked="" type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input checked="" type="checkbox"/> Complaints <input checked="" type="checkbox"/> Other interventions	Increases availability and usefulness of pack to business community	Awaiting project brief from Dave
Ill health from animal contact at visitor attractions	Public health issue from E.Coli and other zoonotic infections.	<input checked="" type="checkbox"/> Partnerships <input checked="" type="checkbox"/> Motivating Senior Managers <input checked="" type="checkbox"/> Supply Chain <input checked="" type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input checked="" type="checkbox"/> Inspection (Cat A) <input checked="" type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input checked="" type="checkbox"/> Recognising Good Performance <input checked="" type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input checked="" type="checkbox"/> Complaints <input checked="" type="checkbox"/> Other interventions	Public health and safety	
Officer training	RDNA and intervention initiative requirements	<input checked="" type="checkbox"/> Partnerships <input checked="" type="checkbox"/> Motivating Senior Managers <input checked="" type="checkbox"/> Supply Chain <input checked="" type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input checked="" type="checkbox"/> Inspection (Cat A) <input checked="" type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input checked="" type="checkbox"/> Recognising Good Performance <input checked="" type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input checked="" type="checkbox"/> Complaints <input checked="" type="checkbox"/> Other interventions		Intention to provide CPD training for officers in following subjects:- Enforcement training Accident investigation Core investigation skills Interviewing skill Update day to review recent developments

<p>DEVON CHIEF ENVIRONMENTAL HEALTH OFFICERS HEALTH AND SAFETY (ENFORCEMENT) SUB-GROUP WORK PLAN 2014/15</p>			
<p>The work plan has been prepared for the Devon Chief Environmental Health Officer Group to consider the health and safety matters to be looked at in the coming year and beyond.</p> <p>The plan is not a rigid, definitive document and is open to regular review. Urgent matters may arise which the Sub-Group may address during the year.</p>			
<p>Purpose</p>			
<p>Promote the attainment of satisfactory or better levels of health and safety in the local authority enforced sector of Devon.</p>			
<p>Objective</p>	<p>Detail</p>	<p>Expected outcomes</p>	<p>Who?</p>
<p>Develop a detailed Intervention plan</p>	<ul style="list-style-type: none"> • Targeting specific risks or focusing on specific outcomes. • Use the full range of regulatory interventions available to influence behaviours and the management of risk • Ensuring effective and proportionate management of risk • Supporting businesses, protecting our communities and contributing to the wider public health agenda in line with the National Local Authority Enforcement Code. 	<ul style="list-style-type: none"> • An Intervention Plan for 2014/15 drafted and sent to chiefs for sign off • Proactive and reactive interventions will be intelligence-led, based on best-available evidence and focused on risk • Joint targeting of risk to enable the most effective and efficient use of resource • Using local, regional and national intelligence to select targets for interventions. • Enforcement intervention tailored to level of risk will include arrangements for dealing with both ends of risk / compliance spectrum • Provide Training for businesses 	<p>Sub Group</p>
			<p>Date</p> <p>March 2014</p>

	<ul style="list-style-type: none"> This might include inspection of Category A premises, interventions as per the intervention plan for other premises, work with poor performers, accident and complaint investigations as required, advice initiatives and self-assessment questionnaires for more compliant premises 			
Training for businesses	Throughout the year examine the available data to see what training opportunities would most effectively assist business compliance	<ul style="list-style-type: none"> Any training proposed would be evidence based 		
Safer workplace Better Business Pack (SWBB)	Opportunities to provide better and different services to businesses. Links to changing the way business advice is delivered. Links with RIAMS and a national delivery of the pack on line.	<ul style="list-style-type: none"> Keep Chief Officers informed of progress with respect to the development of SWBB; <ul style="list-style-type: none"> regarding the pack becoming the key intervention tool for inspections and audits of new Micro, Small and Medium Enterprises and similar businesses without existing systems. Pilot ½ day training sessions for businesses in use of SWBB 	Dave Walker Paul Nichols Allison Ferrero	
Joint warranting and joint work	The Estates Excellence programme might offer different opportunities of joint working .	<ul style="list-style-type: none"> Produce a report summarising the successes and learning opportunities from the Estates Excellence programme in Exeter. Deliver the report to the Chiefs 	Joy Jones	April 2014
Reducing resources for H&S and staff competencies	This could result in reduce enforcement and therefore a loss of enforcement skills. Reduced accident notification and the use	<ul style="list-style-type: none"> Maintain review on the potential impact of the LA National Code Compare current and historic performance using LAE1 reporting figures 	Sub Group	

	<p>of the HSE accident filter results in fewer interventions which could reduce LA officer's ability to identify and target risk and leads to lack of intelligence.</p>	<ul style="list-style-type: none"> • Commit to providing training materials, guidance and support to maintain officer competency • Report findings to the Chiefs 	
<p>National Local Authority Enforcement Code</p>	<p>Assist Local Authorities to promote uniform, consistent health and safety enforcement in Devon by adoption of uniform practices and procedures where practical, taking account of guidance from; the HSE; BRDO; cost; effectiveness; efficiency; indicators of performance; the Enforcement Management Model (EMM); Regulators Development Needs Analysis (RDNA) tool and benchmarking exercises where appropriate.</p>	<ul style="list-style-type: none"> • Provision of training in health and safety for Local Authority staff and others where appropriate. • To provide training which meets local needs and concerns • Identify training needs for Local Authorities using the RDNA tool. • Provide and facilitate suitable training, in conjunction with the HSE and other sub-groups. <p>This will include: -</p> <ul style="list-style-type: none"> • Peer review practical exercises • Regional refresher training as identified in line with the National Local Authority Enforcement Code training for competency framework and RDNA tool • To actively contribute to CIEH Branch training days when requested • Through inter-authority peer review, partnership working and support, creating consistency across the County • Organising the Sub Group to task small working groups to concentrate on and co-ordinate a specific work stream or project, organise events as required using combined LA / HSE intelligence to feed interventions, and monitor the effectiveness of these tasks by regular interim reports during projects and completion reports at the end of projects to be submitted to the Chiefs Group. 	<p>Sub Group</p>

Assist businesses in managing their health and safety	Promote leadership, and improving worker involvement.	<ul style="list-style-type: none"> • Continue the development of the SWBB as the initial intervention with new small businesses • Further develop interactive resource on-line for businesses to improve their confidence and ability to manage their risks more effectively. • Include in projects and initiatives outlined in the Intervention Plan 	Sub Group	
Improve partnership working	Ensure better engagement with other regulators as part of the wellbeing agenda by engaging relevant local regulators (CQC, Environment Agency, Health and Wellbeing/PHE, Devon and Somerset Fire and Rescue etc) with relevant work streams.	<ul style="list-style-type: none"> • Investigate, initiate and take part in campaigns jointly with the HSE and other local stakeholders in areas of common interest • Improved understanding and efficiency in working with partners on Safeguarding processes and practices • Development of working practices, contact points and improved training of officers • Actively participate in and support partnership working on a local and regional basis. • Identification of opportunities for improving expertise in a specialised subject area in each Authority that can be shared across the Group when required 	Sub Group	
Health and Safety legislation or guidance changes	Appraise the Devon Chief Environmental Health Officer Group of action necessary and resource implications of meeting the National Local Authority Enforcement Code, new or existing legislation, guidance or novel situations.	<ul style="list-style-type: none"> • Produce briefing notes as appropriate for the Chief officers • Attend Chief officer meetings • Consider relevant issues and areas of concern which arise during the year, or as requested by the Devon Chief Environmental Health Officers. 	Sub Group	Quarterly
Consultations		<ul style="list-style-type: none"> • Comment on consultation documents where appropriate • Involve the staff and Chief officers 	Sub Group	Ongoing

Task and Intervention Plan Progress review		<ul style="list-style-type: none"> • Undertake review of the tasks of the group and the progress of the intervention plan. • Produce short reports summarising each project. • Ensure the continued improvement of training opportunities and activities. • Provide an annual report to the Devon Chief Environmental Health Officer Group and the CIEH branch AGM. 	Sub Group	Every quarter
Peer reviews	Provide a peer review before meetings to be circulated and discussed in teams and the results brought back to the Sub Group	<ul style="list-style-type: none"> • Evaluate actual cases • Produce in a format which used for in-house training exercises by Local Authorities • Collate the answers and outcomes and feed into the officer consistency/competency training 	Sub Group	Every Liaison Group
Public Health agenda	The Devon Health and Wellbeing Strategy 2013-16 focus of a number of key areas including health inequalities,	<ul style="list-style-type: none"> • Work with the Public Health sub group • Align our work with new Devon Health and Wellbeing Strategy 2013-16 and Public Health outcomes • Report back to Chiefs on any actions/work that the sub group could undertake to help implement this strategy. 	Sub Group	
Officer consistency/competency training		<ul style="list-style-type: none"> • Development of working practices, contact points and improved training of officers • Provision of training in health and safety for Local Authority staff and others where appropriate based on the review of the National Local Authority Enforcement Code • Analyse the RDNA for all H&S officers and develop training to meet their skill/Ability/Knowledge Gaps 		

Dated:

.....
(Chairperson)

Agenda Item 12



Meeting: Overview & Scrutiny Board
Council

Date: 9th July 2014
17th July 2014

Wards Affected: All

Report Title: Capital Investment Plan Update - (Outturn 2013/14) – subject to audit

Executive Lead Contact Details: mayor@torbay.gov.uk

Supporting Officer Contact Details: martin.phillips@torbay.gov.uk

1 Purpose

- 1.1 The Council's capital investment plan with its investment in new and existing assets is a key part of delivering the Council's outcomes. This is the final Capital Monitoring report for 2013/14 under the Council's budget monitoring procedures. It provides high-level information on capital expenditure and income for the year (subject to Audit), compared with the latest budget position as at quarter three reported in February 2014.

2 Proposed Decision

Overview & Scrutiny Board

- 2.1 **That Members note the outturn position for the Council's Capital expenditure and income for 2013/14 and make any recommendations to Council.**

Council

- 2.2 **That Council note the outturn position for the Council's Capital expenditure and income for 2013/14.**
- 2.3 **That Council note the action taken by the Chief Finance Officer, under the Officer Scheme of Delegation, to carry forward the unspent budgets for expenditure or work in progress (together with their funding) from 2013/14 to 2014/15.**
- 2.4 **That Council notes the funding of the capital investment plan for 2013/14 as outlined in paragraph 7.1.**

3 Reasons for Decision

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

4 Summary

- 4.1 Members of the Overview and Scrutiny Board and Council have received regular budget monitoring reports on the Council's Capital Investment Plan throughout the year. This report is the monitoring report for the fourth quarter 2013/14 which is also the financial year end. Variations reported are those arising in this quarter and any other changes reported will be reflected in the 2014/15 quarter one Capital Investment Plan update to Council in July 2014.
- 4.2 Outturn expenditure for the year was £17.3 million compared with the budgeted spend in the last monitoring position in February of £21.9 million. Reasons for this variation over a number of schemes are included in paragraph 6.4. In percentage terms, spend was 79% (78% 12/13) of the forecast in February.

5 Supporting Information

- 5.1 The original capital budget for 2013/14 approved by Council in February 2013 was £25.4 million. That was subsequently revised during 2013/14 for re profiling of expenditure from 2012/13, new schemes and re profiling spend to future years. All changes with reasons have been included in previous monitoring reports. Actual spend during 2013/14 was £17.3m, which is detailed in appendix 1.
- 5.2 Capital budgets of £5.0m will be carried forward to 2014/15 to enable schemes not completed or progressed in 2013/14 to be continued in the current year along with the funding sources for the scheme.
- 5.3 The Council set its Prudential Indicators for 2013/14 and monitoring arrangements for “affordable borrowing” in February 2013. The detailed Outturn Indicators are presented as part of the Treasury Management Outturn Report to be presented to Council in July.
- 5.4 The expenditure predictions as at January 2014 were presented as part of the Capital Investment Plan Update to Council in February 2014. That Report noted anticipated expenditure of £21.9 million in 2013/14.
- 5.5 Appendix 1 provides a schedule of the outturn for spending and funding in 2013/14.

Column (1) shows the revised budget for the year (as at quarter three).

Column (2) shows the actual payments during the year.

Column (3) shows the variance between outturn and revised budget.

Column (4) shows the net budget to be carried forward to 2014/15.

- 5.6 In order to meet the timetable for the statutory closure of accounts it is inevitable that assumptions are made with regard to the final outturn figures which may be subject to challenge by Grant Thornton (the Council’s external auditors) when the audit of the Council’s accounts is undertaken. Any material changes will be reported to a future meeting.

6 Expenditure Outturn & Performance

- 6.1 The actual service expenditure in 2013/14 was £17.3 million. The outturn for individual projects is provided in Appendix 1. A summary at service level is in the table below –

	Latest Budget	Outturn	Spent	Variation
	£m	£m	%	£m
Childrens, Schools & Families	7.0	5.4	77	(1.6)
Place & Resources	13.7	10.6	77	(3.1)
Adults & Resources	1.2	1.3	108	0.1
TOTALS	21.9	17.3	79	(4.6)

- 6.2 In overall terms there was net variation in the Plan spend of £4.6million, which is 21% of the revised budget which, although disappointing, there are reasons for variances on a number of schemes including the impact of the adverse weather in the last quarter of 2013/14. A summary of the significant re profiling and reasons is included below.
- 6.3 A summary of spend to date by funding type is as follows:

Funding Type	Revised Budget 13/14 (Q3)	Outturn	Variation
	£m	£m	£m
“Old” Funding	3.3	2.8	(0.5)
“New” Funding	10.2	8.8	(1.4)
Prudential Borrowing	4.2	3.3	(0.9)
Specific Funding	4.2	2.4	(1.8)
Total 2013/14	21.9	17.3	(4.6)

6.4 The re profiling of budget within the £4.7m of variations identified to be carried forward to 2014/15 is summarised by scheme (in excess of £0.250m) in the table below:

Scheme	Re Profiling £m	Reason
Warberry Primary School Expansion	(0.4)	Some work rescheduled around school term times
Beach Huts	(0.3)	Adverse weather and unforeseen ground conditions created delays to works at Meadfoot Beach
Office Rationalisation Project	(0.6)	Provision for costs of dilapidations of accommodation reassessed at a lower value
Torquay Harbour Pontoons	(0.8)	Scheme now due for completion by end of May 2014
Western Corridor	(0.5)	Late awarding of the funding from the DfT meant that the scheme will now be delivered in two larger phases rather than three.
Other Children's, Schools & Family	(1.2)	Various including 2 year old provision, Devolved Formula Capital and Torre Primary. The extreme weather over the winter months caused significant delays to many projects. Schemes also had to be delayed to accommodate school requirements and to fit within the school academic year.
Other Place & Resources	(0.9)	Various including Riviera Centre and Livermead structural repair
Other Adults & Resources	0.1	
Total	(4.6)	

These first five schemes are over 50% of the variance in the last quarter.

- 6.5 The Capital Investment Plan spans 4 financial years and includes development projects where spending is expected to run for a number of years. It is normal that annual budgets need to be re-phased between years as schemes develop through feasibility, design and construction stages in order to ensure continuity. On occasion consultation with end-users, affordability of design and negotiation with external funders can significantly delay anticipated start dates.
- 6.6 During the year, budgets were regularly re-scheduled between the four years of the plan and the reasons were reported to Council.
- 6.7 On a number of schemes, even though works had not been undertaken by the year end a number of contractual commitments have been entered into, to progress the scheme.
- 6.8 Where project costs have exceeded budget, and funds could not be brought forward from future year's budgets, services were asked to identify additional sources of funding. No scheme has been carried forward to 2014/15 which will be a call on (new) funding allocated in for future years.
- 6.9 The Chief Finance Officer is authorised under the Officer Scheme of Delegation to approve re-phasing of expenditure between years provided the impact does not exceed the overall level of the approved programme and the available funding resources. Under this delegation, net budget provision of £5.0 million has been carried forward into 2014/15 to fund commitments on works in progress and to enable approved schemes to be completed. Conversely budgets for 2014/15 have been reduced on those projects which have spent in advance (within the overall capital budget for the project). A revised Capital Investment Plan, incorporating the budgets carried forward and any schemes that are now significantly changed will be presented with the first Capital Investment Plan update in 2014/15.
- 6.10 In addition to the re profiling of expenditure to future years the corresponding budgets for the funding of these schemes are also carried forward. Where funding has been received but not applied, this funding is reflected on the Council's balance sheet as usable reserves.

Individual Project Monitoring - Main Variations & Management Action

- 6.11 Appendix 1 shows the expenditure in 2013/14 on each individual project. A number of projects have been completed during the year and are now delivering improved services to users.
- 6.12 **"New Funding Regime"**
- 6.13 An estimate of funds was identified in the Capital Investment Plan (February 2012) for the four years of the Plan to 2015/16, which was provisionally allocated to a number of "priority" areas.
- 6.14 The Capital Investment Plan shows the approved schemes to the extent that funding has been received or confirmed. Where the value of the approved schemes exceeds the known funding, temporary prudential borrowing has been used pending the future receipt of funds, at which point the funding will be swapped. However if funding is not realised then the Capital Investment Plan will have to be reduced accordingly or alternative sources of funding allocated such as prudential borrowing.
- 6.15 During 2013/14 a total of £8.8m of resources allocated under the 'New Funding regime' was spent including £2.7m on schools including £0.8m at Warberry Primary School and £0.5m at Torre Primary school. During the year £1.2m was spent on Torre Abbey which re opened in 2013. Other expenditure included £0.8m on the Riviera Centre, £0.6m on Swim Torquay and £0.8m on sea defence works.
- 6.16 As reported in the last Capital Investment plan update report in February, the Council has been allocated £2.8m for the (un ringfenced) schools Basic Need grant for in 2015/16 and £2.9m in 2016/17. The allocation for 2016/17 was a new allocation and the 2015/16 allocation was higher than the Council was expecting by £1.8m. This additional funding of £4.7m will be allocated to support schools basic need, and will be included in the quarter one 2014/15 update.
- 6.17 In addition the 2014/15 allocation of £0.6m for schools repair and maintenance will also be allocated to schools, to the extent that the grant exceeded the original Council estimate.
- 6.18 **"Old Funding Regime"**
- Relates to the schemes in the Capital Investment Plan that were allocated to services from capital funding that originated in 2011/12 and earlier financial years.
- 6.19 During 2013/14 a total of £2.8m of resources allocated under the 'Old Funding regime' was spent including £2.4m on schools including £2.0m at Barton Primary School.
- 6.20 **"New" Ring fenced (Specific) funding**
- 6.21 During 2013/14 a total of £3.3m was spent from 'Ring fenced' funding including £0.7m on the Ferry and cycle path scheme and £0.5m on the Riviera Renaissance project.
- 6.22 **Schemes funded from Prudential Borrowing**
- 6.23 Within 2013/14 a total of £2.4m was spent, funded from Prudential Borrowing, including £0.6 m on Beach Huts, £0.5m on the Paignton cycle path and £1.2m on Princess Promenade.
- 6.24 **Contingency**
- The Council approved a capital contingency of £1.1 million. This contingency is still in place to provide for unforeseen emergencies or shortfall in projected income over the 4-year Plan period and represents approximately 2% of the total Capital Investment Plan.

7. Receipts & Funding

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

	Revised Budget	Outturn	Variation
	£m	£m	£m
Borrowing – of which	6.9	3.9	(3.0)
Supported: (by Government funding)	0.5	0.3	(0.2)
Unsupported: (under Prudential Code)	6.4	3.6	(2.8)
Grants	12.2	10.6	(1.6)
Other Contributions	0.8	0.9	0.1
Revenue & Reserves	1.4	1.6	0.2
Capital Receipts	0.6	0.3	(0.3)
Total Funding	21.9	17.3	(4.6)

Grants

- 7.2 Capital Grants continue to be the major funding stream 61% (69% in 12/13) for the Council to progress its investment plans. An element of these grants result from “bids” to other public sector bodies. With ongoing significant reductions on public sector expenditure expected, this funding stream is significantly reduced for future capital projects. The Council used £10.6 million of grants in 2013/14 to support its capital expenditure. As at 31 March 2013 the value of grants received but not yet applied was £10.2 million (£11.7m 2012/13). This sum is reflected in the Council’s balance sheet.

Borrowing

- 7.3 Borrowing was kept within Affordable Borrowing limits and the effect on the Revenue Accounts was within budget (see Prudential Indicators in Treasury Management Outturn 2013/14 Report).
- 7.4 In addition to the £0.3 million of borrowing “supported” by central government, unsupported (Prudential) borrowing of £3.7 million was utilised to fund (or part fund) expenditure on the following major projects:
- Princess Promenade
 - Beach Huts
 - Paignton Cyclopark

Of the £3.7m, £1.9m was “temporary borrowing”, i.e. using the Council’s internal cash resources, pending expected capital funding, was also used.

- 7.5 If no additional capital contributions to the South Devon Link Road are received then the level of prudential borrowing required will remain at £20m. This cost will impact on the Council’s revenue budget in 2016/17 once the road is operational. The repayment of £20m over 25 years will be an annual cost to the service of £1.3 million.
- 7.6 Repayment of the prudential borrowing by services varies between projects and reflects the anticipated use of the asset or a suitably shorter period over which the service feels is appropriate, however prudential borrowing is never taken over a period which is greater than the anticipated life of the asset.
- 7.7 The Council sets aside an amount in its revenue budget (known as minimum revenue provision) for the repayment of the borrowing on its maturity including a sum for the value of the debt inherited from Devon County Council in 1998. In 2013/14 it set aside £4.2m in respect of capital expenditure by the Council, along with £0.4m in relation to the PFI scheme for Westlands and Homelands Schools (funded by the PFI Grant). This ensures that in the long term all borrowing and long term liabilities will be repaid.
- 7.8 Borrowing is related to the funding of non current (fixed) assets. The costs of these assets tend to be spread over the long term which is line with the long term use of these assets. The value of Council long term assets as at 31/3/13 was approx. £250 million. It should be noted that as

schools convert to Academy status the value of the asset is removed from the Council's balance sheet however the Council remains liable for any borrowing or long term liabilities in relation to these schools up to the date of transfer. In 2013/14 the value of schools that converted to Academy status removed from the Council's balance sheet was over £15 million. More schools are expected to convert during 2014/15.

Capital Receipts –

7.9 Capital receipts in the year were £1.4 million. Receipts included the following:

- £0.3m Right to Buy Housing “clawback”
- £1.1m Land sales including Bench House, Paignton Old Town Hall and the White Rock land swop.

In year £0.3m of these receipts were applied in 2013/14 to fund capital expenditure, therefore the Capital Receipts reserve had a balance of £1.8m at year end.

7.10 The approved Plan as at 1 April 2014 relies upon the generation of a total of £3.4 million capital receipts from asset sales by the end of March 2016. These targets are expected to be achieved provided that -

- approved disposals currently “in the pipeline” are completed
- the Council continues with its disposal policy for surplus and underused assets (latest report to Council May 2014) and,
- no new (or amended) schemes are brought forward that rely on the use of capital receipts for funding.

7.11 Of the capital receipts target of £3.4m; £0.650m for the disposal of the old Paignton Library site has been received in 2014/15. In addition based on the developer agreement, £1m is due from the Oldway Development. All capital receipts up to the target of £3.4m are required to fund previously approved capital schemes It is only after this target has been reached that capital receipts can be applied to new schemes.

7.12 There is an ongoing risk over the value of receipts. The receipt of funds from Tesco at Brixham was part of the business case for the Brixham Regeneration project. As the expenditure on this project has already been incurred, if this receipt is not realised this will create a shortfall in the capital receipts target, which will have to be funded from future capital receipts or by other changes to the capital investment plan.

7.13 The expenditure to date from the £0.2m budget for enhancement of strategic sites budget is £0.039m. The budget will be increased on an annual basis by expenditure in the previous year to maintain the original budget for enhancing assets prior to sale.

7.14 As per the Council's approved capital strategy, the £0.3m of “right to buy” receipts received in 2013/14 will be allocated to housing schemes.

Capital Contributions – S106 & Community Infrastructure Levy

7.15 The general target for securing capital contributions to fund the 4-year Capital Investment Plan, excluding the target of £2.5m for South Devon Link Road, following review of the Budget in 2013/14 is £0.5 million (required by March 2016).

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

7.17 Income from s106's capital contributions during 2013/14 were under £0.3 million, although the Council did receive a further £0.4m of contributions from other bodies, mostly to support specific schemes. Of the s106, under £0.1m was to support South Devon Link Road.

7.18 The Council is anticipating that a charging schedule for its Community Infrastructure Levy will be applicable during 2015/16 which will, in part, replace S106 contributions from developers. The Council will need to keep this issue under review and will have to make future adjustments to the capital plan if required.

Capital Investment Plan 2013/14 Update - Outturn	Total 2013/14 Revised £000	Total 2013/14 Outturn £'000	Total 2013/14 Variance £'000	Total Reprofile to 2014/15 £'000
	Col 1	col 2	col 3	col 4
Old Funding Regime (pre 12/13)				
Adults & Resources				
Mental Health Care Initiatives	22	15	-7	7
Various ICT Improvements	23	8	-15	15
	45	23	-22	22
Childrens, Schools & Families				
Asbestos Removal	9	3	-6	6
Barton Primary Cap Project	2,102	2,019	-83	83
Capital Repairs & Maintenance 2011/12	202	7	-195	195
Childrens Centres	81	139	58	-58
Curledge St - Remodelling	33	36	3	-3
Education Review Projects	51	0	-51	51
Minor Adaptations Childcare	5	3	-2	2
Preston Primary - ASD Unit	24	39	15	-15
Primary Places 2011/12	4	3	-1	1
Short Breaks for Disabled Children	17	6	-11	11
Special Education Needs - reactive works	24	-2	-26	26
St Margaret Clitherow Primary Bxm - Expansion	50	23	-27	27
Torquay Community College Re-build (Building Schools for the Future)	176	105	-71	71
Westlands 14-19 Project	0	1	1	-1
Youth Modular Projects	51	0	-51	51
	2,829	2,382	-447	447
Place & Resources				
Barton Infrastructure	70	62	-8	8
Enhancement of Development sites	30	27	-3	3
Haldon Pier - Structural repair Phase I/2	75	49	-26	26
Harbour Bxm Development Phase 1&2 (Quay & Buildings)	(122)	-120	2	0
Housing - Advances Budget to be allocated	0	0	0	0
NGP - Great Parks Access	0	3	3	-3
NGP - HCA Match Land Acquisitions	15	12	-3	3
NGP - Strategic Cycleway	17	65	48	-48
NGP - Windy Corner Junction	1	0	-1	1
Sanctuary HA - Langridge Road (4 units)	46	44	-2	2
Sea Change - Cockington Court	89	80	-9	9
Sovereign HA - Beechfield (102 units)	151	140	-11	11
Sovereign HA - Beechfield (Adapt 3 units)	0	15	15	-15
Westcountry HA - Preston Down Road (12 units)	11	11	0	0
	383	388	5	-3
Public Health				
Private Sector Renewal	29	2	-27	27
	29	2	-27	27
Sub Total	3,286	2,795	-491	493
New Funding Regime (12/13 onwards)				
	Total 2013/14 Revised £000	Total 2013/14 Outturn £'000	Total 2013/14 Variance £'000	Total Reprofile to 2014/15 £'000
Childrens, Schools & Families				
Ellacombe Primary Expansion	0	2	2	-2
Capital Repairs & Maintenance 2012/13	302	146	-156	156
Capital Repairs & Maintenance 2013/14	0	35	35	-35
Cockington Primary expansion	400	418	18	-18
Mayfield expansion	434	324	-110	110
Roselands Primary expansion	206	136	-70	70
Schools Access	43	25	-18	18
Torre CoE Primary expansion	689	542	-147	147
Warberry CoE Primary expansion	1,246	821	-425	425
Whiterock Primary expansion	200	96	-104	104
Schools Capital from Revenue	0	156	156	0
	3,520	2,701	-819	975
Place & Resources				
Beach Hut renewal strategy	0	0	0	0
Flood Defence/Cliff schemes (with Env Agency)	266	218	-48	48
Hele's Angels - Hele Road	0	0	0	0
Livermead Sea Wall structural repair	686	577	-109	109
Manscombe Quarry Cliff stabilisation	0	2	2	-2
Princess Promenade Phase 3	89	58	-31	31
Riviera Centre renewal	991	776	-215	215
Social Care - Hollacombe CRC	60	60	0	0
SWIM Torquay - improve facilities	557	558	1	0
Torre Abbey Renovation - Phase 2	1,371	1,293	-78	78
Transport - Gateway Enhancement	31	30	-1	1
Transport - Integrated Transport Schemes	894	900	6	-6
Transport - Structural Maintenance	1,065	982	-83	83
	6,010	5,454	-556	557
Public Health				
Disabled Facilities Grants	614	670	56	-56
	614	670	56	-56

Capital Investment Plan 2013/14 Update - Outturn	Total 2013/14 Revised £000	Total 2013/14 Outturn £'000	Total 2013/14 Variance £'000	Total Reprofile to 2014/15 £'000
	Col 1	col 2	col 3	col 4
Sub Total	10,144	8,825	-1,319	1,476
New Ring Fenced or Specific Funding (12/13)	Total 2013/14 Revised £000	Total 2013/14 Outturn £'000	Total 2013/14 Variance £'000	Total Reprofile to 2014/15 £'000
Adults & Resources				
Enhancement Prior to Sale	0	0	0	0
Corporate Telephony System	168	167	-1	1
Capital Expenditure from Revenue	0	139	139	0
	168	306	138	1
Childrens, Schools & Families				
2 Year Olds Provision	253	60	-193	193
Devolved Formula Capital	438	295	-143	143
	691	355	-336	336
Place & Resources				
Brixham Harbour - Major repairs	240	250	10	0
Brixham - Victoria Breakwater	0	46	46	0
DfT Better Bus Areas	200	18	-182	182
DfT Local Sustainable Transport Fund (Ferry/Cycle)	607	736	129	-129
Edginswell Station - Project Development	80	1	-79	79
Env Agency - Colin Road Culvert Replacement	4	11	7	0
Meadfoot Sea Wall structural repair	286	223	-63	63
Public Toilets - Utilities saving measures	70	61	-9	9
Riviera Renaissance (Coastal Communities Fund)	494	479	-15	15
Torbay Leisure Centre - structural repairs	111	86	-25	25
Torre Valley North enhancements	127	3	-124	124
Western Corridor	603	65	-538	538
White Rock Business Park Land swap	275	275	0	0
Windmill Skate Park	56	57	1	0
	3,153	2,311	-842	906
Public Health				
Green Deal Fuel Poverty Fund	321	321	0	0
	321	321	0	0
Sub Total	4,333	3,293	-1,040	1,243
Prudential Borrowing Schemes	Total 2013/14 Revised £000	Total 2013/14 Outturn £'000	Total 2013/14 Variance £'000	Total Reprofile to 2014/15 £'000
Place & Resources				
Beach Huts Acquisitions	894	587	-307	307
Council Fleet Vehicles	74	14	-60	60
Empty Homes Scheme	20	0	-20	20
Office Rationalisation Project Ph 2 - Project Remainder	293	-292	-585	585
On Street Parking meters	207	154	-53	53
Paignton Velodrome Cyclopark	600	477	-123	123
Princess Promenade (Western Section) Repairs	1,176	1,242	66	0
South Devon Link Rd - Council contribution	70	63	-7	7
Torre Abbey Pathway	25	22	-3	3
Torquay Inner Harbour Pontoons	800	135	-665	665
	4,159	2,402	-1,757	1,823
Sub Total	4,159	2,402	-1,757	1,823
Contingency				
General Capital Contingency	0	0	0	0
	0	0	0	0
TOTALS	21,922	17,315	-4,607	5,035
CAPITAL INVESTMENT PLAN - QUARTER 4 2013/14 - FUNDING				
Supported Borrowing	462	296	-166	
Unsupported Borrowing	6,431	3,661	-2,770	
Grants	12,185	10,592	-1,593	
Contributions	760	872	112	
Reserves	785	1,180	395	

Agenda Item 13



Meeting: Overview and Scrutiny Board
Full Council

Date: 9 July 2014
17 July 2014

Wards Affected: All Wards

Report Title: Provisional Outturn 2013/14 – Subject to Audit

Executive Lead Contact Details: Mayor Oliver

Supporting Officer Contact Details: Paul Looby Executive Head – Finance

1. Purpose and Introduction

- 1.1. The revenue outturn report provides a summary of the Council's expenditure for the financial year 2013/14 and makes recommendations with respect to any uncommitted resources.
- 1.2 A separate report will be presented to the Overview and Scrutiny Board and Council of the final capital outturn position.

2. Proposed Decision

- 2.1 That the revenue outturn position for 2013/14 be noted.
- 2.2 That the Overview and Scrutiny Board be asked to report directly to Council on any recommendation it may have following its review of the outturn position.
- 2.3 That it be recommended to the Council that:
 - (i) £0.8m of restructuring costs are funded from the available resources identified at outturn to protect the Council's Comprehensive Spending Review reserve – paragraph 4.3.
 - (ii) A sum of £0.350m is approved as carry forwards into 2014/15 for Crisis Support Fund and Hardship Fund - paragraph 4.15 - 4.17.
 - (iii) Members to note that the transfers above in 2.3 (i) to (ii) are subject to the final audit of the Council's accounts.

3. Reasons for the Decision

- 3.1 The approval of the outturn position and agreement as to how any unallocated budgets are used is an essential part of the financial monitoring process. In addition the Council has a statutory duty to close its annual accounts which is assisted by the production of a provisional outturn statement which is presented to and approved by Members.
- 3.2 The Council's accounts must be finalised and signed by the Chief Finance Officer before the end of June each year in accordance with statute. The presentation of the financial outturn report concludes the regular reporting to Council on its revenue expenditure and makes recommendations to Members with respect to any uncommitted budgets there may be available at year end.
- 3.3. The recommendations within the report will ensure the Council maintains an adequate level of reserves by utilising the available resources at year end to fund the costs of restructuring the Council.
- 3.4 Approval of the carry forward request, in particular ring fencing monies to support vulnerable members of the community through the Crisis Support Fund, will ensure financial resources are available to continue to operate a scheme. Members will be aware that the Coalition Government will stop funding for the Crisis Support Scheme after March 2015.

4 Summary

- 4.1 The continuing reduction to local government funding meant 2013/14 was another challenging year financially for the Council. As part of the budget setting Members acknowledged and accepted the risks and were aware of the challenges the council faced in ensuring a balanced budget was achieved due to the reductions in funding and the increasing demands and expectations from customers across a range of services.
- 4.2 As in previous years there were significant budget pressures that the Council had to manage, particularly within Safeguarding and Wellbeing (Children's Services) and achievement of the income target for Car Parking.
- 4.3 However despite these challenges the Council delivered a balanced budget at year end by delivering underspends as part of the in – year savings strategy and utilising reserves and uncommitted budgets. The declared outturn position has identified £0.8m of restructuring costs which are recommended to be funded from the 2013/14 outturn position. Members will recall that the Comprehensive Spending Review (CSR) Reserve was earmarked to fund all restructuring costs – by approving the recommendation within this report the CSR reserve will be protected and will provide contingency against any unforeseen budget pressures and future restructuring costs. A summary of the provisional outturn position is shown below:

	Council Budget	Council Outturn	Over/(under) spend
Council Expenditure	126,950	128,286	1,336
Use of Budget Pressures Contingency	0	(1,000)	(1,000)
Unallocated Grants	0	(1,136)	(1,136)
Uncommitted budgets at year end	126,950	126,150	(800)
Recommendation Allocated to: - Restructuring Costs			800
Balance			0

- 4.4 It is important to note that without the application of reserves, uncommitted budgets and approved management action of strict financial control throughout the year the Council would have declared an overspend at year end. The action taken in year included a moratorium on non-essential expenditure, strict control of vacancy management (using redeployment for vacancies in preference to redundancies where possible), bringing forward 2014/15 proposed savings to deliver in year savings and the non committal of un ring-fenced grants. These measures were supported by careful monitoring of budgets and performance by the Mayor, Executive Leads, Overview and Scrutiny Board and the Senior Leadership Team. A summary of the key variances within departments are outlined within this report.

Reserves

- 4.5 Members will be aware of the important decision taken by Council with the creation of the Comprehensive Spending Review (CSR) reserve; which is the Council's uncommitted reserve set up to meet the financial challenges faced by the Council to response to the Coalition Government's austerity programme. These challenges include:

- any unforeseen events or pressures that emerge during the year;
- invest to save initiatives where demonstrable savings can be delivered in future years;
- making provision for any costs of restructuring Council services.

- 4.6 The Chief Finance Officer has advised Members that, where possible, reserves should only be used to support one off initiatives as it is not sustainable to use reserves to support ongoing commitments. Use of reserves should only be used where there is a planned invest to save scheme which is robustly managed and monitored and endorsed by the appropriate Director.
- 4.7 With respect to 2013/14, the Mayor agreed to allocate the budget pressures contingency reserve of £1m to support the budget pressures within Safeguarding and Wellbeing.
- 4.8 As recommended within this report, if the costs for restructuring are funded from the resources available in 2013/14, the CSR reserve will be protected and the balance on the reserve as at 1 April 2014 will be £3.8m. This will be required to fund the costs of future reorganisations and any pressures if they emerge during 2014/15.

General Fund Balance

- 4.9 The Council also holds a General Fund Balance. Due to strict financial management there has not been a call on the general fund balances since the Council became a unitary authority in 1998. However, officers and Members will be aware of the continued reduction to local government funding and the expected demand pressures in 2014/15 and beyond will place ever increasing pressures on the council's non earmarked reserves. The Council's General Fund balance is £4.4m as at 1 April 2014. This balance represents 3.8% of the council's net budget in 2014/15.
- 4.10 In these challenging financial times a number of local authorities have been increasing the level of their reserves as part of a strategy to support budgets in future years. This approach has received significant media and Department of Communities and Local Government attention i.e. questioning why a local authority holds reserves during difficult times. However a strategy of increasing reserves when grant from government has and will continue to fall is a prudent approach to sound financial management. The Institute of Fiscal Studies have already declared that the government has not yet achieved 50% of the required austerity measures across the public sector. Whilst there are no confirmed figures for future levels of local government grant it is clear the period of austerity will continue and will impact directly upon the range and scale of services that can be provided by local government until the end of the decade.
- 4.11 Therefore it should be recognised that the general fund balance is uncommitted (unlike other earmarked reserves) and provides funds that would only be used for any unforeseen or unexpected expenditure that could not be managed within service budgets or earmarked reserves. With this in mind and in light of the difficult financial climate faced by the Council and reduction to the Council's net budget, I believe that a cash balance of £4.4m is a prudent level to protect the Council from the increased risks it faces with respect to the ongoing grant reductions from Government and increased demand for some services. In addition the Council's external auditors will have a view as to the level of the Council's General Fund Balance.

- 4.12 The Council needs to consider the reserves position before the compilation of the statutory annual accounts and the audit of those accounts. As set out in the Accounts and Audit Regulations, the statutory accounts will be presented to Members of the Audit Committee for formal approval in September 2014. For Members information, the external audit of the accounts commenced on 16 June 2014 and is expected to take approximately 2 months.
- 4.13 As in previous years, there will be a review of all earmarked reserves. This will be undertaken as part of the budget preparation process and is reported to Members at least once a year as has been the practice in recent years.
- 4.14 Once this review has been completed, where applicable any surplus monies can be recycled as part of the budget setting process for the following year or support any other funding requirements. Members will be aware that these reserves are earmarked for specific purposes with the exception of the General Fund Reserve and CSR reserve which remains the only fund the Council holds to meet emergency costs. With media attention focusing in the level of Council reserves 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. However, due to the expected challenges the Council will face with ongoing reductions to its grant, all earmarked reserves will continue to be closely scrutinised and considered as part of the Council's overall resources available to deliver services to local residents including invest to save initiatives where supported by a robust business case.

Crisis Support Funding

- 4.15 The Council has been responsible for the operation of the Crisis Support Scheme since April 2103. The Coalition Government announced that funding for the scheme will end in March 2015. If the Council wants to continue to administer the same or similar scheme it will have to be funded from existing resources and will become an additional budget pressure in future years.
- 4.16 As at 31 March 2014 there was an underspend of £0.3m on the scheme. The Chief Finance Officer is recommending that this sum is carried forward in 2014/15. This money can either be used to support the fund in the current financial year or, if there is an underspend at the end of 2014/15, used to ensure the scheme can continue for at least one further year after the coalition government has cut the funding.
- 4.17 There is also an underspend within the exceptional hardship fund for council tax and it is also recommended this is also carried forward into 2014/15 and ring fenced. There are no other carry forwards that have been proposed and require Member approval.

Supporting information

A1. Introduction and history

- A1.1 The Council approved the 2013/14 budget on 13 February 2013. Financial monitoring reports have been prepared throughout the year and distributed to Members of the Overview and Scrutiny Board and presented to Council during 2013/14 which ensured there was effective public monitoring and scrutiny of the revenue budget throughout the financial year. These reports summarised and identified the issues faced by Business Units within the Council and where appropriate, the action officers took to ensure the Council spent within the agreed budget set for the year.
- A1.2 This report compares the revised budget position for 2013/14 to the revenue outturn position as at the end of the financial year and summaries the key variances.
- A1.3 The outturn position indicated in this report is the final position subject to the Council's external auditors – Grant Thornton - completing their annual audit of the accounts. As part of any audit review, there is the possibility that changes may be made to the overall outturn position for the Council. However, should any variations to the figures be necessary these are not expected to be materially significant.

A2. Carry Forwards

- A2.1 The Council's Financial Regulations states that, subject to the approval of Council when considering the end of the financial year position, any overall net underspend within a directly controllable revenue budget may be carried forward into the following financial year.
- A2.2 Under the terms of the Constitution, Directors and Executive Members discuss and propose carry forwards and these are considered by Members at Council for approval.
- A2.3 There is one carry forward which is recommended by the Chief Finance Officer for approval:
- £350,000 within Finance. It is recommended that the underspend in the Crisis Support and Exceptional Hardship Fund is carried forward and ring fenced in 2014/15 and beyond in accordance the existing schemes.

This carry forward proposal has been included within the overall outturn figures.

Schools Service

A2.4 A balanced budget position has been declared for Schools Block Activities after making a contribution to reserves of £0.110m. This position will be reported to the Schools Forum.

A2.5 Schools will be carrying forward balances of £2.8m from 2013/14 to 2014/15 – these resources are earmarked for schools related expenditure. This is an increase against the previous year. It is important to note that although balances overall have decreased in 2013/14 this is on a smaller base as schools have converted to Academies over 2013/14 are no longer included in the figures (5 schools converted to Academies in 2013/14). Members are reminded that the Dedicated Schools Grant can only be used for schools related activities.

A3. Net Expenditure

A3.1 Net expenditure after the applications of reserves and uncommitted budget was £126.950m.

Net Revenue Expenditure 2013/14

Council Services	Revised Budget	Outturn	Net Over /(Under) spend
	£'000	£'000	£'000
Adults			
- Adult Social Care	43,757	42,613	(1,144)
- Supporting People	4,418	4,310	(108)
Sub Total	48,175	46,923	(1,252)
Children, Schools & Families	28,454	31,935	3,481
Public Health			
Public Health (ring fenced budget £7.150m)	0	0	0
Community Safety	1,982	1,739	(243)
Sub Total	1,982	1,739	(243)
Place			
- Residents and Visitors	7,807	7,896	89
- Spatial Planning	5,671	5,719	48
- TDA - Clientside	2,393	2,384	(9)
- TDA - TEDC	1,677	1,650	(27)
- Torbay Harbour Authority (ring fenced budget - £4.928m)	0	0	0
- Waste and Cleaning	11,826	11,799	(27)
Sub Total	29,374	29,448	74
Operations and Finance			
- Commercial Services	3,539	3,268	(271)
- Information Services	3,516	3,445	(71)
- Business Services	1,655	1,549	(106)
- Finance	9,119	7,843	(1,276)
Sub Total	17,829	16,105	(1,724)
Total	125,814	126,150	336
Unallocated Grants	1,136	0	(1,136)
Restructuring Costs	0	800	800
Approved Budget	126,950	126,950	0

A3.2 A brief summary of the main variances and the principal reasons for any underspends or overspends within each directorate are explained below

Adults

A3.3 Overall underspend £1.252m. The variations are summarised below:

<p>Adult Social Care – net underspend of £1.144m. As reported in the last monitoring report this was due to costs and commitments anticipated early in 2013 that did not materialised, overachievement of the Cost Improvement programme from all zone teams and learning disability and ordinary residency costs were below budgeted levels throughout the year.</p>
--

<p>Supporting People - underspend of £0.108m due to vacancy management within the service and contractual savings delivered during the year.</p>

Children, Schools & Families

A3.4 Overall overspend of £3.481m after the application of £1m from the budget pressures contingency and savings from the department's Recovery Plan and reported underspends primarily within Family Services.

A3.5 The main pressure was within Safeguarding and Wellbeing where an outturn overspend of £5.6m was declared. This was due to the numbers, costs and length of time for children in care and placements within the independent sector and continued use of agency social workers primarily as a result of cover for maternity leave and to provide additional capacity to support newly qualified social workers.

A3.6 Members will recall that as part of the 2014/15 budget an earmarked contingency was approved specifically to mitigate against budget pressures that may arise within Safeguarding and Wellbeing. Members also approved monies (which have been funded from reserves) for invest to save projects within Safeguarding and Wellbeing to reduce future costs.

A3.7 The number of looked after children at the end of March 2014 was 314 which compares to 305 at the beginning of the financial year. The number of children on Child Protection Plans for the same period is 173 compared to 180 in March 2013.

Public Health and Community Safety

A3.8 Overall underspend of £0.243m.

<p>Public Health is funded from a specific grant of £7.150m and was only used to fund Public Health related activities. The service underspent by £0.728m. This will be carried forward into 2014/15 and ring fenced for Public Health.</p>
--

<p>Community Safety - underspend of £0.243m due to additional contract income within the Crematoria budget, vacancy management and a moratorium on expenditure.</p>
--

Place

A3.9 Overall overspend of £0.074m.

<p>Residents and Visitor Services – overspend of £0.089m. This was primarily due to a shortfall in car parking income during the year which was offset by the implementation of a moratorium on all discretionary spending resulting in service reductions across this business unit.</p>
<p>Waste and Cleaning - underspend of £0.027m. This was a small projected underspend due to a small reduction in tonnages at year end and full year impact of various waste reduction and diversions initiatives by TOR2.</p>
<p>Spatial Planning - overspend of £0.048m arisen mainly due to additional costs within the Planning team arising from recently announced Planning appeals and associated costs. Members will note during the year the volatile Concessionary Fares budget reported underspends due to a reduction in the contracted payments to providers and reduced passenger numbers which helped reduced the projected outturn position.</p>
<p>Economic Development Company (Client side) – reported a small underspend of £0.009m.</p> <p>Economic Development Company (TDA) - £0.027m underspend achieved through efficiency savings.</p>

Operations and Finance

A3.10 Overall underspend of £1.7m. The variations are summarised below:

<p>Finance - underspend of £1.276m due to savings within treasury management primarily due to savings on interest payments due to the repayment of loans, lower audit and inspection fees, additional housing benefit administration grant, higher benefit overpayment recovery, lower than budgeted discretionary pension costs, reduced staffing costs arising from vacancy management within the business unit, early implementation of 2014/15 budget savings and an unexpected late receipt of a capitalisation grant from Department of Communities and Local Government.</p>
<p>Commercial Services – underspend of £0.271m due to savings within the Members Allowances budget, a reduced contribution to the insurance reserve and vacancy management savings and early implementation of 2014/15 budget savings.</p>

Information Services – underspend of £0.071m due to vacancy management and IT Infrastructure savings.

Business Services - underspend of £0.106m due to vacancy management savings, early implementation of 2014/15 budget savings and additional income for bought back services.

A4. Debtors Outturn

A4.1 The key issues with respect to debtors are:

Council Tax

A4.2 The 2013/14 targets for collection of Council Tax were:

- (i) collect 96.5% of the Council Tax due within the financial year; and
- (ii) collect 50% of the arrears brought forward from previous years.

At the end of the financial year the Council collected £60.5m which is 94.9% of the Council Tax due in 2013/14. The collection level is down on last year's performance, reflecting the impact of the Local Council tax Support Scheme.

A4.3 The collection of arrears proved difficult due to the weakness of the local economy and introduction of the Local Council Tax Support Scheme. The total arrears outstanding at the end of the financial year were £4.9m.

A4.4 Following the introduction of the Local Council Tax Support Scheme in April 13 the Council has been monitoring closely the impact of the changes upon collection rates. The collection rate for accounts where last year there was no Council Tax liability in 2012/13 is 68.2%. The collection rate where the account was not entitled to maximum Council Tax Benefit is 76.9% compared to 80.0% for the previous year.

A4.5 There are no Council Tax write-offs over £5,000 to report to Members of the Overview and Scrutiny Board. 332 council tax accounts with a value of £0.084m have been written off in the final quarter.

Non-Domestic Rates

A4.6 The targets for the collection of NNDR (business rates) were:

- (i) To collect 97.0% of the business rates due in the financial year; and
- (ii) To collect 50% of the arrears brought forward from previous years.

A4.7 At the end of the fourth quarter, the Council collected £35.6m which is 97.2% of the business rates due in the year 2013/14.

A4.8 Members will recall that from April 2013 with the introduction of the NNDR retention scheme the Council is now liable for 49% of all income and costs associated with NNDR including any costs relating to pre April 2013 such as write offs and successful revaluation appeals. Since April 2013 the impact of the new scheme has had an impact upon the council's income as there has been a reduction in the tax base within the Bay and a number of appeals dating back to 2005 which are still outstanding. As at the 31 March 2014 the estimated value of outstanding appeals is £2.5m of which the council's share (49%) is £1.250m. Due to the new arrangements for business rates the Council has recognised the estimated cost of backdated appeals within the 2013/14 final accounts.

A4.9 NNDR write - offs above £5,000 have been circulated to Members of the Overview and Scrutiny Board and are available to all other Members upon request. 25 NNDR accounts with a value of £0.073m have been written off in the third quarter.

A5. Financial Performance of External Companies

A5.1 For completeness a summary of the financial performance of the companies that Torbay Council has an interest in is included as appendix 1 to this report.

A6 Possibilities and Options

A6.1 Members could consider alternative uses for the uncommitted budgets identified within this report.

A.7 Preferred Solution /Option

A7.1 As set out in the recommendations.

A.8 Risks

A8.1 There is a risk that the Council will have insufficient reserves to meet any unforeseen events. The maintenance of the general fund balances of £4.4m and the CSR reserve of £3.8m will assist in ensuring the Council's reserves are sufficient to assist with its medium term financial planning and manage unforeseen events.

A9 Consultation

A9.1 Directors and Executive Heads and their Executive Leads have discussed and considered the outturn position.

Outturn for Council Subsidiaries & Associates 2013/14 – as shown in annual statement of accounts

Outturn for Council Subsidiaries & Associates	Council Ownership	Gross Income £m	Gross Spend £m	Surplus or (Deficit) £m
Subsidiaries				
Torbay Economic Development Company	100%	(4.3)	4.5	(0.2)
English Riviera Tourism Company	100%	(0.8)	0.8	0
Oldway Management Company Limited	100%	(0.1)	0.1	0
Associates				
TOR2	19.99%	(15.3)	14.9	0.4
South West Careers	25%	(13.5)	14.0	0.5
PLUSS	25%	(27.8)	27.5	0.3

Agenda Item 14

Urgent Decision taken by the Executive Director of Operations and Finance under the Officer Scheme of Delegation Paragraph 1.19 of Schedule 6 to Part 3 (Responsibility of Functions) of the Council's Constitution.

Report to Council to be held on 17 July 2014.

The Officer Scheme of Delegation states at the Executive Director of Operations and Finance may take an urgent decision in relation to a Council function (in consultation with the relevant member) if he/she considered it to be in the best interests of the Council or the inhabitants of the Borough and where he/she does not consider it reasonably practicable to convene a meeting of the Council.

A report detailing the action taken in accordance with the Officer Scheme of Delegation must be submitted to the Council. The table below sets out the details of the actions taken.

Matter for Decision	Decision taken by	Decision and alternative Options considered	Reasons for Urgency	Date of Decision
Purchase of vehicles to take waste to MVV in Plymouth	Executive Director of Operations and Finance	That Torbay Council provide a capital grant to TOR2 funded by Prudential borrowing to purchase three new Artic loaders and four trailers to transfer waste to the new facility run by MVV in Devonport, Plymouth. That the relevant Fleet item in the approved Capital Investment Plan be varied to incorporate	For this decision to be deferred until the next full Council would leave the authority open to the possibility that the vehicles would not be delivered on time for the first waste to be taken to the new facility in Plymouth.	June 2014

		<p>these and subsequent vehicles required by TOR2 to carry out Torbay Council contracts.</p> <p>The alternative option considered was TOR2 could fund the vehicles themselves using CAPEX but this is likely to be more expensive and will incur additional admin fees.</p>		
--	--	---	--	--

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

This Report is presented to the meeting of the Council on 17 July 2014 in accordance with Standing Orders A1.2(viii) and (xiii) and C2 to C4 for inclusion in the Council's Constitution. Councillor Thomas' portfolio includes Environmental Policy and Councillor Lewis' portfolio includes the Corporate Lead for reducing Teenage Pregnancy.

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

Name	Address	Electoral Ward
Deputy Mayor and Executive Lead for Strategic Planning, Housing, Energy and Environmental Policy - Councillor David Thomas	54 Lower Fowden Broadsands Paignton TQ4 6HS	Blatchcombe
Executive Lead for Culture and the Arts - Councillor Dave Butt	90 Marldon Road Paignton TQ3 3NW	Preston
Executive Lead for Safer Communities, Highways, Environment and Sport - Councillor Robert Excell	Excell Studio 203 Union Street Torre Torquay TQ1 4BY	Tormohun
Executive Lead for Health and Wellbeing - Councillor Chris Lewis	7 Lutyens Drive Paignton TQ3 3LA	Preston
Executive Lead for Business Planning and Governance - Councillor Derek Mills	5 Bascombe Close Churston Brixham TQ5 0JR	Churston with Galmpton
Executive Lead for Children, Schools and Families - Councillor Ken Pritchard	62 Lower Fowden Elbury Cove Paignton TQ4 6HS	Churston with Galmpton
Executive Lead for Tourism and Harbours - Councillor Jeanette Richards	Montana 217 Dartmouth Road Paignton TQ4 6LG	Blatchcombe
Executive Lead for Adult Social Care and Older People - Councillor Christine Scouler	4 Merryland Close Preston Paignton TQ3 1HT	Preston

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

	Portfolio:	Corporate Lead for:	Main Director/ Executive Head
Mayor Gordon Oliver (Executive Lead for Employment and Regeneration, Finance and Audit)	<ul style="list-style-type: none"> • Built Environment • Employment and Skills • Business support • Regeneration • Business Relocation, Creation and Growth (inc. social enterprise/apprenticeships) • Inward Investment • Property (assets) • Estates • <i>(Torbay Economic Development Company)</i> • <i>(Local Enterprise Partnership)</i> • <i>(Events Forum)</i> • Financial (including Capital and Revenue Budget and Budget Monitoring) • Corporate debt and creditor payments • Revenue and Benefits • Business Rates <p><i>(Devon Audit Partnership)</i> <i>(Local Enterprise Partnership)</i></p>	Prosperity: <ul style="list-style-type: none"> ■ Job-led regeneration focusing on specific sectors. ■ Create the right environment for inward investment. ■ Continue to progress with the South Devon Link Road. ■ Adhere to sympathetic regeneration. ■ Encourage public and private sectors to develop employment of apprentices. ■ Continued to provide value for money for our communities by: <ul style="list-style-type: none"> ○ Reducing costs/increasing income/improving productivity so increases in council tax are kept low. 	Director of Place Chief Operating Officer Economic Development Company Executive Head Finance

	Portfolio:	Corporate Lead for:	Main Director/ Executive Head
<p>Deputy Mayor and Executive Lead for Strategic Planning, Housing, Energy and Environmental Policy</p> <p>Councillor David Thomas</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 249</p>	<ul style="list-style-type: none"> • Spatial Planning • Housing Standards • Housing Options • Affordable housing • Facilities management • Energy • Waste disposal (Tor2) • Corporate Lead for monitoring the Tor2 contract for improved recycling, waste and clean streets) <p><i>(Waste Disposal (TOR2))</i></p>	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Support the creation of Town Centres Business Improvement Districts. ■ Revitalise the retail offer in the town centres. ■ Plan for the supply and demand of energy for the Bay. <p>Health:</p> <ul style="list-style-type: none"> ■ Reduce local greenhouse gas emissions. <p>Happiness:</p> <ul style="list-style-type: none"> ■ Ensure an appropriate supply of quality housing within communities. 	<p>Director of Place</p> <p>Executive Head Residents and Visitor Services</p>
<p>Executive Lead for Culture and the Arts</p> <p>Councillor Dave Butt</p>	<ul style="list-style-type: none"> • Culture, museums, archives, theatres, libraries, arts • Libraries supporting education and health • Theatre contracts and arts development grants • Museum grants • Music for schools <p><i>(Arts Council Regional Board)</i> <i>(Creative Torbay)</i> <i>(Archives – Devon County Council Partnership)</i> <i>(Cultural Champion for Torbay)</i></p>	<p>Happiness:</p> <ul style="list-style-type: none"> ■ Work towards creating a sustainable and flourishing leisure, culture and tourism sector that is open to residents and visitors. 	<p>Executive Head Residents and Visitor Services</p>

	Portfolio:	Corporate Lead for:	Main Director/ Executive Head
<p>Executive Lead for Safer Communities, Highways, Environment and Sport</p> <p>Councillor Robert Excell</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 250</p>	<ul style="list-style-type: none"> • Safer Communities • Food Safety and Standards • Safety and Licensing • Trading Standards • Community Protection • Domestic Abuse Services • Partnerships • Localism • Closing the Gap • Cemeteries and Crematoria • Communication • Consultation • Community Development including Community Partnerships • Voluntary Sector Development • Champion for Volunteers • Emergency Planning • Corporate Health and Safety • Corporate Security - CCTV • Parking • Sport • Flooding and Drainage • Street Lighting • Strategic Transport • Highways management • Tree Services <p><i>(Torbay Coast and Countryside Trust)</i> <i>(Environment Agency)</i></p>	<p>Health:</p> <ul style="list-style-type: none"> ■ Promote sport and outdoor activity to improve health and wellbeing. ■ Continue to work on the Closing the Gap Strategy and roll out to other areas by involving communities. ■ Reduce the negative impact of alcohol, obesity, tobacco and drugs on our communities. ■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Lewis and Scouler). <p>Happiness:</p> <ul style="list-style-type: none"> ■ Work towards keeping crime low by: <ul style="list-style-type: none"> ○ Maintaining focus on the night-time economy; and ○ Working with the Police and Crime Commissioner for resources to ensure crime levels remain low and people feel safe. ■ Jointly engage and involve communities to resolve local issues in neighbourhoods. ■ Engage with communities in rolling out locality workings and community budgets as part of localism. 	<p>Director of Public Health</p> <p>Executive Head Community Safety</p> <p>Executive Head Residents and Visitor Services</p>

	Portfolio:	Corporate Lead for:	Main Director/ Executive Head
	<p><i>(Community Safety Partnership)</i> <i>(Riviera International Conference Centre)</i></p>	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Monitor the TOR2 contract for improved recycling, waste and clean streets. ■ Lobby to improve rail services. ■ Make it easier to get around the Bay by developing integrated transport where feasible. 	<p>Director of Place</p> <p>Executive Head Residents and Visitor Services</p>
<p>Executive Lead for Health and Wellbeing Councillor Chris Lewis</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 251</p>	<ul style="list-style-type: none"> ● Public Health <ul style="list-style-type: none"> Health Improvement Health Protection and Infection Control NHS Healthcare (incl GP and Hospitals) Services & Support ● Troubled Families (with Councillor Pritchard) ● Corporate Health and Safety ● Community Health ● Corporate Lead for reducing Teenage Pregnancy <p><i>(Health and Wellbeing Board)</i></p>	<p>Health:</p> <ul style="list-style-type: none"> ■ Reduce the negative impact of alcohol, obesity, tobacco and drugs on our communities. ■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities. ■ Reduce teenage pregnancy 	<p>Director of Public Health</p> <p>Executive Head Community Safety</p>

	Portfolio:	Corporate Lead for:	Main Director/ Executive Head
<p>Executive Lead for Business Planning and Governance</p> <p>Councillor Derek Mills</p>	<ul style="list-style-type: none"> • Performance • Human Resources and Organisational Development (including Payroll) • Business Change and Programme Support • Risk Management • Information Services • Commercial Services • Governance • Local Democracy • Civic engagement <p><i>(Torbay Town Centre Development Forum)</i></p>	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Continued to provide value for money for our communities by: <ul style="list-style-type: none"> ○ Reviewing the structures of the Council so they are still fit for purpose. <p>Happiness:</p> <ul style="list-style-type: none"> ■ Promote democracy, transparency and civic engagement, and when able to, re-look at the Mayoral System of Governance 	<p>Director of Adult Services</p> <p>Director of Place</p> <p>Executive Head Information Services</p> <p>Executive Head Commercial Services</p> <p>Executive Head Business Services</p>
<p>Executive Lead for Children, Schools and Families</p> <p>Councillor Ken Pritchard</p>	<ul style="list-style-type: none"> • Safeguarding and wellbeing • Early Intervention • Children in Need • School Improvement • School Leadership • Youth Offending Team • Youth, Childrens and Family Centres • Early Years Services • Family Solutions • Integrated Youth Service • Troubled Families (with Councillor Lewis) • Children’s Commissioning <p><i>(Health and Wellbeing Board)</i></p>	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Raise skills levels by working with schools and South Devon College to meet the standards set by the Department for Education for attainment and attendance. ■ Tackling child poverty <p>Health:</p> <ul style="list-style-type: none"> ■ Continue to improve Children safeguarding (joint with Councillor Scouler on Adults safeguarding). ■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Excell and Scouler). 	<p>Director of Children’s Services</p> <p>Director of Public Health</p> <p>Executive Head Safeguarding and Wellbeing</p>

	Portfolio:	Corporate Lead for:	Main Director/ Executive Head
<p>Executive Lead for Tourism and Harbours</p> <p>Councillor Jeanette Richards</p>	<ul style="list-style-type: none"> • Leisure, beaches, parks and open spaces • Special events • Tor Bay Harbour Authority • Public toilets <p><i>(English Riviera Tourism Company)</i></p>	<p>Happiness:</p> <ul style="list-style-type: none"> ■ Work towards creating a sustainable and flourishing leisure, culture and tourism sector that is open to residents and visitors. 	<p>Director of Place</p> <p>Executive Head Residents and Visitor Services</p> <p>Executive Head Tor Bay Harbour Authority</p>
<p>Executive Lead for Adult Social Care and Older People</p> <p>Councillor Christine Scouler</p>	<ul style="list-style-type: none"> • Adult Services <ul style="list-style-type: none"> Learning Disabilities Care Homes Domiciliary and Day Care Community Equipment Telecare and Telehealth • Commissioning <ul style="list-style-type: none"> Older People • Supporting People <ul style="list-style-type: none"> Commissioning Performance Management Community Engagement <p><i>(Torbay and Southern Devon Health and Care NHS Trust)</i> <i>(Health and Wellbeing Board)</i></p>	<p>Health:</p> <ul style="list-style-type: none"> ■ Continue to improve Adults safeguarding (joint with Councillor Lewis on Children safeguarding). ■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Lewis and Pritchard) 	<p>Director of Adult Services</p>

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

Agenda Item 18a

At present we are sending the majority of visitors to Torquay town centre through the narrow residential streets of Hele road or through the very narrow residential area of Upton and Lymington road, both of which are very inappropriate for many reasons.

Not only does it make perfect sense to send traffic the much more direct route through Torre, but it would also bring more passing trade the shops and businesses that so desperately need it.

Taking into consideration that the Kingskerswell bypass is not far from being complete, can I ask: does the council think it is acceptable to delay this very important road change and continue to send traffic through these inappropriate routes and if not, considering that the cost is only around £60,000, what actions will they take to fast track this desperately needed change.

Andrew Lang

Agenda Item 18b

Why does this proposal disregard the Council's own 'Tall Buildings Strategy', 'Heritage Strategy' and, specifically in relation to Cary Green, the 'Green Space Protection' that was given to it by the Council in 2012, presumably to enforce the covenants already in place for this site and to safeguard it from development?

Fiona McPhail

Agenda Item 18c

If this development goes ahead will it set a precedent for further development along the sea-side of the front? ie: Princess Gardens or Corbyn Head, and if that is the case should it therefore be refused?

Alan Griffey



Meeting: Council

Date: 17th July 2014

Wards Affected: All wards

Report Title: Clennon Valley Sport and Leisure Proposal

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Councillor Robert Excell, Executive Lead for Safer Communities, Highways, Environment and Sport 01803 207579 robert.excell@torbay.gov.uk

Supporting Officer Contact Details: Liam Montgomery, Planning and Housing Manager, 01803 208720 liam.montgomery@tedcltd.com

1. Purpose and Introduction

- 1.1 Following the Council's decision to tender and consider options for its Clennon Valley and Goodrington assets a detailed procurement exercise was undertaken under the Official Journal of the European Union (OJEU).
- 1.2 A thorough evaluation of the bids was carried out and Moirai Capital Investments Ltd (MCI) was the winning tender and was selected by the project board for Members to approve or not as the preferred bidder.

2. Proposed Decision

- 2.1 Members are asked to consider the proposals detailed within this report from MCI for the land edged red on the plan within appendix 1 and then either:
 - (i) **Approve MCI Ltd as the preferred bidder for the sport and leisure improvements at Clennon Valley and Goodrington**
 - OR**
 - (ii) **Reject MCI Ltd as the preferred bidder for the sport and leisure improvements at Clennon Valley and Goodrington**
- 2.2 Subject to members selecting option 2.1 (i) above that the project board in consultation with the Executive Director and Executive Head of Commercial Services be given authority to negotiate the detailed contractual terms with MCI Ltd.

3 Reason for Decision

- 3.1 A requirement of the OJEU procurement exercise was for Members to review the winning tender, in this instance MCI Ltd, and then determine whether or not to grant them preferred bidder status.
- 3.2 This distinction provides the bidder with the necessary confidence to invest the resources required to progress the proposals in more detail before entering into a contractual arrangement with the Council.
-

Supporting Information

4. Position

- 4.1 The report along with the accompanying appendices will set out:
- the original tender brief (Appendix 2)
 - the extent of the Council's ownership that will be transferred (Appendix 1)
 - a clear list of what the bidder will be contractually obliged to deliver (Appendix 4)
 - the overall level of investment proposed by MCI and the potential financial return for the Council (Appendix 3 exempt)
 - MCI's proposed legal structure and a list of frequently asked questions (Appendix 5 & 6)
 - the results of a recent consultation exercise (Appendix 7)
 - summary of the financial consideration (Appendix 8 exempt)
- 4.2 The Council's original overarching objective was to create the Clennon Valley and Goodrington sports and leisure tourism hub.
- 4.3 As part of the tendering process a descriptive document and pre qualification questionnaire was produced which sets out the key objectives along with the scoring and evaluation methodology. This document will provide Members with a clear understanding of the process along with the Council's desired outputs. This is available at Appendix 2.
- 4.4 The essence of the proposal from MCI is for them to take three leases (relating to the various zones 1-3) from the Council for 125 years, rent would be payable. Two of the leases would be granted at day 1 with the final lease (Claylands) deferred until the completion of the various 'Core' outputs on the other two zones.
- 4.5 A plan showing the total area of Council land that would be transferred and the configuration of the three zones is available at Appendix 1. In addition a masterplan sketch is available at Appendix 9. The total acreage that would be transferred under this proposal on a 125 year lease is as follows:
- Zone 1 - 64.6 acres
 - Zone 2 - 20.3 acres
 - Zone 3 - 13 acres
 - **Total - 97.9 acres**

- 4.6 The MCI submission has been assessed and evaluated by the project board. Clarification has been ongoing with the bidder to finalise and clarify the various Core outputs that will be achieved. In addition to the Core outputs there are a number of 'Optional' outputs that MCI say they would like to deliver if it is commercially viable to do so. A definitive list of both the 'Core' and 'Optional' outputs can be found at Appendix 4.
- 4.7 The proposal put forward contains a contractual obligation on MCI to deliver the Core outputs but no contractual obligation on MCI to deliver the 'Optional' outputs and Members should be aware of this when considering the merits of this opportunity.
- 4.8 Specific timeframes were set out as mandatory contractual requirements as part of the final tender. These are:
- Planning application within 6 months of contract completion
 - Core items to be commenced within 18 months of contract completion and completed within 3 years
- 4.9 The delivery of each 'Core' element will require a capital investment from MCI. The total capital investment proposed by MCI to deliver these Core elements is £24,826,000.
- Zone 1 Clennon Leisure - £8,847,000
 - Zone 2 Goodrington - £3,480,000
 - Zone 3 Claylands – £12,499,000
- 4.10 Many of the 'Core' elements of the project will produce an annual income to MCI and it is proposed that in return for the 125 year lease the Council will receive 5% of this income.
- The total annual income MCI has projected for all three zones - £2,483,199.
 - Based on these assumptions the Council would receive an annual income of £124,159.
- 4.11 It must be stressed that this income figure in Para 4.8 is not a guaranteed figure and is only based on projections. The lowest figure that the Council would receive is £100,000 per annum for the lease duration plus an additional £30,000 per annum for 25 years to cover the Council's investment in delivering the cycle track.
- 4.12 A full breakdown of both the capital investment proposed and the projected income can be found at Appendix 3 (exempt appendix).
- 4.13 The Council's assets and land involved in this proposal currently require subsidy from the Council to operate effectively. As a collective they currently generate a revenue liability for the Council:
- Council income generated from the assets and land - £346,654
 - Council expenditure in the form of maintenance and subsidy - £608,468

- 4.14 It must be noted that transferring these assets to MCI will not see the Councils expenditure reduce by the figure £608,468 referred to in Para 4.11. The Council currently have maintenance contracts for these assets and if those assets are removed from those contracts then we are advised that it is unlikely to generate the same level of savings.
- 4.15 None of the figures mentioned above include or give consideration to any potential capital receipt the Council would be foregoing for the land in Zone 4, namely Claylands and it is important that Members are aware of this. The potential receipt for the land is dependent on a number of factors however while this has not been substantiated an estimated value has been included at Appendix 8 (exempt appendix)
- 4.16 The proposal and legal structure assume that there will be Service Level Agreements (SLA's) in place for Zones 1 & 2 to deal with management principles and any specific requirements the Council may have. MCI's expectation is that this will be a partnership and as such these documents will be fairly high level and talk about principles rather than detailed specifics.

5. Possibilities and Options

- 5.1 The Council could identify the specific outputs it would like to see delivered on each element of the Clennon site and then procure each element individually. There is range of alternative ways in which this could be done, each resulting in different financial opportunities or implications for the Council.
- 5.2 The Council could raise capital finance through their current lease income on the site to carry out certain capital improvements.
- 5.3 Whilst the above are not the options before Council the right approach is not clear cut. There are clear advantages and disadvantages to each option and Members will need to consider the level of control that they wish to maintain and the outcomes they are seeking for the Council and the community.

6. Fair Decision Making

- 6.1 There has been ongoing dialog with local sports clubs, organisations with legal interests in the site and other local businesses have been engaged with. In addition presentations have been made to the Community Partnership on several occasions.
- 6.2 A consultation exercise was undertaken between 13th March and 9th April 2014 by the Policy, Performance and Review team. A full copy of the report is available at Appendix 7.
- 6.3 Of the 181 responses received:
- 70% of respondents make use of the facilities at Clennon Valley

- Overall more than 90% of respondents support the proposals for the regeneration of Clennon Valley
- 88% of responses came from individuals rather than from businesses or organisations
- Among those not using the current Clennon Valley facilities there was strong support for the regeneration proposals (90%)

6.4 In contrast to these results and following the consultation exercise a number of negative responses were received indicating that

- it was not clear what would and wouldn't be delivered
- there was a lack of imagery when presenting the proposals

6.5 It must also be mentioned that during the consultation exercise it was not made explicit what items were to be 'Core' and which ones were 'Optional'.

7. Public Services (Social Value) Act 2012

7.1 After extensive engagement with the Councils procurement and legal departments a fully compliant OJEU tender exercise was undertaken.

7.2 When conducting this OJEU Competitive Dialogue procurement process, consideration as to what added economic, environmental and social benefits was included. This wider social value was a significant element of the process that was embedded into the project and key objectives. The schemes being proposed had to demonstrate how they meet these objectives and the resultant evaluation criteria was structured to assess this requirement. Examples of the objectives that directly link to Social Value outcomes are:

- help deliver sustainable regeneration to the Bay that promotes employment opportunities to Torbay residents;
- promote project proposals that improve the economic value of tourism to the Torbay economy;
- consider including cycling and footpath links to reduce reliance on motorised transport;
- use carbon reducing technologies;
- submit proposals which will enhance environmental awareness and appreciation among residents and visitors and deliver a positive contribution to the aims of the Green Infrastructure Strategy;
- provide community access to the sports facilities at prices commensurate with similar facilities elsewhere in the region.

8. Risks

8.1 A key risk to the timeframe and delivery of certain aspects of the proposal is the uncertainty surrounding the current leisure centre operator. The current operator has the benefit of a short term lease which expires in 2019 and to date MCI has obtained no formal agreement for them to surrender that lease. If MCI are unable to reach an agreement with the current leaseholder then this could delay the completion of any contractual agreements with the Council.

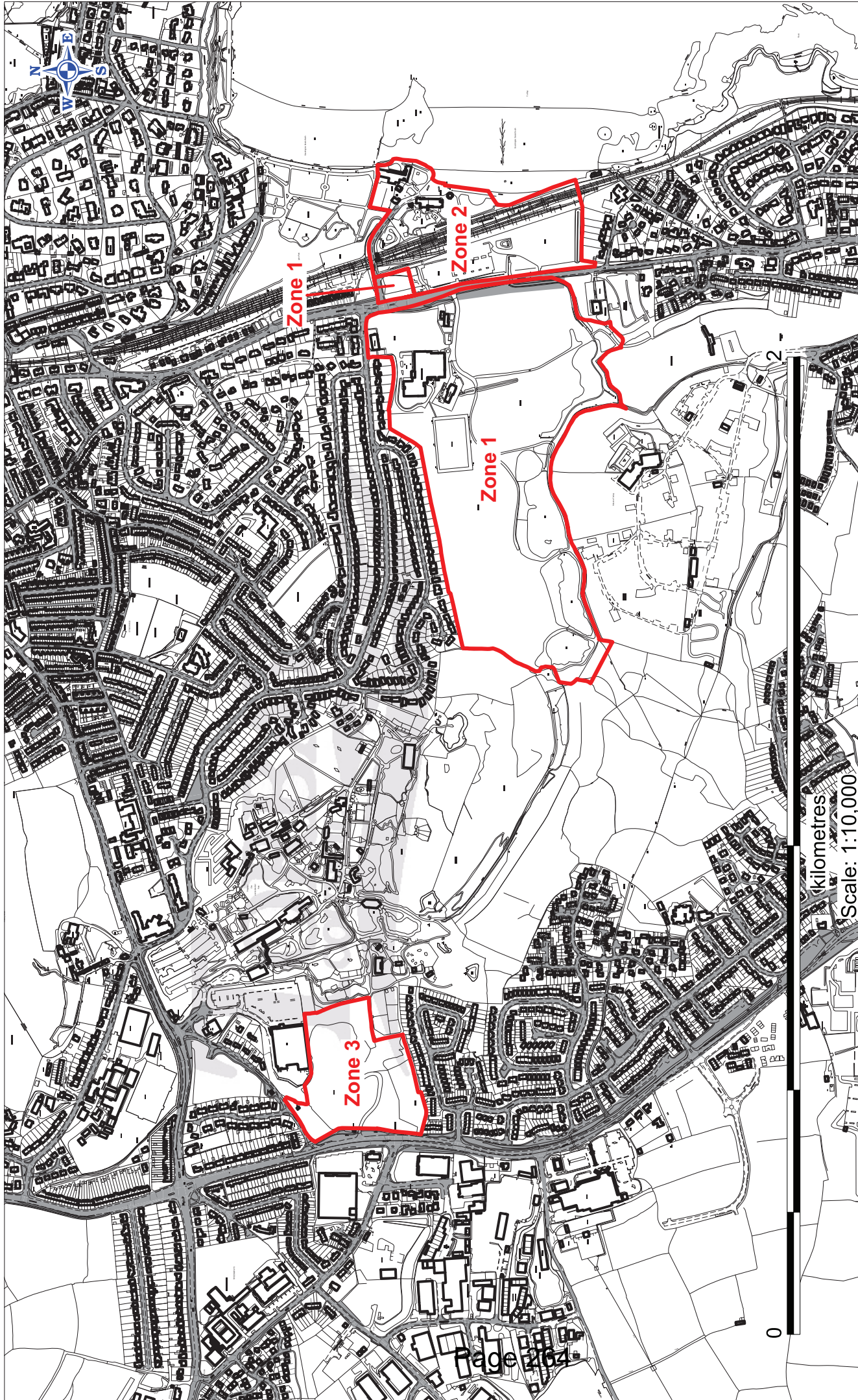
- 8.2 Transferring key assets to a third party for a 125 year term will restrict the Council ability to control how they are operated and maintained in the future. Goodrington is a key tourist destination and part of the overall Torbay offer. Accepting the proposal will impact on the Council's ability to influence or shape this area for a significant period of time.
- 8.3 Members should be aware that the Flood improvement works is listed as a Core item but it is proposed that the funding required to deliver this will come from S106 contributions that MCI will be required to make as part of any planning applications they make. Using these monies for this purpose means they cannot be used elsewhere which creates an opportunity cost for the Council.
- 8.4 What impact the delivery of the proposed uses at Claylands will have on Paignton town centre is unclear. There is a risk that the proposals for this site will have a detrimental impact on the footfall within the town centre and could impact on businesses there.

Appendices

Appendix 1	Plan showing the extent of the land that would be transferred to Moirai Capital Investments
Appendix 2	Original tender documentation, Descriptive document and pre-qualification questionnaire
Appendix 3	Detailed breakdown of the facilities to be provided and associated costs included (Exempt Appendix)
Appendix 4	Detailed breakdown of the facilities to be provided and associated costs excluded
Appendix 5	Proposed legal structure
Appendix 6	FAQs on the legal structure
Appendix 7	Report highlighting feedback from the consultation exercise
Appendix 8	Summary of financial consideration (Exempt Appendix)
Appendix 9	Masterplan sketch

Additional Information

None



EM Plan No: EM2432
Date: 26th June 2014

Title: Clennon Valley & Goodrington Bay Masterplan

TORBAY DEVELOPMENT AGENCY - ASSET MANAGEMENT



Torbay
Development
Agency



APPENDIX 2

**T15111TDA / CLENNON VALLEY AND GOODRINGTON
DEVELOPMENT OPPORTUNITY**

Descriptive Document and Pre-Qualification Questionnaire

CONTENTS

Definitions

Executive Summary

Site Information

Opportunity Information

Key Objectives

Key Objective 1 – Preserve and enhance the community, sport and recreational facilities at Torbay Leisure Centre.

Key Objective 2 – To enhance the quality and range of the outdoor sport and recreation facilities in Clennon Valley.

Key Objective 3 – To seek self-financing ways to improve the range of sports facilities offered.

Key Objective 4 – Providing facilities that will Improve the opportunity to participate in sport for people of all ages, backgrounds and abilities.

Key Objective 5 – Improve the quality and range of tourism facilities at Goodrington and in Clennon Valley to meet the needs of residents and tourists in the 21st Century. It is preferred that the existing water park be retained and ideally enhanced unless a persuasive case is made to justify its relocation or removal

Key Objective 6 – To achieve the objectives without compromising the public open space and the valuable natural environment.

Key Objective 7 –To investigate ways to integrate and enhance the connectivity of existing and new leisure and sporting facilities into the surrounding areas.

Role and Structure of the Partnership

Timetable

Information

Pre-Qualification Instructions

Pre-Qualification Evaluation and Scoring Methodology

Appendix One (1) – Pre-Qualification Questionnaire

Appendix Two (2) – Site Information

DEFINITIONS

3G	Shall mean third (3 rd) generation sports facility as defined by Sport England
ASA	Shall mean the governing body for swimming within the United Kingdom (UK)
Bidder	Shall mean any applicant expressing their interest in the project and that submits a Pre Qualification Questionnaire response
Clennon Valley and Goodrington Sports and Tourism Hub	Shall mean the area falling within the red line on the plan referred to in Appendix Two (2) Site Information.
Collaboration	Shall mean the working arrangement between the Council, the Part A Bidder and the Part B Bidder(s).
Collaboration Vehicle	Shall mean the organisation with whom the Council will contract
Collaborator	Shall mean the organisation selected from Part A and the Bidders from Part B chosen by the successful Part A Bidder
Competitive Dialogue	Shall mean the procurement procedure laid out within regulation 18 of the Public Contract Regulations 2006 as amended
Contract	Shall mean the Agreement between the Council and successful Bidder(s) for the execution of the Works, including all documents to which reference may properly be made in order to ascertain the rights and obligations of all the parties involved
Development	Shall mean the alteration of a site through construction, refurbishment and/or regeneration
English Riviera	Shall mean Torbay (the "Bay")
English Riviera Geopark and Visitor Centre	Shall mean the location(s) from which information can be obtained about the English Riviera Geopark
English Riviera Geopark organisation	Shall mean the organisation established to co-ordinate the management of the English Riviera Geopark
Invitation to Participate in (competitive) Dialogue (ITPD)	Shall mean a procurement document that will be distributed to all long listed Bidders, which will seek to explore aspects of the Bidders' proposals for the Project
Invitation to Submit Final Tenders (ISFT)	Shall mean a procurement document that will be distributed to all short listed Bidders, the responses to which shall be used by the Council to make the Contract award decision
Key Objectives	Shall mean the critical outcomes required by the Council, as laid out in the section entitled Key Objectives within this Descriptive Document
Part A Submission	Shall mean a Bidder's Pre Qualification Questionnaire application to be considered to deliver the priority Opportunity A site
Part B Submission	Shall mean Bidder's Pre Qualification Questionnaire application to be added to the Potential Development Partner List to deliver any or all of the additional Opportunities B to I
Partner	Shall mean the successful Bidder(s) that will be awarded a Contract(s) as a result of this procurement process
Potential Development Partner	Shall mean the Part B Bidders
Pre Qualification Questionnaire	Shall mean the content within this Descriptive Document and appended pre Qualification Questionnaire, which will be used by the Council to select the long list of Bidders
Standard Offer	Shall mean Bidders' Part A Submissions for the priority

	Opportunity A site
Torbay Council (the "Council")	Shall mean the procuring entity
Variant Offer	Shall mean a proposal from a Bidder, which offers an alternative to the Bidders' Part A Submission for the priority Opportunity A site

EXECUTIVE SUMMARY

Torbay's unique natural and historic environment is its biggest selling point for visitors, residents and investors. The English Riviera is made up of twenty two (22) miles of attractive coastline, 'The Bay' itself is a major asset, with eighteen (18) sandy beaches, rocky coves, picturesque harbours and a mild climate combining to attract visitors, residents and investors. Torbay is growing and has ambitious plans for further growth. The recent confirmation of funding for the South Devon Link Road is a 'game changer' for Torbay, greatly improving access to and from the Bay. It will lead to greater investment in the Bay.

In September 2007 the English Riviera received international recognition for its rich geological, historical and cultural heritage when it became one of just sixty seven (67) areas around the world, endorsed by UNESCO, as a European and Global Geopark. Situated within the stunning, rolling hills of South Devon and the geology of the English Riviera has created the beautiful coastline of today, which links the rich diversity of landscape with wildlife, people and culture.

Torbay Council is seeking a Collaborator to help deliver the Clennon Valley (hereafter referred to as the "Valley") and Goodrington Sports and Tourism Hub. The aim being for Clennon Valley and Goodrington to become an outstanding sporting, leisure and recreation venue, providing activities and sports facilities for residents and visitors within a superb natural setting. Proposals that will provide a mix of leisure, recreational, tourism and community uses will be invited. Development should complement the ecology and conservation principles in an important green space supporting in a sensitive diverse ecological area in a picturesque valley / green wedge.

The Valley already contains a diverse range of existing community sports assets that the Council wishes to see improved through them either being regenerated or redeveloped. Ideally the Council also wishes to see the range of sports provided extended and participation in sport improved.

Torbay Leisure Centre within the Valley was constructed in the mid 1970's and contains one (1) of Torbay's four (4) community swimming pools, together with a sports hall, squash courts, fitness and aerobic facilities together with other ancillary indoor sports facilities. Adjacent to the leisure centre is approximately three hundred and eighty one (381) acres of open space that is largely Council-owned land. This open space accommodates Torbay's largest grouping of sports pitches and an extensive area of further open space providing informal recreation land, undeveloped land and areas of important environmental habitat.

The Valley at its southern end runs down to the sea at Goodrington and stretches to Brixham Road in the North where it adjoins area with important educational and tourism assets as well key areas of housing and commercial property.

This procurement has been split into nine (9) possible development opportunities, each potentially with its own set of individual requirements that Torbay Council would like to see developed in the Valley and Goodrington areas. The opportunities are described at Opportunity Information below.

It is not a requirement for all opportunities to be delivered. Opportunity A has been classed as the priority. Other sites are classed as additionalities that are available so that Bidders can submit additional proposals to develop other opportunities in addition to Opportunity A.

Applicants who are interested in developing Opportunity A should refer to Submission Part A below. Applicants who are interested in developing one (1) or more of the additionalities but who are not interested in developing Opportunity A should refer to Submission Part B below.

The proposals should be self funding and may include proposals that assume the inclusion of enabling development on land within the boundary of the overall site area.

The Council recently undertook a tender exercise entitled Torbay Regeneration Joint Venture, the aim of which was to set up a regeneration partnership vehicle to undertake development activity at various sites across Torbay. The Valley and Goodrington was identified as a possible site for development, but was only classified as a contingency site so was not guaranteed.

The vision is to not utilise the partnership vehicle to deliver development on the Valley and Goodrington site. In this instance it was decided that the most suitable option is to test the open market in order to gain the best possible development proposal for the people of Torbay. However, the Council reserve the right to not award and to resort back to using this partnership vehicle if it is evaluated that all the schemes proposed are not suitable.

Part A Submission

Bidders have the opportunity to submit a 'Standard Offer' for the priority Opportunity A site. Should Bidders' proposals be outside of the current scope for Opportunity A, for example, the suggestion is to develop community sports facilities on a different site than is currently implicated, Bidders can in addition to the 'Standard Offer' submit a 'Variant Offer', giving their alternative proposal. Any Bidders wishing to take this option up must submit a 'Standard Offer' as well as their 'Variant Offer' in order for their 'Variant Offer' to be considered valid by the Council.

Bidders wishing to submit offer(s) for the priority Opportunity A and any or all of the opportunities B to I may also do so, in accordance with the submission requirements outlined at Pre Qualification Instructions below.

Part B Submission

If you do not wish to submit a 'Standard Offer' but have an interest in developing one (1) or more of the additionalities (opportunities B – I), then you have the opportunity to apply at the Pre-Qualification Stage to be added to a Potential Development Partner List. Potential Development Partners will be added to a List of Potential Development Partners, which will be made available to all the successful Bidders that are selected to progress to the next stage of the procurement process. This list will include the Potential Development Partner's contact information, the additionalities that the Potential Development Partner is interested in developing and their brief proposals.

Please note that there is no guarantee that you will be contacted by any of the Bidders and there is no guarantee that you will be successful in being given the opportunity to develop the additionality that you have applied for. It will be the decision of the individual Part A Submission Bidders that are selected to progress with the procurement process as to whether or not they wish to work in partnership with any of the Part B Submission Bidders. Furthermore, Bidders

should be aware that the Council is not offering any Contract(s) for any of the additionalities B to I. Rather the opportunity is available for developers wishing to work with the successful Part A Submission Bidder(s) to work to implement a holistic solution to the development opportunities outlined within this document. There will be a clear method of contact which will be communicated to all parties, which must be abided by. The Council has implemented a Confidentiality Agreement, detailed at the section entitled Confidentiality below, which gives details of all parties' obligations in relation to commercial confidentiality.

SITE INFORMATION

The Valley and Goodrington site can be found within Appendix Two (2) Site Information, which also includes details of the facilities that are in the surrounding areas that will be connected. It is important to note that not all the area of land included within the red line that is annotated on the plan is owned by the Council or available for development. In some instances this is due to some areas being owned by a third party or subject to other title restrictions. Some of the principle third party ownerships are identified by a blue line that is annotated on the plan. Details of some such ownerships are included in this notice. More information on the site will be available after the Pre-Qualification Questionnaire stage of the procurement process.

The land ownerships that have been annotated in blue have been included to invite proposals that might integrate and connect with these areas. Bidders will in due course need to consider if and how these ownerships might be included in their proposals. Bidders should not assume such third parties will wish to engage in this process.

Bidders should be aware that a small proportion of the site is a landfill site. Bidders should make their own enquiries and investigations of the Council's sites. The Council will not accept any requests to undertake due diligence after the award of the contract to the successful contractor. It should be noted that the details regarding the sites represent the Authority's best endeavours to provide this information. Applicants must undertake due diligence to ensure the accuracy of the information supplied.

Bidders should be aware that the site information provided within Appendix Two (2) Site Information is subject to change as the procurement process progresses. Bidders will be informed of any and all changes to the site information as it arises throughout the course of the Project, if applicable.

OPPORTUNITY INFORMATION

The Council does not have pre-set requirements as to where and how the opportunity proposals are delivered within the site provided that any solution satisfies the Key Objectives and meets the proposal requirements listed for Opportunity A in this Opportunity section

Opportunities consist of:

Part A Submission

1 Opportunity A – Community Sports Facilities – Priority

Part B Submission

2 Opportunity B – Indoor Bowls Sports Facilities – Additionality

3 Opportunity C – Additional Outdoor Recreational Facilities – Additionality

4 Opportunity D – Additional Sports Facilities – Additionality

5 Opportunity E – Maritime Watersports Facilities – Additionality

6 Opportunity F – Centre of Excellence Sports Facilities – Additionality

7 Opportunity G – Beach and Tourism Amenities – Additionality

8 Opportunity H – Tourist Attraction – Additionality

9 Opportunity I – Self Catering Holiday Accommodation – Additionality

The Council does not assume that Bidders will necessarily wish to or be able to satisfy all of the opportunities listed above.

Bidders' proposals should:

- Ensure that the Clennon Valley Leisure Centre remains open until such time that the new development is completed
- Be self funding or funded as a part of composite bid by a consortium proposing more than one (1) opportunity
- If enabling development is included in the proposal it must fall within the boundary of the overall site, its proposed location exactly defined and outline information provided.
- Seek to improve energy efficiency and reduce waste. Improvements for innovative energy use and the inclusion of sustainable technologies
- Improve the value for money for the Council of providing sports and tourism facilities
- Improve user satisfaction
- Aim to directly improve or to facilitate improvements in public participation in sport at all levels and for all types of users
- Be financially credible and bidders should expect to provide evidence to support a sustainable business case.

All proposals submitted should not:

- Adversely effect the overall attractiveness of the beach and valley
- Adversely impact the natural environment
- Reduce community access to sports facilities or exclude community use unless such facilities are additional facilities that have been provided for private use
- Cause unnecessary harm or nuisance to the residential amenity of adjacent residential areas.

It is not necessary for Bidders to ensure that these points are covered within their Pre-Qualification Questionnaire submissions at this stage in the procurement process; rather these issues will be examined during the Competitive Dialogue and subsequent procurement stages.

Opportunity A – Community Sports Facilities

It is preferred that the proposals be delivered without the need for Council capital contributions or the need for future revenue support. The Council can, however, consider making further land available within the overall site to help fund the new/improved facilities and enable development.

Proposals for the required facilities should provide either new/replacement facilities or the improvement and restoration of existing buildings where they can be made fit for purpose.

Proposals to develop Opportunity A must include, but is not limited to the following:

- A variable depth swimming pool of at least twenty five metres (25m) built to appropriate ASA standards; six (6) lane minimum, eight (8) lane preferred
- The retention of the existing sports fields with no net reduction in the quantum of playing pitches with proposals to improve pitch quality
- A replacement all weather (minimum of 3G) playing pitch
- All weather facilities for hockey
- A four (4) court sports hall – multi purpose sports hall
- A fitness suite including multi station cardio vascular exercise equipment and weight training equipment
- A sprung floor multi functional fitness studio providing capability to accommodate dance, aerobic exercise
- Four (4) or more squash courts, one (1) of which should provide a viewing area
- Adequate pool and dry changing facilities delivering improved family changing facilities
- New or upgraded changing facilities for the outdoor sports pitches
- If the proposal involves the demolition of the existing rifle club building (and it has not been re-provided elsewhere in the interim) Bidders should include a replacement club facility.

Additional options that might be considered are:

- A variable depth multi-purpose fifty metre (50m) swimming pool would be welcomed provided that any proposal is self funding (eight (8) lane)
- A diving pool
- Any realignment or alteration to the playing pitches should provide for an improvement in the quality and/or efficiency of the facilities offered
- An all weather athletics track
- A climbing wall
- A sports academy providing a centre of excellence for any (one (1) or more) recognised international sport(s)
- Indoor athletics facilities
- A larger sports hall capable of accommodating competition standard basketball tournaments
- Tennis court facilities of up to twelve (12) courts possibly providing a mix of lawn and all weather covered
- A rugby complex

- An indoor five-a-side football facility
- A health and beauty treatment suite that might include for instance a hair and beauty salon, jacuzzi, sauna, steam room, etc.
- An ice rink capable of accommodating hockey and other ice-based sports
- Table tennis facilities
- A velodrome
- A dance studio.

Opportunity B – Bowls Sports Facilities

Proposals to develop Opportunity B whether proposed under a Part A Submission or as a Part B Submission must include but is not limited to the following:

- A four (4) rink indoor Bowls centre together with ancillary facilities.

Additional options that might be considered are:

- A six (6) or eight (8) rink indoor bowls centre
- Other enabling development consistent with uses identified in Opportunity A that is necessary to fund or part fund its construction.

Opportunity C – Extended Outdoor Recreational Facilities

Proposals to develop Opportunity C whether proposed under a Part A Submission or as a Part B Submission must include but is not limited to the following:

- A fitness trail
- A cycle link through the Valley between Goodrington sea front and South Devon College via the Roselands area of Paignton.

Additional options that might be considered are:

- Ecological enhancements
- Extend and/or enhance the areas of reed bed and improve education / interpretation facilities
- Riding stables and bridleway.

Opportunity D – Additional Sports Facilities

Proposals to develop Opportunity D whether proposed under a Part A Submission or as a Part B Submission must include but is not limited to the following:

- A gymnastics hall providing a full range of mat and apparatus
- An indoor archery club and/or
- A rifle club
- A boxing club

Additional options can also be considered that provide new or additional sports facilities for which there is a proven sporting need.

Opportunity E – Maritime Watersports Facilities

Proposals to develop Opportunity E whether proposed under a Part A Submission or as a Part B Submission must include but is not limited to the following:

- Watersports centre providing facilities for example gig rowing, dinghy sailing, wind surfing and canoeing

Additional options that might be considered are:

- Community facilities for voluntary users possibly including sea scouts/cadets and/or local schools/colleges

Opportunity F – Centre of Excellence Sports Facilities

Proposals to develop Opportunity F whether proposed under a Part A Submission or as a Part B Submission must include but is not limited to the following:

- A centre of excellence for one or more recognised sports that would create a centre of regional or national significance.

Additional options can also be considered

Opportunity G – Beach Amenities

Proposals to develop Opportunity G whether proposed under a Part A Submission or as a Part B Submission must include but is not limited to the following:

- A scheme of improvement to the beach amenities at Goodrington that improves the range and quality of facilities available to tourists and residents

Additional options that might be considered are:

- Proposals for new toilets/showers, cafés, restaurants, public realm, self catering holiday accommodation, holiday accommodation
- Additional tourism attraction
- New multi-functional environment awareness / study centre incorporating educational facilities, interpretation exhibits of the marine environment and the English Riviera Geopark and Visitor Centre promoting events and tourism related activities e.g. kayaking. Work in partnership with Torbay Coast and Countryside Trust and the English Riviera Geopark Organisation – (This additionality should be regarded as a requirement if the Bidders' proposals involve the proposed demolition of the existing Drake House building).

Opportunity H – Tourist Attraction

Proposals to develop Opportunity H whether proposed under a Part A Submission or as a Part B Submission must include but is not limited to the following:

- A new or enhanced tourism attraction that would generate a substantial increase in visitor numbers to Torbay

Additional options that might be considered are:

- Proposals to improve linkages with other tourist attraction would be welcomed and such proposals to integrate access to other facilities might possibly working with the operators of Paignton Zoo, the steam railway, the beach the sports facilities and/or the holiday parks.

Opportunity I – Self Catering Holiday Accommodation

Proposals to develop Opportunity I whether proposed under a Part A Submission or as a Part B Submission must include but is not limited to the following:

- Self catering holiday accommodation that improves the quality of Torbay's tourist accommodation, extends the length of the tourism season and increases visitor spend and economic activity throughout

Additional options can also be considered

- Proposals for hotel and sporting halls of residence are also invited.

REFERENCE INFORMATION

Bidders are referred to:

- The Tourism strategy
<http://www.torbay.gov.uk/index/leisure/tourism/tourismstrategy.htm>
- The Local Plan
<http://www.torbay.gov.uk/index/environment-planning/strategicplanning/localplan> and
<http://plans.torbay.gov.uk/written/cpt5a.htm#top>
- Strategic Flood Risk assessments - <http://www.torbay.gov.uk/torbaysfrareport.pdf> and
<http://www.torbay.gov.uk/level2sfrareport.pdf>
- The Playing Pitch Strategy
<http://www.torbay.gov.uk/playingpitchstrategy.pdf>
- The Sport Facilities Strategy
<http://www.torbay.gov.uk/index/leisure/sports/sportsfacilities/sportsfacilitiesstrategy.htm>
- The recent Community Consultation undertaken in July 2011 into sports and visitor issues at Clennon Valley and Goodrington.
<http://www.torbay.gov.uk/developingsports>
- The Torbay Biodiversity Action Plan
<http://www.countryside-trust.org.uk/lbap.htm>

- The Green Space Strategy
<http://www.torbay.gov.uk/index/environmentplanning/strategicplanning/ldf/greenspacestrategy.htm>
- The Torbay Green Infrastructure Delivery Plan
<http://www.torbay.gov.uk/index/environmentplanning/strategicplanning/ldf/greeninfrastructure.htm> and
<http://www.countryside-trust.org.uk/mainintro.cfm?id=1049>
- Landscape Character Assessment
<http://www.torbay.gov.uk/torbaylca1.pdf> and <http://www.torbay.gov.uk/torbaylca2.pdf>
- Retail study
<http://www.torbay.gov.uk/retailstudyupdate2011.pdf> and
<http://www.torbay.gov.uk/retailstudyupdate2011execsummary.pdf>
- Community Infrastructure Levy consultation
<http://www.torbay.gov.uk/draftcilchargingschedule.pdf>
- Planning Contributions and affordable housing SPD -
<http://www.torbay.gov.uk/pcahspdupdate3.pdf>
- Urban Design Guide SPD
http://www.torbay.gov.uk/finalurbandesign_adopted.pdf
- Building Heights Strategy (see TDA)
<http://www.torbay.gov.uk/buildingheights>
- Torbay Housing Market Assessment 2011
<http://www.torbay.gov.uk/shmatorbayupdate.pdf>
- Torbay Strategic Housing Land Availability Assessment 2008 -
<http://www.torbay.gov.uk/torbayshlaavol1.pdf> and
<http://www.torbay.gov.uk/torbayshlaavol2.pdf>
- Sustainable Energy Assessment
<http://www.torbay.gov.uk/sustainableenergyassessment.pdf>
- Principle Holiday Accommodation Areas
<http://www.torbay.gov.uk/phaarevisedguidance.doc>
- South Hams Greater Horseshoe Bat Special Area of Conservation Planning Guidance
<http://naturalengland.etraderstores.com/NaturalEnglandShop/bat>

KEY OBJECTIVES

Key Objective One (1) – Preserve and Enhance the Community, Sport and Recreational Facilities in Clennon Valley and at Torbay Leisure Centre

The sports facilities at the leisure centre are regarded by the Council as being essential community facilities that the Council is committed to protecting in terms of ensuring that public access to equivalent or improved sports facilities is retained. The Council wishes to invite Bidders to submit proposals that would ideally enhance the range and quality of sporting community sporting facilities and community access.

The leisure centre is nearing the end of its design life and is now in need of significant investment to enable it to continue to be fit for purpose. The Council recognises that the range, specification and the quality of these sports facilities are now arguably out of step with current design standards. The Council currently needs to address the physical condition of the existing facilities which are in poor physical condition. The need for investment presents an opportunity

for the Council to invite Bidders to submit proposals that will improve of the range and suitability of sports facilities available to the community. The Council intends that proposals should broaden the sporting offer so as to increase participation in sport and improve the access of the whole community to sport.

The Council does not have pre set requirements for where and how the sports facilities are accommodated within the overall Valley and Goodrington Site marked out in Appendix Two (2) Site Information provided that any solution satisfies the other Objectives and meets the proposal requirements listed for Opportunity A within Opportunity Information.

Key Objective Two (2) – To Enhance the Quality and range of the Outdoor Sport and Recreation Facilities in Clennon Valley

The sports pitches in the Valley would benefit from improved drainage and changing room facilities. Bidders are advised to come forward with investment proposals to improve utilisation, public access and the quality of the sporting assets. Bidders are invited to consider these pitches in the context of the aims of the sports pitch strategy.

Key Objective Three (3) – To Seek Self Financing Ways to Improve the Range of Sports Facilities Offered

The aim is to substantially reduce, and ideally remove, from the Council some or all of the cost of regenerating or re-providing the community sports facilities within the Valley and leisure centre. The Council will be flexible in its approach and it is willing to make further land available within the overall site for potential enabling development to help fund the new/improved facilities.

The Council also invites bidders to propose other self funding proposals that would extend the range and quality of sports provided. These could be either community based or private facilities or a combination of them both.

Proposals that offer to provide 'world class' facilities for elite sport will be particularly welcome especially if they will help develop sporting skills among the local and regional community and or attract sportsmen and women to Torbay.

Key Objective Four (4) – Providing facilities that will improve the opportunity to participate in sport for people of all ages, backgrounds and abilities

The Council wishes to improve the health and well being of all the residents of Torbay and also to provide sporting facilities for visitors to Torbay where this would support the local economy. Whilst promoting investment in the Goodrington and Valley area Bidders are specifically encouraged to consider how the facilities can be made more welcoming and inclusive. There is an aim in the process to improve the awareness of sporting and healthy life style options, to

improve public perception of the facilities and improve the reality of usage levels across a more diverse range of users particularly among those who do not currently get involved in sport.

Proposals that improve the range of sports, reach out to those sectors of the community that are hard to reach and that make quantitative and qualitative improvements will be particularly welcome. Any proposals should retain a focus on a need to ensure that community access is affordable.

Key Objective Five (5) – Improve the quality and range of tourism facilities at Goodrington and in the Valley to meet the needs of residents and tourists in the 21st Century. It is preferred that the existing water park be retained and ideally enhanced unless a persuasive case is made to justify its relocation or removal

The recent sports and leisure survey that looked at the Valley and Goodrington indicated that the majority of the public who participated in the survey were of the opinion that the tourism offer at Goodrington and the Valley was in need of improvement.

Bidders are invited to consider how the aims of the Council's Tourism Strategy, a reference to which is given above at Reference Information, might be supported by their proposals where such enabling development is envisaged so as to fund the improvement in the sporting offer in the Valley.

The Valley is an important environmental area but the potential exists to deliver improvements in the range, scale and the quality of leisure facilities. Such proposals should have regard to the overall attractiveness of Torbay as a tourist location and improve the economic benefits to the wider local economy.

Proposals that would bring forward a major tourism attraction or that extend and substantially improve to attractiveness of an existing facility would be particularly welcome provided such proposals support the overall emphasis of bid process which aims to improve the sports and environmental aspects of the project.

Some of the tourism facilities particularly for instance the Grange Holiday Park (Hobourne Leisure), Paignton Zoo (Whitley Wildlife Trust) and the Steam Railway (Dartmouth Railway and Ferry Boat Company Ltd.) are owned and operated by third parties. The Council currently envisages that any Bidders proposals that would involve changes to the tourism offer of such third party facilities would only come about with the agreement of these businesses.

Proposals which improve the quality and quantity of both self catering accommodation and hotel accommodation would be encouraged.

Key Objective 6 – To Achieve the Objectives without Compromising the Public Open Space and the Valuable Natural Environment.

Bidders are specifically requested to appreciate that the Council's ownership includes areas of significant informal public open space. The value of this public open space for recreation and the importance of the Valley as a green corridor and key natural area is defined in the Torbay Green Infrastructure Delivery Plan (2011).

The Valley contains areas of considerable ecological significance and parts are designated as County Wildlife Site or Local Wildlife Site status. The valley is an important wildlife corridor with priority biodiversity action plan habitats, including the most significant area of open freshwater and wetland in Torbay (Torbay Biodiversity and Geodiversity Action Plan, 2006-2016). The Valley is a strategic flyway for the Greater Horseshoe Bat and also lies within the Greater Horseshoe Bat sustenance zone (South Hams SAC – Greater horseshoe bat planning guidance) and serves as feeding/foraging areas for many protected or important species . Whilst proposals which improve such public enjoyment and user appreciation of these areas would be encouraged the wholesale development of these areas is most definitely not being envisaged or encouraged. Interventions should enhance and protect the habitats and species.

Some areas of the public open space within the red line are in third party ownership and bidders are encouraged to familiarise themselves with the site information .

Key Objective Seven (7) – To investigate ways to integrate and enhance the connectivity of existing and new leisure and sporting facilities into the Surrounding Areas.

The tourism facilities in the Valley in particular the zoo, steam railway, water park, beach and Young's Park are some of Torbay's principle tourist assets. These facilities currently lack cohesion and integration within their current setting. These facilities are also surrounded by business and residential communities, including significant holiday accommodation. Bidders are specifically encouraged to consider how their proposals might improve the integration of these assets with each other, the sporting facilities and any new scheme elements that are proposed.

ROLE AND STRUCTURE OF THE COLLABORATION

Role of the Collaboration

The Council's objectives for the Collaboration are to bring forward a Development that will:

- meet the requirements listed under Opportunity A as a minimum
- in addition if appropriate to the proposal meet requirements listed under Opportunities B-I

- support the Council in meeting the Key Objectives.

Structure of the Collaboration

It is envisaged that a Collaboration Vehicle will be established between the Council and the successful Bidder in order to promote and develop sports and leisure facilities in line with the Council's Key Objectives. The legal structure of the Collaboration will be agreed through the Competitive Dialogue process.

It is extremely unlikely the Council will agree to sell the freehold of any areas of land within the overall site (de-minimus exceptions may be discussed during the Competitive Dialogue process). Leasehold arrangements will be considered on terms that are suitable and needed to facilitate the preferred scheme.

The procurement of Opportunity A (and other appropriate opportunities) will for an initial term need to be negotiated with appropriate break clauses attached to specific agreements. The structural arrangements should permanently protect community access rights to sports facilities. The value of each party's interest may be negotiated on the value of assets or services each commits to the Collaboration Vehicle. The sharing of returns from the Development and Services is open for discussion during the Competitive Dialogue process. This will also establish a methodology for a valuation of the Council's assets that are made available to the Collaboration Vehicle.

Development activity may be funded through injections of equity from many sources geared with development finance. Profits generated by the Collaborations activities will be distributed in accordance with the each party's contribution. Other arrangements may be explored during the Competitive Dialogue process. Proposals which will be reliant on discretionary third party funding (such as lottery or grant funding should be disclosed) at the Pre-Qualification Questionnaire stage of the procurement process although detailed funding information is not required at this stage.

Collaborator

The Collaborator will be required to:

- Demonstrate a willingness to enter into an arrangement that will align its objectives without compromising those of the Council
- Commit to exploring opportunities of partnering with other private sector partners or voluntary groups who only want the opportunity to develop one or more additional opportunities
- Demonstrate its commitment to delivering the Council's Key Objectives
- Demonstrate and apply its development skills and strengths in delivering development projects similar to the key objectives set out in this document
- Provide evidence of organisational capacity, resources and expertise to drive forward the development plans for the Valley and Goodrington site effectively and efficiently
- Commit to providing solutions that are self funding, which are delivered without the need for Council capital contributions or the need for future revenue support (where there may be such dependencies these should be clearly identified)

- Provide innovation and a strong commitment to achieving design quality and delivering sustainable development
- Consider the recent Community Consultation undertaken in July 2011 in to sports and visitor issues at the Valley and Goodrington site and commit to ongoing community participation
- Commit to the delivery of social and economic benefits and secure the provision of community facilities
- Commit to the principles of partnering in an open and transparent manner.

Development Site

Please refer to Appendix Two (2) Site Information for the link to the site plan. The Council reserves the right to add or remove any of the additional opportunities (B to I above) prior to the establishment of the Collaboration Vehicle or vary the land included in the development site . The Council can consider making further land available within the overall site for potential enabling development to help fund the new and/or improved facilities.

Procurement Process

The Procurement Process will be structured according to the Competitive Dialogue process as defined by the Public Contracts Regulations 2006 (as amended), as follows;

Stage One (1): this Pre Qualification Questionnaire stage, which will be for the purpose of selecting up to six (6) long listed parties (assuming there are sufficient suitable bidders) to be invited to take part in the remainder of the procurement process in relation to Opportunity A and to ensure that all parties interested in Opportunities B to I are added to the Potential Development Partner List, which will be made available to the Bidders selected as a result of this stage one (1).

Those Bidders making a Part B Submission (Opportunities B to I) will end their involvement with the Council upon making their submission and to that end, the Council will not undertake to evaluate their submissions or make any judgements as to the suitability or appropriateness of their proposals. The Authority's role will be to compile the Potential Development Partner List and disseminate it to the long listed Bidders that are successful with their Part A Submissions (Opportunity A). This will take place directly upon notification to Bidders as to the outcome of their Part A Submissions (i.e. whether or not they have been successful) and the Potential Development Partner List will only be sent to those long listed Bidders.

Stage Two (2): Competitive Dialogue, which will be a series of meetings held in two (2) stages, the first of which will result in the dissemination by the Authority and completion by the long listed Bidders of an Invitation to Participate in (competitive) Dialogue (ITPD) document. Long listed Bidders' completed ITPD's will be evaluated by the Authority and the long list will be reduced to a short list of up to three (3) Bidders.

The Competitive Dialogue will continue into the second stage with those three (3) Bidders who will then be invited to complete and submit their Invitation to Submit Final Tenders (ISFT) document and fully priced proposals.

Further details on the dialogue phases and what is required of the Bidders will be provided in the ITPD.

Confidentiality

As part of this stage one (1) Pre Qualification Questionnaire, a requirement will be placed on all Bidders making a Part A or B Submission to read, complete and submit a Confidentiality Agreement, which can be found within the Pre Qualification Questionnaire document at Appendix Four (4). This is a mandatory requirement intended to protect the commercial interests of all interested parties. Any parties making a Part A or Part B Submission but omitting a signed Confidentiality Agreement will be requested to complete the Confidentiality Agreement and submit it prior to the completion of the evaluation stage, detailed below within the Timetable. Those Bidders that neglect to submit a Confidentiality Agreement following clarification shall be excluded from participating any further in the procurement process, even if they would otherwise have been selected as a long listed Bidder.

TIMETABLE

The following timetable is subject to change and the Council reserves the right to amend it as the project progresses. Bidders should be aware that should proposals require more discussion than the timetable allows and necessitate further stages within the procurement process, the impact will be felt at the latter stages of the timetable as it is laid out below. All Bidders involved in the process at the time that the decision is taken to extend the programme will be notified accordingly, if required.

Stage One (1) Pre Qualification Questionnaire

OJEU Notice Published	w/c 06 January 2012
Descriptive Document and PQQ available	06 January 2012
PQQ Online Submission	Twelve (12) noon on 17 February 2012
Evaluation of PQQ	17 Feb – 16 March 2012
Notification of outcome of Pre Qualification Questionnaire	03 April 2012
Issue of Potential Development Partner List	03 April 2012

Stage Two (2) Competitive Dialogue (Stage One (1) up to six (6) Bidders)

Finalisation of ITPD Document	13 April 2012
Issue Invitation to Participate in (competitive) Dialogue (ITPD)	13 April 2012
First (1 st) Stage of Dialogue	30 April – 15 June 2012
ITPD Submission	27 July 2012
Evaluation of ITPD	30 July – 31 August 2012
Notification of short listed Bidders	07 September 2012

Stage Two (2) Competitive Dialogue (Stage Two (2) up to three (3) Bidders)

Second (2 nd) Stage of Dialogue	24 Sept – 19 Oct 2012
Finalisation of ISFT Document	16 Nov 2012
Issue ISFT	19 November 2012
ISFT Submission	04 January 2013
Evaluation of ISFT	04 Jan – 01 Feb 2013
Notification of Preferred Bidder	18 February 2013
Clarification and Fine Tuning	Feb - March 2013
Award	April 2013
Standstill Period	April 2013
Enter Council Contract with Partner(s)	April 2013

INFORMATION

Information Provided

Bidders to whom the ITPD is issued will upon completion and submission (with their Pre Qualification Questionnaire response) of a Confidentiality Agreement receive:

1. access to the project electronic data containing property, planning and legal information relating to the Project.
2. access to the Potential Development Partner List, which will include the potential partners' contact details , details of the Opportunities in which they are interested and outline proposals.

Council Representatives

No person in the Council's employ or other agent, except as so authorised by the Council Representative or Procurement Representative, has any authority to make any representation or explanation to Bidders as to the meaning of the Contract or any other document or as to anything to be done or not to be done by Bidders or the successful Bidder or as to these instructions or as to any other matter or thing so as to bind the Council.

Council Representative Contact Details

Iain Masters – Torbay Economic Development Company (TEDC) (formerly the Torbay Development Agency (TDA))
Senior Development Surveyor
01803 208975
iain.masters@tedcltd.com

Procurement Representative Contact Details

Carly Wedderburn
Senior Procurement Officer
01803 208980
carly.wedderburn@torbay.gov.uk

Enquiries

If your organisation has any questions relating to any part of this questionnaire or to the procurement process as a whole, please contact the Procurement Representative

There will be no negotiations of any of the substantive terms of the documents. Only clarification queries relating to the documents will be answered.

All clarification questions will be submitted via the Devon Tenders e-Tendering portal before twelve (12) noon on 03 February 2012 and the answers will be given within five (5) working days via the same.

Bidders should note that unless your question is innovation based, responses will be provided to all Bidders. The identity of Bidders raising any questions will remain confidential.

Any instruction by the Council prior to the due date will be issued to all Bidders via the Devon Tenders e-Tendering portal.

Responses

Pre Qualification Questionnaire submissions (Parts A and B) must be returned electronically via the Supplying the South West e-Tendering portal. Should you experience any problems with Supplying the South West please contact the support desk at tendersupport@devon.gov.uk or call (01392) 384659. This line is available between 08:30 and 16:30 Monday to Friday.

Submissions must be received in advance of the deadline in order to qualify as timely offers. As such, Bidders are urged to make their submission well in advance of the stated time or date in order to avoid such issues as technical difficulties with the electronic system that may be due to the high volume of traffic attempting to submit offers on the same date at the same time, for example.

Submissions made after the date and time specified on the documents or to a different address, electronically or otherwise, will not be considered under any circumstances.

The Bidder is encouraged to view the questions as soon as they receive this document in order to be able to understand the nature and complexity of the requirements to allow itself sufficient time to respond. Responses can be made at any time prior to the final submission deadline and Bidders can return to their submission at any time prior to making their full submission.

PRE QUALIFICATION INSTRUCTIONS

The purpose of the attached Pre Qualification Questionnaire is to help the Council evaluate which organisations to shortlist to progress through the remainder of the procurement process. This Pre Qualification Questionnaire assesses the technical capability and capacity, and the financial and economic strengths of organisations expressing an interest in bidding for this development partnership.

The information disclosed in this Pre Qualification Questionnaire will be used in an evaluation and selection process and will be treated in the strictest confidence. Any invitation to participate further in the procurement process based on the responses to this Pre Qualification Questionnaire does not imply any guarantee by the Council as to the Bidder's financial standing or technical competence. The right to return to these matters as part of the formal tender evaluation process is reserved.

Please complete the attached Pre Qualification Questionnaire in accordance with the following instructions. The Council reserves the right to reject responses which are not submitted in accordance with these instructions.

- Select what you are applying for, either Submission A to submit proposals to develop Opportunity A as a Standard Offer and if required proposals for Opportunity A and additionalities as Variant Offers, or Submission B to be added to the List of Potential Development Partners.
- Complete the sections that are relevant to your organisation based upon whether you are making a Part A Submission or a Part B Submission and any attached appendices to the Pre Qualification Questionnaire.
- Complete the Confidentiality Agreement.
- If your organisation is part of a group of organisations, please complete all parts of the questionnaire specifically for your organisation, not for the group. Please note that whenever used in this questionnaire and unless otherwise instructed, the term 'Bidder' refers to a sole proprietor, partnership, incorporated company, cooperative or consortium as appropriate.
- Where the Bidder comprises two (2) or more parties it may, if selected to form the partnership, be required by the council to form a corporate vehicle prior to taking an interest in the partnership.
- If the application is made by or on behalf of a consortium, all parts of the questionnaire must be completed for each member of the consortium. The Council will consider the consortium members' submissions together in determining scores for the consortium Bidder. Each member of the consortium is expected to complete the Certificate of Good Standing. Bids from property consultants not likely to be taking at least a thirty three per cent (33%) shareholding in any consortium or joint venture vehicle will not be considered.

- If the application is made without the identification of proposed partners, the Council reserves the right to undertake a due diligence financial check on the partners once identified at any stage through the process. Any issues that arise coming from these checks will be discussed during the Competitive Dialogue stages and may result in the disqualification of these partners if issues that have arisen cannot be resolved to the satisfaction of the Council.
- Please do not send any general marketing or promotional information by way of answers to any of the questions.
- Please adhere to any word limits imposed within the instruction to the pre Qualification Questionnaire or within the questions themselves. Any Bidder failing to adhere to the word limit shall be evaluated up to and including the word limit, but no further and the Bidder's scores shall be affected accordingly.
- Responses should be typewritten in English using Arial font size eleven (11). Bidders should not use tables, pictures or diagrams, except where explicitly requested, to support their response. Bidders should not append any supporting documentation to their Pre Qualification Questionnaire response, except where explicitly requested. Bidders may continue their responses, where the word limit permits, within the Pre Qualification Questionnaire response itself and not within appended supporting documentation. Where Bidders ignore these instructions and submit additional supporting documentation, this will be disregarded by the Council and will not be evaluated. Bidder's scores may be affected accordingly.
- Bidders should return their Pre Qualification Questionnaires in either of the following formats: Microsoft Word 2007 or Adobe pdf.
- The Council reserves the right to require Bidders to clarify their answers or provide more details.

PRE QUALIFICATION EVALUATION AND SCORING METHODOLOGY

Part A Submission Evaluation Criteria and Weightings

The submission evaluation criteria and weightings to be applied for this initial procurement stage are:

Section	Description	Question Number	Weighting
Appendix 1	Declaration	Appendix 1	Pass/Fail
Appendix 2	Certificate of Good Standing – Grounds for Mandatory Exclusion	Appendix 2	Pass/Fail
Appendix 3	Grounds for Discretionary Exclusion	Appendix 3	Pass/Fail
Appendix 4	Confidentiality Agreement	Appendix 4	Pass/Fail
Section 1	Organisation Details	1.1 to 1.9	Information
Section 2	Sub Contracting and Consortia	2.1 to 2.3	Min

			Threshold Req
Section 3	Technical Capacity and Experience	3	To be Scored
	3.1 Principal Main Areas of Business	3.1	Information
	3.2 Experience and Capacity of the Team Members	3.2	20%
	3.3.1 Procurement and development experience of sports and/or leisure facilities in team	3.3	20%
	3.3.2 Track record demonstrated in owning / operating other sports leisure schemes / prudent management & sports improvements	3.4	15%
	3.3.3 Experience of team in collaborative working.	3.5	15%
	3.3.4 Experience of financial management - budgets	3.6	15%
	3.3.5 Evidence of financial strength or experience and capacity to procure funding to deliver projects similar to the scheme being proposed	3.7	15%
Section 4	Financials	4	Min Threshold Req
	Financial Info	4.1 to 4.3	
	Parent Company Guarantee	4.4	
Section 5	Insurance	5.1 – 5.3	Min Threshold Req
Section 6	Disputes	6.1 to 6.2	Min Threshold Req
Section 7	Health and Safety	7.1 to 7.3	Min Threshold Req
Section 8	Quality Assurance	8.1 to 8.2	Min Threshold Req
Section 9	Sustainability Issues	9.1 to 9.3	Min Threshold Req
Section 10	Equality	10.1 to 10.5	Min Threshold Req

Bidders are required to complete and Pass the requirements within Appendices One (1) to Four (4).

Bidders are required to complete and meet the minimum thresholds for the Questions in sections Two (2) and Four (4) to Ten (10).

Bidders who have passed the questions and met the minimum thresholds outlined above will be scored against the questions in section Three (3), which will be marked in accordance with the Evaluation Scoring methodology given below.

Only the top six (6) Bidders that achieve the highest scores for the questions (when totalled and weighted in accordance with the Submission Evaluation Criteria and Weightings) shall be invited to participate further in this procurement process.

Part B Submission Evaluation Criteria and Weightings

Section	Description	Question Number	Weighting
Appendix 4	Confidentiality Agreement	Appendix 4	Pass/Fail
Section 11	Part B Submissions	11	Information
	11.1 Organisation details	11.1	Information
	11.2 Contact details	11.2	Information
	11.3 Legal status of Bidder	11.3	Information
	11.4 Track record and experience	11.4	Information
	11.5 Executive summary of proposal/s	11.5	Information
	11.6 Detailed description of proposal/s	11.6	Information

Bidders are required to complete and Pass the requirements within Appendix Four (4).

The remainder of Bidder's responses to section Eleven (11) will be for information only, which will be passed on to the long listed Bidders making Part A Submissions, in accordance with the sections entitled Part B Submissions and Procurement Process above.

Evaluation Scoring Methodology

Score 1	Extremely Weak	Very poor proposal/response, does not cover all of the associated requirements, major deficiencies, unrealistic or impossible to implement and manage. No relevant detail proposed	Weak
Score 2	Very Weak	Poor proposal/response, only partially covers the requirements, deficiencies in detail apparent, difficult to implement and manage. Little relevant detail proposed	
Score 3	Weak	Mediocre proposal/response, with minor deficiencies either in thinking or detail, problematic to implement and manage. Significant detail missing	
Score 4	Fair - Below Average	Proposal/response partially satisfies the requirements, with small deficiencies apparent, needs some work to fully understand it. Some useful detail provided	Fair - Good
Score 5	Fair - Average	Satisfactory proposal/response, would work to deliver all of the Council's requirements to the minimum level	
Score 6	Fair - Above Average	Satisfactory proposal/response, would work to deliver the majority of the Council's requirements to the minimum level with some evidence of where the Participant could exceed the minimum requirements	
Score 7	Good	Good proposal/response that convinces the Council of its suitability Response slightly exceeds minimum the requirements	
Score 8	Strong	Robust proposal/response, exceeds minimum requirements, including a level of detail or evidence of original thinking which adds value to the bid	Strong - Excellent
Score 9	Very Strong	Proposal/response well in excess of expectations, with a comprehensive level of detail given including a full description of techniques and measurements	

		employed	
Score 10	Outstanding/ Excellent	Fully thought through proposal/response, which is innovative and provides the reader with confidence of the suitability of the approach to be adopted	

Bidders responses to the scoreable questions within section Three (3) will be evaluated in accordance with the scoring methodology above.

Breakdown of the proposed facilities to be provided

Core Existing	Unit Number	Unit Description	Lease Start Date	Nett		Gross		Planning Classification	Planning Totals		Comment
				Total Area sq ft	Total Area M2	Total Area sq ft	Total Area M2		Nett sq ft	Gross sq ft	

ZONE 1 - LEISURE	Unit 1	Swimming Pool	TBA	25,000	2,323	30,500	2,834	D2	25,000	30,500	New Build 25m x 6m pool and appropriate facilities to hold competitions (leasing numbers yet to be confirmed)
	Unit 2	Lake & Flood Improvements	TBA					Sui Generis			MCI propose that the cost of these works will be funded from any 5106 contributions they might have to make as part of any planning applications made.
	Unit 3	New Beach Sports Facility	TBA	1,250	116	1,525	142	D2	1,250	1,525	
	Unit 4	Beach Event F&B	TBA	2,000	186	2,440	227	A3	2,000	2,440	
	Unit 5	Cycle Hire Facility	TBA	850	79	1,037	96	D2	850	1,037	
	Unit 6	Cycle Retail	TBA	1,700	158	2,074	193	A1	1,700	2,074	
	Unit 7	Cycle F&B	TBA	1,700	158	2,074	193	A3	1,700	2,074	
	Unit 8	Improvements to the existing facade									Specification of the improvements has yet to be agreed
	Unit 9	Cycle Track & Speedway	TBA			0		D2			Will require British Cycling Approval - Contribution of £30,000 pa by MCI to the Council to cover the Councils borrowing.
	Unit 10	Torbay Leisure Centre	TBA	16,000	1,486	19,520	1,813	D2			No long term loss of facilities during renovation. No overall reduction in sports capacity. Provision of 3 x natural adult pitches, 1 adult 3G or natural pitch, 1 x Junior pitch. Pitches must meet the standard of the relevant governing body and the drainage will be improved to meet the appropriate governing body's standard. Re-carpet the asto turf pitch to meet the British standard for artificial grass pitches.
Existing	Existing Leases	TBA		0	0	0	Sui Generis			Zone 1 Inc Rent from Sports pitches, rifle club plus income from Parking	
				48,500	4,506	59,170	5,497		32,500	39,650	

ZONE 2 - BEACH	Unit Number	Unit Description	Lease Start Date	Nett		Gross		Planning Classification	Planning Totals		Comment	
				Total Area sq ft	Total Area M2	Total Area sq ft	Total Area M2		Nett sq ft	Gross sq ft		
Existing	Unit 11	Expand Wet Weather Water Park	TBA	17,000	1,579	20,740	1,927	D2		17,000	20,740	70% of the existing floor area will become all weather. Costs for this element are estimated.
	Unit 12	Beach Pods & Huts	TBA	1,300	121	1,586	147	D2		1,300	1,586	MCI are looking to expand the numbers including replacement of existing and potential for 2 storey subject to Council discussions
	Existing	Existing Leases	TBA					Sui Generis			See attached Schedule	
Existing	Unit 13	Retail	TBA								Team Tour Events to include use of Youngs Park under license and other areas that are suitable for each specific event.	
				18,300	1,700	22,326	2,074		18,300	22,326		

ZONE 4 - LEISURE PARK	Unit Number	Unit Description	Lease Start Date	Target		Actual		Planning Classification	Planning Totals		Comment	
				Total Area sq ft	Total Area M2	Total Area sq ft	Total Area M2		Nett sq ft	Gross sq ft		
Zone 4 - LEISURE PARK	Unit 1	Cinema	TBA	30,000	2,787	30,600	2,843	D2		30,000	30,600	Estimated based on Expected Multi screen operation compared to other similar schemes
	Unit 2	Bowling	TBA	25,000	2,323	25,500	2,369	D2		25,000	25,500	
	Unit 3	Restaurant 1	TBA	5,700	530	5,814	540	A3		5,700	5,814	
	Units 4	Restaurant 2	TBA	5,700	530	5,814	540	A3		5,700	5,814	
	Unit 5	Restaurant 3	TBA	4,250	395	4,335	403	A3		4,250	4,335	
	Unit 6	Restaurant 4	TBA	4,250	395	4,335	403	A3		4,250	4,335	
	Unit 7	Bar	TBA	5,700	530	5,814	700	A3		5,700	5,814	
	Unit 8	Drive Thru 1	TBA	1,500	139	1,830	2,000	A3		1,500	1,830	
	Unit 9	Drive Thru 2	TBA	1,500	139	1,830	2,000	A3		1,500	1,830	
	Unit 10	Car Wash/ Petrol Station	TBA	5,000	465	6,100	567	Sui Generis		5,000	6,100	
Ancliff					88,600	8,231	91,972	12,364		88,600	91,972	

ZONE 1 - LEISURE	Unit Number	Unit Description	Lease Start Date	Nett		Gross		Planning Classification	Planning Totals		Comment
				Total Area sq ft	Total Area M2	Total Area sq ft	Total Area M2		Nett sq ft	Gross sq ft	
	Unit 1	Gymnastics Club	TBA	0	0	0	0	D2			
	Unit 2	Rifle Range	TBA	7,000	650	8,540	793	D2	7,000	8,540	
	Unit 3	High Rope Course	TBA	0	0	0	0	D2			
	Unit 4	Velodrome	TBA	0	0	0	0	D2			Subject to Ground Conditions and further due diligence. If
	Existing	Existing Leases	TBA	0	0	0	0	Sui Generis			Zone 1 Inc Rent from Sports pitches, rifle club plus income from Parking
	Unit 8	Retail	TBA	0	0	0	0		0	0	
				7,000	650	8,540	793		7,000	8,540	

Dated : 28/03/2013

ZONE 2 - BEACH	Unit Number	Unit Description	Lease Start Date	Nett		Gross		Planning Classification	Planning Totals		Comment
				Total Area sq ft	Total Area M2	Total Area sq ft	Total Area M2		Nett	Gross	
	Unit 9	Hotel	TBA	38,500	3,577	46,970	4,364	C1	38,500	46,970	80 Bed 2* Higher cost upto £3.6m/1.3* Hotel is 80 Bed but Optional subject to viability. New Beach Sport Facility and Events F&B subject to viability
	Unit 10	Fountain / Park Facility	TBA	0	0	0	0	D2			
	Existing	Existing Leases	TBA	0	0	0	0	Sui Generis			
				38,500	3,577	46,970	4,364		38,500	46,970	

Torbay Council (“the Council”) and Moirai Capital Investments Limited (“MCI”)

Proposed Tourism and Leisure Hub Development (“the Project”)

Structure of legal arrangements

1 Background

- 1.1 MCI has submitted a final tender in relation to the Project and has been appointed as preferred bidder.
- 1.2 The Parties now seek to complete the documents in relation to the Project, based on the agreed positions below.

2 Development Agreement (“DA”) and Grant of Leases

- 2.1 The Parties will enter into a DA which will deal with the planning and development requirements of each Zone. Each Zone will have separate timetables and deliverables which are to be discussed in more detail (with the potential for each Zone to have distinct sections divided between core and aspirational).
- 2.2 There will be provisions within the DA for the parties to agree variations to the deliverables where delivery is outside the control of the 2 parties (e.g. the Rugby club).
- 2.3 There will be similar provisions relating to new developments, not included in the masterplan as at the date of the DA, which will be permitted subject to the consent of the Council. Any profits generated by such new developments will be subject to an overage provision 70/30 in favour of MCI.
- 2.4 Zone 1 containing Torbay Leisure Centre (“Centre”) is the cornerstone of the project and delivery of the core elements of this Zone must be prioritised over all other elements of the Project. This Zone must be developed in accordance with the DA within the agreed timescales (completion of Centre within 3 years, commencement within 18 months, application for planning within 6 months of, in each case, the date of the DA). There will be restrictions on the development in other Zones linked to delivering on these core elements.
- 2.5 The DA will provide full rights for MCI to enter and develop each Zone in accordance with its terms
- 2.6 The 125 year lease of Zones 1 and Zone 2 will be granted immediately.
- 2.7 The grant of the leases of Zones 4 will not take place until after the practical completion of the development of “Zone 1”. *[NB - noted. The exact details of what minimum development requirements will be needed to trigger additional leases remains to be finalised. It would not be zone specific however. The Council have confirmed that it will include the Splashdown facility]*

- 2.8 (If appropriate) there will be a business transfer agreement entered into simultaneously with grant of any relevant lease.
- 2.9 The Council will have step in provisions within the DA but will accept this be subject to:
 - 2.9.1 a 3 month period (or sooner if necessary) for MCI to remedy any breach (if remediable); and
 - 2.9.2 appropriate step-in rights in favour of any funder of MCI which will need to have priority over the Council's step in rights

3 Responsibility for obtaining consents/approvals

- 3.1 MCI will be responsible for obtaining planning permission for all elements of the development. The timetables for submission and approval of any core elements of each Zone will be specified in the DA. The Council expects the parties to work closely together in working up proposals and Council approval will be needed to any proposed application.
- 3.2 Insofar as any other matters need to be addressed as part of the development (e.g. stopping up orders) these will again be the responsibility of MCI but the Council will use reasonable endeavours to assist.
- 3.3 MCI will be responsible for making appropriate arrangements with Parkwood (existing tenants and operators of the Centre). Any TUPE transfer as a result of arrangements made with Parkwood, or which arise from any other aspect of these proposed arrangements, shall be for the account of MCI.
- 3.4 The Council will be responsible for attending to any statutory compliance required to permit them to grant the leases.

4 Partnering and Strategic Plan

- 4.1 The Parties anticipate that, as the development proceeds, a spirit of partnering - in pursuit of the shared vision and objective of a sporting and tourism hub across the development area ("the Vision") - will be fostered.
- 4.2 To support the Vision a Strategic Plan (encompassing elements of the project and management business plans) shall be included in the SLA (see section 7 below).
- 4.3 Compliance with the Strategic Plan will be a contractual obligation, and will be reviewed (amongst other things) at a meeting of a partnering board. The partnering board will meeting no less than once every six months to review matters such as compliance with the SLA including, without limitation, proposed new developments and progress in delivering the Strategic Plan.
- 4.4 The initial SLA will continue for an initial period of 15 years, and for ten year periods thereafter. At the end of these periods the partnering board will meet to consider whether these arrangements should be adapted to the current circumstances. In the unlikely event that a position cannot be agreed in relation to any services going forward, the default position will be the then current arrangements

5 Terms of each 125 year lease

- 5.1 MCI will keep all premises in good condition throughout the term of each lease.
- 5.2 The Council will have usual reservations for entering the relevant Property including the right to remedy any material breaches of Tenant repairing covenant (if not remedied by the Tenant within 3 months of notice) and the Council will be able to recharge any properly incurred associated costs to MCI
- 5.3 MCI will bear the costs of insurance and all other outgoings (including, without limitation, utilities, rates and employment costs) through the terms of each lease.
- 5.4 MCI will be obliged to use the proceeds of any insurance in reinstating any damage to the Premises (including reasonable endeavours to get planning and all other consents in the event of destruction) subject to usual exclusions where not possible despite using reasonable endeavours etc.
- 5.5 No assignment of part of a lease. Otherwise, assignment and underletting shall be permissible with Council consent - however, the Council will not be able to unreasonably withhold or delay consent if certain pre-conditions are satisfied (e.g. contracted out; let at market rent and not a fine/premium). In addition, consent will be deemed given if the Council do not respond within []. Where applicable the assignment will be conditional on a simultaneous assignment of any relevant SLA
- 5.6 The rent for each lease will be the higher of [5%] of the rents receivable by the Tenant under any permissible sub-lettings OR a base rent figure (to be agreed for each zone). The position regarding the Cycle track will be covered separately.
- 5.7 The user clause for the lease of each Zone will be specific to that Zone which will reflect the terms of the relevant "Opportunities", as set out in the Masterplan. Change of use only permitted with Council consent not to be unreasonably withheld/delayed.
- 5.8 There will be a specific restriction against using any part of Zone 4 for retail use.

6 Forfeiture and Termination of Leases

- 6.1 Each lease will contain the usual forfeiture provisions in the event of material breach only. [Note: We cant accept breach on insolvency]. Will need to be subject to usual funders notification/step in clause.
- 6.2 The Council acknowledge forfeiture being subject to:
 - 6.2.1 a 3 month period (or sooner if necessary) for MCI to remedy any breach (if remediable); and
 - 6.2.2 appropriate step-in rights in favour of any funder of MCI.

7 Provision of Services/SLA

- 7.1 MCI will be expected to provide services in relation to each Zone. These will be reflected by a Service Level Agreement (“SLA”) which will be a single document relating to Zones 1, 2 although the provisions of any relevant Zone will only become effective at the date of the grant of the relevant lease.
- 7.2 These services will be fairly “light-touch”, and focus on outputs in relation to Zones 2.
- 7.3 However, in relation to the Centre (Zone 1), there are certain requirements (such as provision of community swimming and sporting activities) over which the Council requires a higher degree of on-going control for the duration of the relevant lease.
- 7.4 There will be provisions for liquidated damages in favour of the Council, should the obligations of MCI under the SLA be materially breached. The Council will also have step-in rights to perform any services which are materially in default, and to recover the costs of such activities from MCI.
- 7.5 The Council will have the ability to terminate the SLA in the event of material and persistent breach of the SLA. The Council views Zones 1-2 as part of one development and vision, and does not wish to see one or more Zones “wither on the vine” which is why a single SLA will be used.
- 7.6 The Council require step-in rights under the SLA.
- 7.7 The Council acknowledge that their right to terminate or step in will be subject to appropriate step-in rights in favour of any funder of MCI.

APPENDIX 6

Torbay Council – Proposed Leisure and Tourism Hub (“the Project”)

Moirai Capital Investments Limited (MCI) - Report on Proposals

Background and purpose of this paper

- 1 The Council has received a final tender from MCI in relation to the Project. Browne Jacobson have worked with the Council to propose to MCI a more complete legal structure for the Project which offers more legal and commercial protection to the Council (“the Council Proposals”).
- 2 MCI have responded to the Council Proposals with a number of counter-proposals (“MCI Proposals”). We report below on the key elements of the current MCI Proposals.
- 3 This paper also expands on some of these matters in a “FAQ” format.

Issue	
<u>Structure of the MCI bid</u>	<p>MCI have not proposed a traditional PPP model under which services are provided, for a number of years and the sites then returned to the Council.</p> <p>Their model is based on taking four leases (relating to the various zones) from the Council, and paying rent, for 125 years. Original proposals suggested all leases being granted at Day 1. Further discussions indicated MCI might consider taking 2 of the leases at day 1 with the other 2 deferred until completion of certain specified delivery outcomes.</p> <p>There would also be an overarching development agreement and related service level agreements encompassing the whole project. Where appropriate, there may also be business transfer agreements.</p>
Development Agreement	<p>This would deal with matters such as obtaining planning permission and delivery timescales. It would also specify the various trigger events that would allow</p>

<p>the 2 remaining leases to be granted.</p> <p>It will define “core” delivery outcomes which must be delivered by MCI. These will need careful consideration but should represent the minimum outputs for which the Council would consider the project a success. Only after these have been delivered will MCI be permitted to bring the other 2 zones and developments ‘online’</p> <p>This document will also set out the framework by which optional elements of the project can be agreed and brought forward. Similarly, it will allow variations to proposals which cannot be delivered due to factors outside of the control of the Council and MCI (e.g the Rugby Club).</p> <p>Should MCI wish to bring forward any development not envisaged in the masterplan then the framework for agreeing this with the Council will be in this agreement. Profits from any such developments will be split 70/30 in favour of MCI.</p>
<p>Business Transfer Agreement</p> <p>If any assets/staff would be transferring to MCI as part of the deal then this would be dealt with separately in a Business Transfer Agreement. This would put the transfer in to standard commercial terms and ensure appropriate disclaimers and warranties are given and obtained.</p>
<p>Service Level Agreement</p> <p>This will set out the services which the Council will expect MCI to deliver. This will be detailed on a zone by zone basis. It is envisaged there will be no services for zone 4 and a “light touch” approach to zone 2.</p> <p>Zone 1 will have much more detail because the Council have higher expectations and requirements relating to the swimming and sports facilities.</p> <p>This agreement will also incorporate the framework for setting up a strategic partnering board to ensure delivery of the Strategic Plan and Vision.</p>
<p>Property Arrangements/Leases</p> <p>The leases will all be on broadly similar format and will deal the following key points:-</p> <p>Rent – this will be the <u>higher</u> of 5% of the rental turnover (from subtenants) from a particular zone or a specified base level. This is to ensure rent will always be payable which will be key to ensure value for money and an ability to forfeit the lease. The cycle track rent will be dealt with differently – final details yet to be agreed.</p>

User – each zone will only be able to be used for those uses envisaged in the master plan. Further uses would need the Council’s approval as Landlord (*nb – the Council would still need to give separate consent in its role as planning authority*)

Forfeiture – this will detail how the leases can be brought to an end for material persistent breaches by MCI of the lease terms.

Repair – MCI will be obliged to keep the premises in good condition. In practice this will depend on what, if any, buildings exist at the time as to the extent of what MCI have to do.

Insurance – MCI will be responsible for all insurance. If a building was to be damaged by an insured risk MCI would be obliged to use the proceeds to reinstate the damage.

Assignment and underlettings – this will be permitted but will require Council consent (which cannot be unreasonably withheld or delayed)

FREQUENTLY ASKED QUESTIONS

The questions (and particularly the answers to them) are intended to set out clearly the key commercial elements of MCI’s proposal.

1 How can we ensure MCI delivers what it has promised?

MCI have presented some extremely ambitious proposals and it is likely that not everything can be delivered. The Council needs to agree on what are the “core” delivery items are (e.g. Splashdown) and then we can make sure the legal documents are tailored to make delivering those outcomes a requirement.

The Council should be aware that it is very difficult to ensure something happens (in the same way you cannot ensure that someone does not breach a confidentiality agreement). The key is to make sure there are sufficient incentives/penalties to make it too costly on MCI to fail to deliver.

2 Can we specify a date by which these core requirements will be delivered?

Yes, key dates will be a critical part of the development agreement.

However, with a project as large as this there will need to be various dates linked to key “milestones” such as submission of planning, grant of planning, starting on site, practical completion etc. These dates will need to be realistic and allow for likely issues that may arise. Similarly, some dates will not be able to be stated in the Development agreement but will have to be defined by reference. (e.g. start on site within X months of obtaining planning)

3 What if MCI fails to hit these dates?

That will depend on the reason. Planning could be delayed for various reasons (call in; judicial review) outside of MCI’s control and the Development agreement will allow key dates to be moved in these circumstances. If MCI simply were simply delaying then they would be in breach of the agreement.

4 What remedies do we have if they don’t meet these dates?

That will depend on the type of key date missed but in certain circumstances the Council could be entitled to terminate the contract.

In some circumstances the Council will have step in rights to take over from MCI (but these would be subject to similar rights in favour of MCI’s funders). However, the Council is presumably only concerned with getting the outcomes delivered and is less concerned with who delivers them. As such the funder step in rights may be seen as beneficial

The Council will also be able to withhold granting the lease of zone 4 (which MCI are most interested in) until the Councils core requirements are delivered so there is a commercial incentive for MCI to hit the core dates.

5 What happens if the buildings are not built properly?

The Development requirements will specify the standard to which facilities must be constructed. MCI take on all risk for delivering this and the leases will require them to keep facilities in good condition. In additional, all statutory compliance and liability for the safety of people on site will pass to MCI under the leases.

6 What if MCI goes insolvent/fails half way through constructing a particular building?

This is a good question. Our experience of the MCI model is that they will seek to set up new SPV companies for each zone (each company being the Tenant of that zone) as well as having MCI as a party to the development agreement. Ensuring financial robustness of the contracting parties or guarantors will be key.

MCI have stated that their funders will not allow the leases to terminate on forfeiture.

MCI's funders will have the right to step in and finish out the works. As mentioned above this may not be an issue for the Council. The Council will also have the benefit of its own step in rights to finish out any developments.

7 Once the leases are granted can we take the Land back?

Assuming MCI honour all their obligations in respect of a particular zone then the answer is "no". MCI would have the land (under the terms of the lease) for 125 years.

The leases can be forfeited in certain circumstances but in practice this can be a difficult and lengthy process to achieve.

8 How difficult and lengthy?

Forfeiture is a last resort measure and viewed as such by the Courts. Tenants have a right to apply for relief from forfeiture and the level of breach/misconduct required to justify forfeiture is greater where the consequences are particularly extreme for the Tenant. For a 125 year lease they are therefore set very high.

The Council also needs to bear in mind the funder step in rights which could add additional time to any proceedings. A minimum of 6 months to a year should be allowed for and quite probably longer.

9 So once signed up the Council is committed for the long term?

Yes, this is a significant commitment by the Council. If MCI deliver on all matters as promised then it could be 125 years

Even in the event of failure by MCI to meet its obligations the Council should assume that to get the land back, unencumbered, will take a minimum of 2 to 3 years because given the timelines for forfeiture and because the first significant key date is likely to be 1 or 2 years after the Development Agreement is entered in to.

10 What services will be provided?

This will be determined on a zone by zone basis in the SLA.

11 What happens if the contractor fails to provide the services properly?

The SLA will contain penalty provisions (including liquidated damages provisions) to cover breaches. Persistent material breach would allow termination of the SLA.

The SLA would also permit the Council to “step-in” to provide the services itself in certain circumstances. This would be subject to funder step in rights as with forfeiture.

12 What happens if MCI fail to pay our rent or seek to circumvent the turnover provisions?

Failure to pay rent would permit forfeiture. This would be the easiest ground to prove.

Our experience of working on MCI projects has allowed us to develop ways to prevent avoidance, in particular setting a base rent figure. The leases will prohibit underlettings granted for a premium and low rent to prevent such circumventing but the base rent ensures there is a guaranteed income regardless of MCI’s actions.

13 Do any staff transfer, and what about their pensions?

Where staff may have to transfer this will be done under TUPE. The existing pension rights of the Council staff will be protected under the “fair deal”. As new staff are recruited, this will be on the terms and conditions of MCI or the sub-tenants / operators of the facilities.

14 What happens at the end of the contract?

At the end of the 125 year leases (assuming they have not been re-acquired by the Council before then) the leases will end and the Council will take back the land. The leases say very little about the condition in which the land should be at that time, so effectively the Council will be taking it “as is”. There are requirements to keep everything properly maintained on the land but obviously individual structures would change over 125 years.

15 Who takes the risks for planning consents? What happens if planning is not granted?

MCI assume all planning risk.



Clennon Valley Sports & Leisure Regeneration Proposals

Consultation Report

April 2014

Method	Number returned
Online	73
Paper	108
Other (written representations)	6
Total	187

**This survey was open from
13th March to 9th April 2014**



Contents

1. Introduction	2
2. Methodology	2
3. Quality Assurance	3
4. Summary of results	3
5. Results	4
6. Respondent Profile	11

1. Introduction

Torbay Council has recently invited potential development partners to submit proposals for Clennon Valley and Goodrington, the aim being to enable it to become an outstanding sporting, leisure and recreation venue - providing activities and sports facilities for residents and visitors within a superb natural setting. The Council invited proposals that would provide a mix of leisure, recreational, tourism and community uses.

The Mayor and a cross party group of councillors (known as the Clennon Valley Regeneration Group) considered the proposals submitted. The Group will be recommending that Moirai Capital Investment Ltd be appointed as the council's Development Partner to deliver the proposed scheme, at the meeting of the Council scheduled for the 1 May 2014.

Consultation was undertaken by the Policy, Performance and Review team on behalf of the Torbay Economic Development Agency to produce a report for meeting of the Council to consider when reaching its decision.

2. Methodology

This report contains the full set of results that were received from 13th March up to the 9th April 2014, when the consultation closed. Responses were received via written representations (6), completion of an online survey (74), and completion of a paper survey (101)

Copies of the paper questionnaire were made available in all public libraries and at Clennon Valley Centre. An online version of the questionnaire was also available on the council's website.

Additional to these there were two public consultation events which were held on the 15/16th March that publicised both the proposals and the details of this survey.

An information pack was also made available with the questionnaires which contained information about the nature of the proposals and a plan so that respondents can see where within Clennon Valley it is proposed to build the new facilities.

Where comments have been given these have been sorted into 'themes' – examples of comments made against the 'top 5' themes have been listed within the report below.

The responses received via written representations (6) have been included within the results below.

3. Quality Assurance

To ensure the quality of data provided, all of the information received through the online surveys was checked and, when written responses were received, these were scanned into the same database and combined after checking and verification. This provides the assurance that all sets of responses form an accurate, single representation of the complete views given.

4. Summary of results

Of the 181 responses received up to the closing date of 9th April 2014:-

- Almost three quarters (70.2%) of respondents currently make use of the facilities at Clennon Valley.
- Overall more than 90% (91.6%) of respondents support the proposals for the regeneration of Clennon Valley
- The majority of responses (87.9%) came from individuals rather than from businesses or organisations.
- Among those not currently using the current Clennon Valley facilities there was strong support for the regeneration proposals (90.4%)

5. Results

Q1) Do you currently use the facilities at Clennon Valley?

	Number	Percent
Yes	127	70.2%
No	52	28.8%
Don't know	1	0.5%
No Response	1	0.5%
Total	180	100%

Q1a) Please tell us why

Theme	Examples of comments made
Use of the pool/swimming/Swimming Club (53)	<p><i>"Swimming & Swimming Club...."</i></p> <p><i>"Swimming every day....."</i></p> <p><i>"Access to the pool for lane swimming outside of work hours...."</i></p> <p><i>"I use the swimming pool in the summer"</i></p> <p><i>"Use the swimming pool at the leisure centre at least two times a week...."</i></p> <p><i>"Good size swimming pool for serious swimmers...."</i></p> <p><i>"My children LOVE the inflatable on a Saturday afternoon in the pool"</i></p>
Use of sports facilities - general including gym, badminton, squash, keeping fit etc (42)	<p><i>"To keep fit and active....."</i></p> <p><i>"The gym is on my way home from work"</i></p> <p><i>"Play Badminton...."</i></p> <p><i>"Nearest leisure / sport facility.....gym is well equipped"</i></p> <p><i>"Currently use the squash facilities...."</i></p> <p><i>"Member of the leisure centre...."</i></p> <p><i>"....the Leisure Centre is also convenient to where I live within Torbay"</i></p>

Theme	Examples of comments made
Football/Rugby (24)	<p><i>"Football on astro and grass pitches...."</i></p> <p><i>"Play football on Clennon Valley"</i></p> <p><i>"7 a side football"</i></p> <p><i>"Football. Would like to have inside and outside 3G pitches for all sports"</i></p> <p><i>"Paignton Rugby Club use the Rugby Pitch"</i></p> <p><i>"As I play for Paignton rugby club, we use the rugby field"</i></p> <p><i>"....my son uses the rugby pitch"</i></p>
Fitness Classes/Clubs i.e. Zumba, body balance, running club etc (23)	<p><i>"....fit for life one morning, body balance one morning...."</i></p> <p><i>"Member of a local running club"</i></p> <p><i>"....the centre offers a considerable number of keep fit classes...."</i></p> <p><i>"...use the sports hall for Zumba..."</i></p> <p><i>"...one of my children also goes to the sway street dance classes"</i></p>
Use of the fields/walking/dog walking (12)	<p><i>"for walking.....as well as exercising dogs"</i></p> <p><i>"Walking around with our dog"</i></p> <p><i>"Dog walking, walking around the ponds"</i></p> <p><i>"Dog walking and recreational walking"</i></p> <p><i>"Walk round the fields at the back of leisure centre."</i></p>

Q2) Do you support the Clennon Valley Sport & Leisure Regeneration Proposals?

	Number	Percent
Yes	164	90.6%
No	6	3.3%
Don't know	9	5.0%
No Response	2	1.1%
Total	181	100%

Q2a) Please tell us why

Theme	Examples of comments made
Enhance sporting facilities locally (98)	<p><i>"Anything that is looking at enhancing what we have ... is a bonus"</i></p> <p><i>"better facilities for sports locally"</i></p> <p><i>"A big opportunity to develop an area that is crying out for modernisation."</i></p> <p><i>"Clennon Valley was always going to be a good sports area when the pool was originally built. It will be good to see this area being well used."</i></p> <p><i>"It is good because we will have a more active community"</i></p> <p><i>"Over the years there has been a sad lack of investment in sporting facilities in the Bay and this would be a massive step in the right direction"</i></p> <p><i>"Sport and exercise is good for everyone. More choice means healthier people."</i></p> <p><i>"Sport facilities are essential for society to flourish."</i></p>

Theme	Examples of comments made
<p>An attraction for both locals and tourists (58)</p>	<p><i>“Good for local people. Adds to Torbay attractions for tourists”</i></p> <p><i>“...will add a lot of additional opportunities for local people”</i></p> <p><i>“this will add a lot of additional opportunities for local people especially if schools and local clubs will be using it as well.”</i></p> <p><i>“Better for tourism. Desperately needed improvements.”</i></p> <p><i>“Good for a tourist town”</i></p> <p><i>“Greatly needed both for residents and visitors”</i></p> <p><i>“...it will provide excellent modern facilities for many types of sport which will be of benefit to local residents and also to holidaymakers.”</i></p> <p><i>“Torbay definitely needs new investment to improve attraction to residents and visitors.”</i></p> <p><i>“It seems to allow for residents as well as visitors and will improve the appearance of the site.”</i></p>

Theme	Examples of comments made
<p>Promote health and sport to younger people (43)</p>	<p><i>"...a better future for our town and its youngsters..."</i></p> <p><i>"it will promote health and sport to the younger generation and open up new opportunities"</i></p> <p><i>"A good project for the youth of the Bay"</i></p> <p><i>"Better sports facilities will benefit everybody will help to keep young people fit and give them an interest."</i></p> <p><i>"Helps young people regenerate the area"</i></p> <p><i>"I support them for a number of reasons, I have a young family and consider both the leisure and the sporting facilities to be very much needed in the area"</i></p> <p><i>"It will greatly improve the facilities for our club and the youth of Paignton/Torbay"</i></p> <p><i>"The bay needs a sports facility for the future of our youth. After the gutless mayor made sure the Brokenbridge development was pushed back as far as possible and delayed the bay has nothing."</i></p> <p><i>"The development will help our & the next generation"</i></p>

Theme	Examples of comments made
<p>Employment, investment and tourism opportunities (30)</p>	<p><i>“Will bring jobs to area and put Goodrington on the map”</i></p> <p><i>“Improvement to the area which is good, more jobs”</i></p> <p><i>“...if Clennon Valley and Goodrington are bought up to a high standard and become a recreational destination that we can all be proud of, other investors/developers will see the potential in the whole of Paignton and then maybe that in turn would radiate to the whole of the Bay”</i></p> <p><i>“Bring in new tourism opportunities and increase revenues.”</i></p> <p><i>“For the fantastic and original opportunities it will offer the local community. For the employment opportunities it will create. For the financial benefits for the local community the project will produce.”</i></p> <p><i>“Good for all ages and particularly young people (Providing Certs and Fees etc) As wages quite low in this area. Plus lots of unemployment.”</i></p>
<p>Potential to bring national competitions/other sporting events into the area (17)</p>	<p><i>“The proposed pool should be a 50M Pool, that will bring many competitions to the Bay”</i></p> <p><i>“...an indoor archery area, which would not only allow for more regular training, but also allow for local and national competitions. Archery, like cycling is an upcoming Olympic sport in the UK, and we need to ensure facilities are available.”</i></p> <p><i>“...by offering facilities which cannot be found within surrounding areas...Torbay will then be able to offer a venue for Triathlons with the advantage of having the swimming pool and the coast within very close proximity to the cycle track.”</i></p> <p><i>“The pool is well used and often crowded at peak times. Building a 50M pool would bring even more business to the Leisure Centre with opportunities to host more Swimming Galas as well as diving if pool has a moving floor / wall as at Plymouth Life Centre”</i></p>

Theme	Examples of comments made
Archery facility (11)	<p><i>"I wish to see a permanent archery facility in the Torbay area."</i></p> <p><i>"Because of the new facilities it would bring (i.e. the prospect of an archery range)"</i></p> <p><i>"I also am a keen archer, and believe that there are proposals for an indoor archery area, which would not only allow for more regular training, but also allow for local and national competitions."</i></p> <p><i>"Torbay is short of quality sports facilities. It would be even more inclusive to have facilities for other minor but growing sports such as archery - both indoors and outdoors. Archery is a sport that is particularly suited to people of all ages and abilities, whether as a recreational pastime or a fully competitive passion."</i></p>

6. Respondent Profile

Q3) Are you Male or Female?

Gender	Number	Percent
Male	105	58.0%
Female	72	39.8%
No Response	4	2.2%
Total	181	100%

Q4) Which of the following age groups apply to you?

Age Band	Number	Percent
Under 16	4	2.2%
16 – 24	12	6.7%
25 – 34	18	10%
35 – 44	35	19.3%
45 – 54	40	22.1%
55 – 64	29	16.0%
65 – 74	29	16.0%
75 +	12	6.6%
No response	2	1.1%
Total	181	100%

Q5) Do you consider yourself to be disabled in any way?

	Number	Percent
Yes	13	7.2%
No	160	88.4%
No Response	8	4.4%
Total	181	100%

Q5a) If yes (to Q5) please tell us how it effects you?

	Number	Percent
It affects my mobility	9	5%
It affects my hearing	2	1%
It affects my vision	0	0%
It affects me in another way	3	1.7%
No response	167	92.3%
Total	181	100%

Q6) Are you completing this questionnaire on behalf of:

	Number	Percent
Individual	159	87.8%
Business	3	1.7%
Organisation	13	7.2%
No response	6	3.3%
Total	181	100%

Q7) Postcodes of respondents:

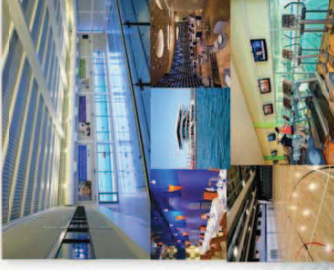
Area	Number	Percent
TQ1	18	10.0%
TQ2	12	6.6%
TQ3	36	19.9%
TQ4	67	37.0%
TQ5	18	9.9%
TQ9	3	1.7%
TQ12	5	2.8%
Plymouth etc	5	2.7%
No response	17	9.4%
Total	181	100%

Q8) If you are a member of a sports club please tell us which one:

Sports Club	Number	Percentage
Brixham Archers	16	8.8%
Clennon Valley and Torquay Leisure Centres	13	7.2%
Paignton Saints	8	4.4%
Paignton Pistol and Rifle Club	7	3.9%
Paignton Rugby Club	6	3.3%
Plymouth Mariners Baseball Club	4	2.2%
Torbay Amateur Athletic Club	4	2.2%
Galmpton United	3	1.7%
Torbay Barons Baseball	3	1.7%
Churston Golf Club	2	1.1%
Mid-Devon Cycle Club	2	1.1%
No response	113	62.4%
Total	181	100%

For further information on the consultation report please contact the Policy Performance and Review team on 01803 207227 or email consultation@torbay.gov.uk

The information used to collate this report has been collected and processed in accordance with the Data Protection Act, 1998.



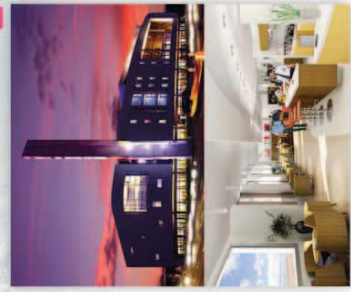
- ZONE THREE- LEISURE PARK**
- 1 - New multi-screen cinema
 - 2 - Ten-pin bowling
 - 3-7 - New build restaurants and bars
 - 8-9 - 2hr drive-thru restaurants
 - Public realm works including taxi drop-off and disabled parking

- ZONE ONE - ACTIVITY PARK**
- 1 - Swimming Pool
 - 2 - Gymnastics Club
 - 3 - Rifle Range
 - 4 - Torbay Leisure Centre
 - 5 - Cycle Track
 - 6 - Cycle Hire Facility
 - 7 - Cycle Retail
 - 8 - Cycle F & B



- ZONE TWO - BEACH LIFE**
- 1 - New Beach Sports Facility
 - 2 - Beach Event F & B
 - 3 - New Hotel
 - 4 - Fountain Park Facility
 - 5 - Expand Wet Weather Water Park
 - 6 - Beach Pods & Huts

"In our leisure we reveal what kind of people we are..."





Meeting: Council

Date: 17th July 2014

Wards Affected: All Wards

Report Title: Putting Corporate Parenting into Practice

Is the decision a key decision? No

When does the decision need to be implemented? After the call-in period

Executive Lead Contact Details: Ken Pritchard, Portfolio Holder for Children, 01803 207313, ken.pritchard@torbay.gov.uk

Supporting Officer Contact Details: Richard Williams, Director of Children Services, 01803 208401, richard.williams@torbay.gov.uk

1. Purpose and Introduction

- 1.1 Following the 1989 Children Act and supported by subsequent legislation and guidance, Councillors have been ultimately accountable for the quality of care provided to vulnerable children with specific responsibility to lead this work and monitor its effectiveness. This responsibility has become known as “Corporate Parenting” in recognition that the task must be shared by all Councillors and a range of Council departments and partner agencies.
- 1.2 This report outlines how this role is undertaken in Torbay, provides an action plan for 2014/15 and a pledge from “Corporate Parents” to children in care. The report will be reviewed and updated on an annual basis.

2. Proposed Decision

The Mayor be recommended:

- 2.1 That Members recognise Corporate Parents’ Groups and their role as Corporate Parents, support the work of both the Officers and Members, attend recommended training, increase their efforts to attend events to support Looked after Children and specifically approve:-
 - the pledge to Children in Care
 - the attached action plan

3. Reason for Decision

- 3.1 Supporting the proposed recommendation will ensure that Torbay Council meets its statutory duties under the 1989 Children Act, the Children (Leaving Care) Act 2000,

the Adoption and Children Act 2002, the Children Act 2004 and the Children and Young Persons Act 2008. The legislative framework is supported by statutory guidance that demonstrates the roles and responsibilities in more detail.

Supporting Information

4. Position

- 4.1 Previous reports have been brought to Council outlining these responsibilities, however, this has not been done for some years and subsequently the role of “Corporate Parent” has not been given the high profile that it should have within the role of Councillors. This report redresses this situation ensuring that statutory duties are met and that Children and Young People in Care are proactively supported.
- 4.2 The proposals in the report have no additional costs to the Council. They outline how the existing resources of staff and budgets can be more effectively aligned to the needs of Children and Young People in Care.

5. Actions

- 5.1 Children’s Services initially reviewed previous action plans against the new Ofsted Framework and new expectations from central government. From this review, a number of new arrangements were put in place and a report from the National Children’s Board was commissioned to identify ways in which the service can be improved: not by keeping children out of the care system who need to be there, but by ensuring that the care system for Children and Young People is used purposefully for the “right” children, at the “right” time and “right” place in their lives and for the shortest duration in order to meet their needs and improve their outcomes.
- 5.2 The purpose of the report was to stimulate discussion and to identify ways in which changes that have already taken place can be taken forward. The key observations highlighted in the report are as follows:-
- Children do not appear to be entering care unnecessarily, with the possible exception of some teenagers with behaviour problems.
 - Torbay has a good range of services, although it may be possible to target them more effectively.
 - There is some evidence that care is seen as a “last resort”, resulting in a reluctance to act decisively in some cases and unplanned admissions to care.
 - Care-planning is not always robust, with some cases drifting, and the involvement of friends and family could be strengthened.

- Recording systems do not support effective practice.
- Practitioners would benefit from having access to psychological/child development expertise to support their decision-making.
- Staff would benefit from more opportunities to reflect on and to share good practice.

5.3 In response to their report, a new Corporate Parenting Officers' Group has been set up, with representatives drawn from across partner agencies and chaired by the Director of Children's Services.

Membership

Simon Costin	Devon and Cornwall Police
Alex Howarth	South Devon College
Elaine Atkinson	Service Manager, Safeguarding and Quality Assurance, LA
Corrine Foy	CAMHS
Richard Kirkup	Children's Society
Linda Village	Designated Nurse LAC, South Devon and Torbay CCG
Lorry Parton	Foster Carer
Angie Fuller	Service Manager, Integrated Youth Support Service, LA
Caroline Hobson	Service Manager, Specialist Services, LA
Jane Inett	School Service Manager, LA
Mary Brown	Action for Children
Angela Farrell	Barton Hill Academy
Gail Rogers	Principal Commissioner, Children and Families, LA
Elaine Watling	Torquay Academy

5.4 To monitor and evaluate the work of this group and to represent all Councillors, a Members' Monitoring Group has also been set up with membership drawn from cross party.

Membership

Councillor Ken Pritchard (Chair)
 Councillor Alan Tyreman
 Councillor Neil Bent
 Councillor Matt James
 Councillor Jenny Faulkner
 Councillor Cindy Stocks
 Director of Children's Services: Richard Williams

5.4 The Terms of Reference for both groups is the same with the additional role for Members to monitor the work of the Officers' group and to evaluate and respond appropriately.

The Terms of Reference are as follows:-

- To fulfil the Corporate Parenting responsibilities of Torbay Council
- To define and communicate the role of Corporate Parents
- To keep Corporate Parenting at the heart of all our work
- To develop and improve the contribution of Torbay Council employees and elected members
- To create the best opportunities for all children and young people in care to achieve the best outcomes possible
- To identify gaps in Corporate Parenting work and recommend action to address these
- To raise awareness of Corporate Parenting at every level of the local authority and partner agencies
- To support the organisation, work and development of the Corporate Parenting Members and Officer groups
- To make opportunities to listen and hear the views of children and young people in care and those who have had care experience

5.6 In response to the NCB report, a full action plan has been developed by the Officers' group and is attached as Appendix 1. This has been adopted by the Members' group and will form the basis of their monitoring and evaluation work for the next year. In addition to this, the work of the Virtual School is integral to the support given to Children and Young People in developing and actioning their aspirations and their action plan will also be monitored alongside the Governing Body of the school (see Appendix 2).

5.7 Looked After Children have a statutory entitlement to have their views taken into account and Torbay has a Children in Care Council that meets on a weekly basis at Parkfield. Not all children will choose to be members of the Children in Care Council but they do "all" have a voice in their own care plan and the way this is implemented on a day-to-day basis. Corporate Parents are not expected to get involved with individual cases and there are risks associated with doing so – but they should be aware of the principle of participation.

5.8 The Children in Care Council has developed a set of commitments that they see as important for them as Looked After Children. This has been considered by the Members Group and formulated into a pledge from Corporate Parents to all children

that are looked after. There is an expectation in the statutory guidance that all Councils will have a pledge and that it will be a dynamic document forming the basis of an on-going relationship between Councillors and Looked after Children. The pledge is attached as Appendix 3 and if supported, will be issued to all Looked after Children.

- 5.9 To facilitate this, Councillors on the Corporate Parenting group will meet with Children in Care Council to discuss the pledge and monitor the impact it has on their outcomes in the future. They have also requested that every Councillor should sign the pledge to demonstrate their commitment to their “Corporate Parents” role and improving outcomes for Looked after Children.
- 5.10 In recognition of a renewed commitment, Officers will support Councillors by ensuring that information on events is sent out and that a refreshed training programme is developed. This has already started with invites sent out to the Looked after Children Awards event on 11th July. Dates for a training event in the autumn will be sent out in the near future and will initially focus on the experience of Young Carers in Torbay.

Appendices

Appendix 1 Corporate Parenting Strategy Action Plan

Appendix 2 Torbay Virtual School Development Plan

Appendix 3 Children in Care Pledge for Torbay



Corporate Parenting Strategy Action Plan 2014 – 2015

Health

Key Action	How	By Whom	By When	Resources	Review Date	Evidence of Completion	Evidence of Impact
<p>Health Processes</p> <p>To update the SPHN (Health Visitor and School Nurse) 'movement in' policy to include potential heightened needs of families new to the area. This would ensure that the previous health history for new arrivals in Torbay is included in their assessments</p> <p>Assurance that HVs and SNs are informed of children becoming Looked After immediately</p> <p>Assurance that HVs and SNs are aware of difficulties in placement</p>	<p>Jane Wilkinson to discuss with Chris Timmons who is currently updating policy</p>	<p>Jane Wilkinson</p>	<p>Sept 2014</p>		<p>July 2014</p>	<p>Key Performance Indicators in movement in policy will include a health chronology</p>	<p>Initial health assessments of children moved into Torbay will include health chronology from area of origin</p>

Key Action	How	By Whom	By When	Resources	Review Date	Evidence of Completion	Evidence of Impact
Key Learning Points from the LAC review(s) be disseminated to health practitioners	Access to team meetings. Disseminate LAC news letter. Update training programmes	Linda Village	July 2014		July 2014		Health professionals will have an up to date awareness of the needs of the LACYP
Effective Supervision Supervision processes in place for HVs and SNs for Looked After Children on their caseloads to facilitate professional challenge Develop multi agency supervision sessions for cases where children have been on a CPP for over 9 months		Linda Village/Jane Wilkinson	July 2014				Assurance that HVs and SNs feel confident to challenge drift in LAC plans and assessments Evidence of health contributing to proactive assessment for children coming into care

Additional Questions:

What do we know about our CLC health needs – are these priorities with adult services?

How do we share information within health about the needs of Children Leaving Care?

Should LAC have a link health worker from start to end of care?

Intensive Youth Support Service

Key Action	How	By Whom	By When	Resources	Review Date	Evidence of Completion	Evidence of Impact
Develop care leavers expectation leaflet	Through consultation with young people who have accessed care leavers service	Angie Fuller/Steve Bellworthy	Sept 2014	Time allocation of worker to complete consultation and development of leaflet	April 30 th 2015	Leaflet completed and given to young people.	Feedback from young people and IRO's
Explore potential for resourcing a project for adolescent crisis response to reduce numbers of young people coming into care later	Through further needs assessment and exploration of finance offers.	Angie Fuller/Gail Rogers	Sept 2014	Some Data analysis support and managers time to complete paper		Needs assessment completed and successful application to potential funding sources.	This would be longer term monitoring after implementation if successful
Offer all young people entering care leaving service access to a volunteer mentor/befriender	Liaison with Becky and Jan to implement into current volunteer structure	Angie Fuller/Becky Nuttall	31 st March 2015	Additional information and expectations added to volunteering opportunities		Records in PARIS of volunteer offered and evidence of young person utilising volunteer	Feedback from young people

Corporate Parenting Strategy Action Plan 2014 –2015

IRU and Childrens Society

Key Action	How	By Whom	By When	Resources	Review Date	Evidence of Completion	Evidence of Impact
To ensure permanency plan is known prior to 4 month review	Set up task group of SW practitioners, PM's, Paris team rep. and IROs to consider barriers and solutions	Led by IRO	3 months	time		Task group operational	All plans reviewed
Improve participation at reviews by foster carers	IRO's to meet with Fostering teams	Led by IRO Fostering PM's	4 months			All foster carers invited to participate	Improved outcomes for CYP
Improve participation in reviews by parents. There should be a presumption of attendance and if not attending a duty to consult	Task group to consider barriers to practice	IRO	6 months		3 months	Increase in participation by parents	Improved outcome through greater participation
Improve voice of the child in reviews	Advocacy services and other ways to consult with child to be explored – why are some children not represented? Review contract for advocacy	Children's Society EA and RK	6 months		3 months	Voice of the child evident in plans	Successful outcomes for CYP
			6 months	Commissioning Team	3 months	Contract reissued	

Corporate Parenting Strategy Action Plan 2014 – 2015

Children’s Social Care



Key Action	How	By Whom	By When	Resources	Evidence of Completion	Evidence of Impact
Improve children and young people’s understanding of being looked after	Looked after children information pack	CRH/AW/Cheryl Owen/fostering	Oct 2014	Review old information pack Inform all SW and BS staff	Each CLA will have information pack and DVD	Improved understanding by the child
Each child looked after to have a care plan that is up to date i.e. within last 6 months	1. Review Paris automatic pull through of care plans	CRH/GJ/Denise Thomas/RK	Sept 14	time	Care plans will not be pre-populated	Old information will not be on care plan. SW will need to think carefully about care plan and what it is to achieve.
	2. Training - Involve IRO’s PM’s and SW’s in training session	All	Winter 14	Venue/time	Improved understanding	Improved quality of careplans
	3. Review process of draft care plans being produced prior to reviews	CRH/EA	completed	time	Care plans are produced as draft for CLA review and confirmed post review	Improve thought and planning prior to CLA review to produce better quality careplan
Care plans are result of multi	All agencies to attend reviews of CLA in person.	All CRH	6 months	Time pressures for other	Improve multi agency attendance at	Improve multi agency attendance at reviews

agency collaboration	Pre review planning meeting?			agencies such as schools, health etc.	reviews	
Key Action	How	By Whom	By When	Resources	Evidence of Completion	Evidence of Impact
S20 v. Legal orders - Improve consistency of practice	Practice Guidelines to be developed Task and finish group	EA/GJ/CRH/legal and PM's	9 months/2015	Time	Practice Guidelines which could be linked to TriX.	Improved understanding of risk issues and safeguarding of CLA. Consistency of practice
Improve consistency of CLA's contact with Children's Services	Link volunteer mentors to CLA who can stay with them until 21+ Independent visitors to target children living outside of area	AF RK EA	Spring 15	Increase numbers of volunteers and independent visitors	Each child out of area to have independent visitor	Increase numbers of care leavers who are in touch. Improve voice of the child for those children living out of area.
Voice of the CLA is heard and they can influence services.	CLA representative/representation on Corporate parenting board	GR/All	Spring 15	Time Cin C council involvement	Voice of the child is present at Corporate parenting officer group	Improve awareness of client group issues needs and how services are planned to meet needs.

Appendix 2

TORBAY VIRTUAL SCHOOL DEVELOPMENT PLAN
2013 - 2016

September 2013

The Development of the Virtual School in Torbay

INTRODUCTION

Directors of Children's Services have a statutory responsibility to make sure that their local authority promotes the educational achievement of the children they look after, regardless of where they are placed. The virtual school head role is one of the key ways in which a local authority can demonstrate to inspectors that it is discharging that legal obligation.

The core purpose of this role is to be relentless in driving up improvements in the educational progress and attainment of all children looked after by their authority, including those that have been placed in schools in other authorities. They will also have an important role in working in partnership with virtual school heads in other authorities to support the educational progress of children in their schools but looked after by other authorities.

KEY RESPONSIBILITIES OF VIRTUAL SCHOOL HEAD

The three key areas of responsibility of a Virtual School head for which she should be accountable are:

- **To make sure that there is a system to track and monitor the attainment and progress of looked after children to:**
 - rigorously track and monitor data on where looked after children are at school and their progress, in a similar way to a head teacher of any school.
 - ensure that schools know which children are looked after and make sure that there is a Personal Education Plan (PEP) for all looked after children and one-to-one support where appropriate.

- maintain an accurate record of the location and educational progress of looked after children in their authority, including those whom they look after but are placed in another authority or a non local authority school and those who are looked after by another authority but educated in this one.
 - act where necessary and work towards improving overall attainment at the virtual school, by maximising achievement and progress of both individual and cohorts of looked after children.
 - ensure that the head teacher and the designated teacher in each school know which of the children on their roll are in care, and what can be done to support them.
- **To ensure that all looked after children have a robust and effective personal education plan and access one-to-one support, including personal tuition where appropriate by:**
 - working with relevant professionals to ensure PEPs are of a high quality, subject to a rigorous monitoring and evaluation process, with impacts and outcomes that are followed up. In conjunction with School Improvement Partners they should challenge schools and others when appropriate to improve the quality of the PEP and promote faster progress.
 - They should also ensure that looked after children are able to access one-to-one tuition and that the Pupil Premium is used to support progress. They should also explore other sources of additional funding/support if available.
 - **To champion the educational needs of looked after children across the authority and those placed out-of-authority by:**
 - championing the needs of looked after children across the authority and spread effective practice, particularly in relation to improving behaviour and attendance, promoting stability of placement and school stability through admissions policies and use of school transport.
 - working with others in local authorities and schools to ensure that measures are taken across the authority to promote positive behaviour, good attendance, and reduce exclusions, which should in turn lead to good progress and improved attainment.
 - ensuring social workers adequately consider the educational needs of looked after children when a child/young person comes into care or when taking decisions about moving placements. Where moving placements is absolutely essential,

wherever possible a new placement should be found which enables continuity of schooling but at KS4 ensures there is no change of educational placement. The virtual school head should take responsibility for making sure that admissions powers to admit looked after children to the most appropriate school are used wherever necessary, and they should ensure that school transport is provided as required to help children stay in the same school.

THE TORBAY VIRTUAL SCHOOL

The Virtual School in Torbay has been in existence since September 2010. It is staffed by a full-time teacher, a 0.5FTE Headteacher and admin support. It has a Governing Body which operates just like any school governing body and holds the VSHT accountable for the performance of the VS as well as acting as a 'critical' friend. Its membership includes corporate parents; headteachers; community governors; representative from FE; a Foster Parent; and officers from the LA Social Care teams.

Torbay's Virtual School works with children from the age of 2 in Early Years settings; those aged 4 in reception class to the end of their post 16 education. In view of the significant number of CLA's who go on to Higher Education it would wish to involve those young people within the Virtual School as role models for others.

Every school in Torbay is committed to supporting CLA and has a designated person responsible for their achievement and well being. This group of designated professionals now meet regularly to monitor Torbay's CLA's and any out of area CLAs educated in their school/college. In addition the Head of the Virtual School and the advisory teacher meet fortnightly to look at the progress of individual year groups within the Virtual School.

The Ofsted framework for schools means a greater focus on the CLA's as one of the Ofsted groups. This means that a wealth of information and data is available to the Virtual School Headteacher on individual pupils and by group in each school.

This Development Plan has now been written in partnership by the Head of the Virtual School and the Secondary Headteacher representative on the VSGB, in recognition of the key priority for the Local Authority and its partnership with schools/academies in improved educational outcomes for Children Looked After.

Jane English Principal Paignton Community and Sports Academy
Jane Inett Headteacher Torbay Virtual School

Torbay Virtual School

Summary of Performance Data at end of KS2 and KS4
(12 months continuous care)

KS2 % reaching L4 in English					
	09/10	10/11	11/12	12/13	
Torbay CLA	11.11%	50%	50%	83%	
National CLA	45%	50%	60%	55%	
All Torbay children	79%	77%	84%	87.7%	

KS2 % reaching L4 in Maths					
	09/10	10/11	11/12	12/13	
Torbay CLA	22.22%	33.3%	50%	83%	
National CLA	44%	48%	56%	59%	
All Torbay children	80%	79%	88%	87.3%	

KS2 % reaching L4 in English and Maths					
	09/10	10/11	11/12	12/13	
Torbay CLA	11.11%	33.3%	33.3%	66.6%	
National CLA	36%	40%	50%	Not available	
All Torbay children	79%	77%	84%	77%	

KS4 % achieving 5+ A* - C including English and Maths

	09/10	10/11	11/12	12/13
Torbay CLA	6.3%	38.5%	16.5%	0%
National CLA	11.6%	12.8%	14.6%	15.3%
All Torbay children	54.1%	57.2%	60.5%	59.2%

KS4 % achieving 5+ A* - C

	09/10	10/11	11/12	12/13
Torbay CLA	6.3%	46.1%	33%	21.4%
National CLA	26.1%	31.2%	36.8%	36.6%
All Torbay children	75.1%	80.9%	82.4%	TBC

KS4 % achieving 5+ A* - G

	09/10	10/11	11/12	12/13
Torbay CLA	18.8%	76.9%	88%	64.3%
National CLA	72.6%	na	na	na
All Torbay children	94%	95.2%	93.8%	TBC

Torbay Virtual School Development Plan 2013 - 2016

Priority 1	Raising Attainment and Aspiration		
Objective	The attainment of CLA in Torbay is raised to be in line with the National Average and then exceeds the National Average.	Person(s) with overall Responsibility:	Jl

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
1.1 Collect all collective and individual targets for CLAs from each school/educational setting.	By end of September for each academic year	Jl	<ul style="list-style-type: none"> ▪ Each CLA individual targets are within the VS data information file and checked in order to ascertain they are fit for purpose. ▪ Comparison of previous year's school based targets to see progression ▪ Ensure all CLA and Foster Carers are clear of individual targets 	SF		
1.2 Improve the monitoring of all pupil progress and intervene more speedily with schools	Termly	LK	<ul style="list-style-type: none"> ▪ Each school completes the data drop at end of Nov/March/June ▪ Through tracking meetings highlight those not making sufficient progress and highlight need for urgent 	Jl		

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
1.3 Improve schools assessment of those entering care	January 2014	LK	<p>intervention by school.</p> <ul style="list-style-type: none"> ▪ Monitor interventions for impact. ▪ Intervene if impact is insufficient. ▪ Establish a benchmark for % of CLA making expected levels of progress from KS1 - 2. ▪ Establish a benchmark for % of CLA making expected levels of progress from KS2 - 4. ▪ Establish a benchmark for completion rates of courses in post 16 provision and the NEET figure. <ul style="list-style-type: none"> ▪ Ensure all schools/settings complete the Baseline Assessment when a child becomes a CLA. ▪ Information entered into Data Tracking System and first PEP uses information to set challenging targets plus immediate interventions if working below national standards. ▪ Secure expected outcomes for each 	JI		

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
<p>1.4 Ensure all PEPS are of a high standard</p>	<p>By end of Spring Term each academic year</p>	<p>JJ</p>	<p>child</p> <ul style="list-style-type: none"> ▪ Clarity for all key education staff (DTs/Governors) and social care staff on what a good quality PEP looks like. ▪ Ensure all social workers are aware and adhere to PEP timeframes. ▪ Continue with the cycle of PEP QA audits at both school and LA level. 	<p>JE</p>		
<p>1.5 At KS4 at the latest, within the PEP, progression opportunities for post 16 studies are discussed and planned.</p>	<p>By end of Spring Term each academic year</p>	<p>LK</p>	<ul style="list-style-type: none"> ▪ DTs in all secondary schools actively promote post 16 studies, including FE and HE, to the CLA group ▪ Y10s and Y11s are encouraged attend Open Events at local 6th Form Colleges and FE Colleges. ▪ Foster Carers of Y10s and Y11s are required to take their foster child Open Evenings in order to support the child's decision on best route for progression. ▪ CLA Teacher supports the Foster Carers in their knowledge of 	<p>JJ</p>		

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
1.6 Ensure effective use of Pupil Premium	Dec 2013 and each year thereafter	JI	<p>progression routes.</p> <ul style="list-style-type: none"> ▪ Analysis of CLA Governor Annual Reports which identifies interventions and outcomes ▪ DTs are made aware of the PP Toolkit and its potential for identifying impact. ▪ Interventions are highlighted in the PEPs. ▪ Impact of PEP actions are evaluated. 	SF		
1.7 Raise the profile and importance of education with Foster Carers and Fostering Social Workers	June 2014	JI	<ul style="list-style-type: none"> ▪ Ensure education matters are discussed at supervision session with Foster Carers ▪ Programme of training and resources on education for Foster Carers is developed. This will include training in expected levels and progress as well as careers guidance. ▪ Ensure all SW are fully conversant with current education practice in order to act as a critical friend to FC's 	SF		

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
1.8 Ensure all EY and post 16 CLA have a PEP in place	By June 2014	LK	<p>in relation to education and school processes.</p> <ul style="list-style-type: none"> ▪ Ensure an annual event is offered to new and existing Foster Carers on Rights and Responsibilities on Internet Safety. ▪ Investigate the use of a Learning Gateway or similar to raise awareness of Foster Carers and its potential benefits to each CLA. 	JI		
			<ul style="list-style-type: none"> ▪ Post 16 PEP form rewritten ▪ All CTC workers receive updates on process and timescales ▪ Post 16 providers receive support in PEP process where necessary ▪ EY settings introduced to the EY PEP and given CPD and timescales ▪ All SW receive CPD on PEPs for all age groups ▪ VS monitors timeliness and quality of PEPs 			

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
1.9 Acknowledgement of the achievement of CLAs	By July each academic year	JI	<ul style="list-style-type: none"> ▪ Attendance of over 95% receive a 'well-done' letter. ▪ All those with 100% receive certificate at the Celebration of Achievement Evening. ▪ Letters written to those who achieve their expected grades at KS2/4/5 ▪ Recognise not only attainment but also effort and distance travelled. Ensure that each school's DT nominates a child for an award in this category if appropriate for the Celebration of Achievement. ▪ CLA identified for 'Learner of the Year' in primary and secondary phases and awarded at Celebration of Achievement. 	SF		
1.10 Ensure CLA have opportunities to develop their career knowledge relevant to both their academic ability and	Annually by October	LK	<ul style="list-style-type: none"> ▪ All foster carers and Social Workers are aware of enrichment programmes in order to enhance outcomes for CLA. ▪ Participation of CLA in Enrichment 	JI		

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
talents.			<p>Programmes is monitored and any barriers to participation are removed.</p> <ul style="list-style-type: none"> ▪ Monitor academic achievement and match to career aspirations and challenge where necessary. ▪ Ensure Foster Carers and Social Workers promote high aspirations and the support available to care leavers in HEIs. 			

Priority 2	Stability of educational placements		
Objective	Ensure that CLA receive their entitlement to full time education and receive support which positively impacts on their academic progress and personal development	Person(s) with overall Responsibility:	JJ

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
2.1 Admission arrangements are reviewed in order to ensure no CLA is without a school place for more than 20 days	By November each academic year	TH	<ul style="list-style-type: none"> ▪ Admissions protocol is reviewed and updated where necessary ▪ Regular updates for SW on admission process and understanding that it is SW responsibility to apply for a school place ▪ VS is notified of any application for a school place in order to monitor timescales and support where necessary ▪ HT will challenge any practice which sees a delay in securing a school place in Torbay or Out of Area schools 	JJ		
2.2 No child in Y6 or KS4 move education placements due	On going	LK	<ul style="list-style-type: none"> ▪ Raise awareness amongst SW and those securing care placements of the 	JJ		

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
to a care placement move			<p>harmful effects of mobility for a child particularly in Y6 and KS4 which sees children only moving in exceptional circumstances.</p> <ul style="list-style-type: none"> ▪ Where necessary transport will be provided to get a child in Y6/KS4 to their school ▪ VS is notified of change of care placements in order to support the CLA remaining in their current school. 			
2.3 No child receives a PX from their school		JI	<ul style="list-style-type: none"> ▪ All DTs receive training in attachment and strategies for engagement in schools for particularly those with disorganised attachment. ▪ All DTs and CLA Governors act as a champion for every CLA in order ensure all CLA receive the support they need to access their education ▪ Continued zero PXs across Torbay schools of CLA ▪ VS HT will challenge any PX in either a 	SF		

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
			Torbay or out of area school.			
2.4 There is a reduction in the number of CLA experiencing a FTX.		JI	<ul style="list-style-type: none"> ▪ All schools understand the impact of a FTX on the child and care placement. ▪ VS continues to monitor and challenge ▪ DTs review alternatives to FTX 	SF		
2.5 At KS4 all CLA receive at least eight subject qualifications including English and Maths (value added best eight measure).		LK	<ul style="list-style-type: none"> ▪ VS monitors qualifications and challenges any educational provision not providing the national minimum. 	JI		

Priority 3	Effective Data Management System and Data Analysis	
Objective	To improve the quality of access to data and management information systems for educational data for the Virtual School	Person(s) with overall Responsibility: JI

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
3.1 Monitoring process for school roll	End of each half term	LK	<ul style="list-style-type: none"> ▪ DT agree to send their CLA on roll to the VS each half term ▪ CLA teacher liaises with out of area/independent schools to confirm school places 	JJ		
3.2 Process for collecting data clearly defined	On going	LK	<ul style="list-style-type: none"> ▪ All DTs adhere to the expectation of a baseline assessment when a child becomes CLA ▪ Data drop is completed three times a year - end of November/March and June. Data will include current levels; attendance; exclusions and PEP dates. ▪ Data is entered into the VS system by Information Officer 	JJ		

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
3.3 Continue effective use of data	Termly	LK	<ul style="list-style-type: none"> ▪ Progress of CLAs is monitored every term ▪ For those CLA not making expected progress challenge school/provider on the interventions and impact ▪ Progress data shared with the VSGB three times a year 	JI		
3.4 Monitor the performance of CLA by the OFSTED groups. Monitor performance of CLA against statistical neighbours	Annually in September	JI	<ul style="list-style-type: none"> ▪ Clear data is provided on the performance of specific groups of CLA ▪ Action is taken to ensure all groups at the expected level 	SF		
3.5 Expected levels of progress, average points score, progress against FFT targets and value added for CLA is collated and analysed and challenged and praised accordingly	Annually in September	JI	<ul style="list-style-type: none"> ▪ Evidence of great interrogation of CLA data by schools and the virtual school which leads to changes in policy and practice to bring about improvement ▪ Interventions and their impact need to be shared in order for all schools to target interventions effectively. 	SF		

Priority 4	Extra-curricular activities and leisure interests	
Objective	To ensure all CLA are able to enjoy a wide range of extra-curricular activities and leisure interests and to keep a record of this	Person(s) with overall Responsibility: JI

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
4.1 All CLA are encouraged to access a wide range of extra curricula activities including out of school activities	End of each term	LK	<ul style="list-style-type: none"> ▪ Numbers monitored through the PEP/CLA review process ▪ Identify opportunities within schools and share with Social Workers and Foster Carers in order to promote CLA's attendance ▪ Identify any barriers to a CLA's participation in these events ▪ Identify any opportunities for activities within the wider community such as libraries, Torbay Coast and Countryside Trust, Parkfield, theatre groups etc and share with Social Workers and Foster Carers. ▪ All CLA take part in one holiday 	Ji		

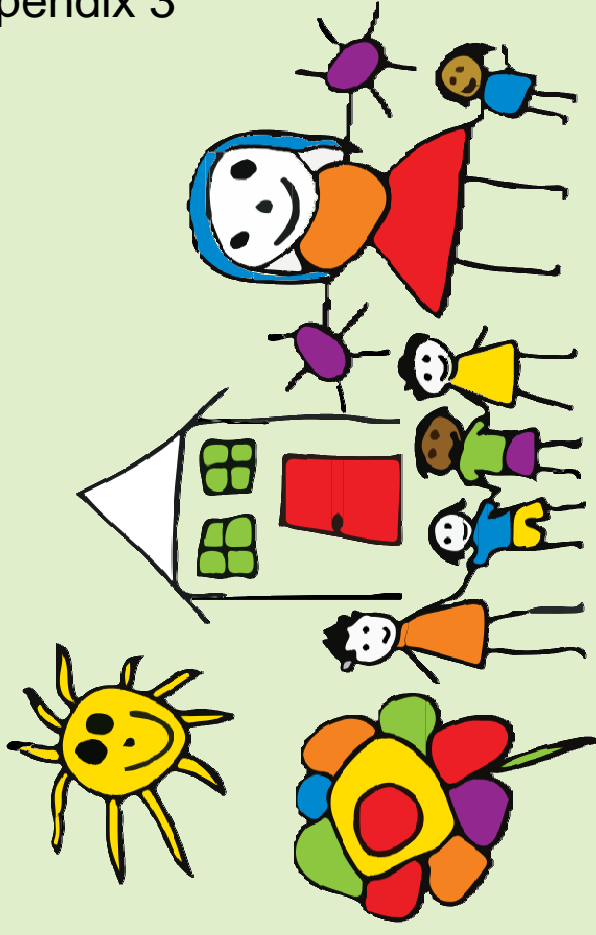
Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
			programme and/or summer school.			
4.2 Identify which young people are not participating in extra activities	End of each term	LK	<ul style="list-style-type: none"> ▪ Investigate reasons behind non-attendance and encourage through Foster Carers and Social Workers ▪ If CLA's interests are not reflected in the current offer try to source activity 	JI		
4.3 HEI activities	By end of Autumn Term in each academic year	LK	<ul style="list-style-type: none"> ▪ Confirm which HEIs are still providing HE opportunities ▪ Ensure CLA are prioritised ▪ Liaise with DTs re promoting access of CLAs on to HEI activities. ▪ Monitor which CLA attend events and assess impact. 	JI		

Priority 5	Effective communication		
Objective	To strengthen communication between TVS, its pupils, the carers, the governing body and corporate parents	Person(s) with overall Responsibility:	JJ

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
5.1 Develop a communication strategy for the Virtual School	January 2013	JJ	<ul style="list-style-type: none"> ▪ All DTs know who to contact within the Virtual School ▪ All carers and young people are informed of the VS and know how to contact its staff ▪ All Social Workers are updated through team meetings of the Virtual School and processes relating to the education of CLAs ▪ Virtual School web pages are updated and contain all policies and procedures for CLAs 	SF		
5.2 A Virtual School Newsletter is published termly	December 2013	LK	<ul style="list-style-type: none"> ▪ Three newsletters produced each academic year with the first being during Autumn Term 2013. 	SF		

Actions	Deadline Date	Person Responsible for Action	Required Outcome	Person with monitoring role	RAG	Evidence
5.3 Student Voice - CLA council	Easter 2013	LK	<ul style="list-style-type: none"> ▪ Capture views of CLAs on education through each CLA council or through PEP process ▪ Bring CLA Council together at least once a term 	JI		
5.4 Corporate Parents are updated of the progress of their CLAs	October each academic year	JI	<ul style="list-style-type: none"> ▪ Corporate Parents Evening held annually ▪ Corporate Parents Group receives education report at each meeting which are held every two months 	SF		

Children in care pledge for Torbay



We would like to thank the Children in Care Council for their time telling us what is important to them, what their experiences have been, and what they would like to happen for themselves and other young people in care and leaving care. This group meets weekly and can be contacted through CICC@torbay.gov.uk

Torbay Council promise to help, support, stand by and alongside children looked after to get the very best outcomes for each and every child.

This Pledge has been developed by children in care and support staff working through what is really important and what will make a difference. Together, we have thought about the things that are needed to stop children in care from feeling different or disadvantaged. This has been

turned into a list with headings. Torbay Council has responded to the list with promises that they will keep.

The council will review this document every year with the Children in Care Council to ensure it remains up to date and relevant.

The next review will be June 2015.

This document can be made available in other languages and formats. For more information telephone 01803 208100.

Social workers & staff/ corporate parents

We want you to have training to work with us
We want you to be understanding and kind
We would like to get to know you better and trust you

Let us choose who works with us (people and organisations)

Don't put us down

Don't let us down

Listen to us and involve us in decisions about our lives

Give support when we get into trouble or do things wrong.



Page 354

Torbay Council promises

To provide a qualified social worker for every person in care. Your social worker will get to know you, listen to you and include your views in your planning. He or she will treat you with respect and understanding.

They will support you with the right service for your needs and age.

They will be honest with you about decisions that they take.

Being in care

We want to see the Care Plan before the review but we want help understanding it!

Please use language we understand and explain what things are.

We want to know who the people are in our reviews and who is involved with us before we turn up.

We don't want social workers or carers to tell us we will have to move if we misbehave.

We want to stay where we are happy and we like stability.

We want to know that we won't have to move from our carers unless there is good reason and we want to be able to say if we don't feel good with our carers and want to move.

If we don't like decisions you make, we need easier access to advocates and we need to know exactly how to contact them.

Torbay Council promises

You can have time before the review to make sure you have your say.

Your social worker will listen to your views about where and when to have reviews and who comes to them.

You will have a place to live with carers who will meet your needs.

You will be given an information pack and your social worker will go through it with you giving you names and numbers to contact if you have concerns or you are worried or just need to talk.

They will try their best to help you stay in your foster home or care placement where you are happy.

They will support you with the right service for your need and age.

They will make sure there is an advocate for you if you want this.

Families, friendships, school and social life

Support and Safety

We would like contact with our families arranged in advance and to fit around other things we would like to do.

We want to be allowed to stay with friends or go away with friends because they are important to us.

We want you to respect our relationships with our families.

We want to be able to take part in activities if we want.

We want you to trust us to do stuff on our own and not over-protect us.

We don't want to move schools if we like it and our friends are there.

Page 355

Torbay Council promises

They will make sure they plan your meetings in advance and tell you.

They will help you have planned contact with your family unless there are good reasons why you can't, like your safety. They will explain this.

They will help you take part in things and they will provide a youth worker to support you if you need this.

They will talk to you about your own safety planning so that you can take care of yourself as much as possible.

They will work closely with your school and will not move you without good reason.

We want to be safe and we need you to work with us to agree what safe looks like for us and why.

Foster carers, teachers, youth workers, schools and family make us feel safe as it stops us being alone.

We want to be protected from bullies and people that want to fight us.

We want to know there is someone we can talk to about our feelings/stuff we need to get off our chests.

We want to feel supported and loved.

We would like to feel more like part of a foster carer's family.

We need access to services to help if we are doing things that aren't healthy for us.

You need to make sure we understand how to look after ourselves as we are growing up so we can live on our own eventually.

We want help and support about the way we feel and see ourselves.

Torbay Council promises

They will talk to you about your own safety planning so that you can take care of yourself as much as possible.

You will have a plan that guides your time in school – this is called a PEP (Personal Education Plan).

They will help you to easily access the full range of health opportunities and you will have a Personal Health Plan.

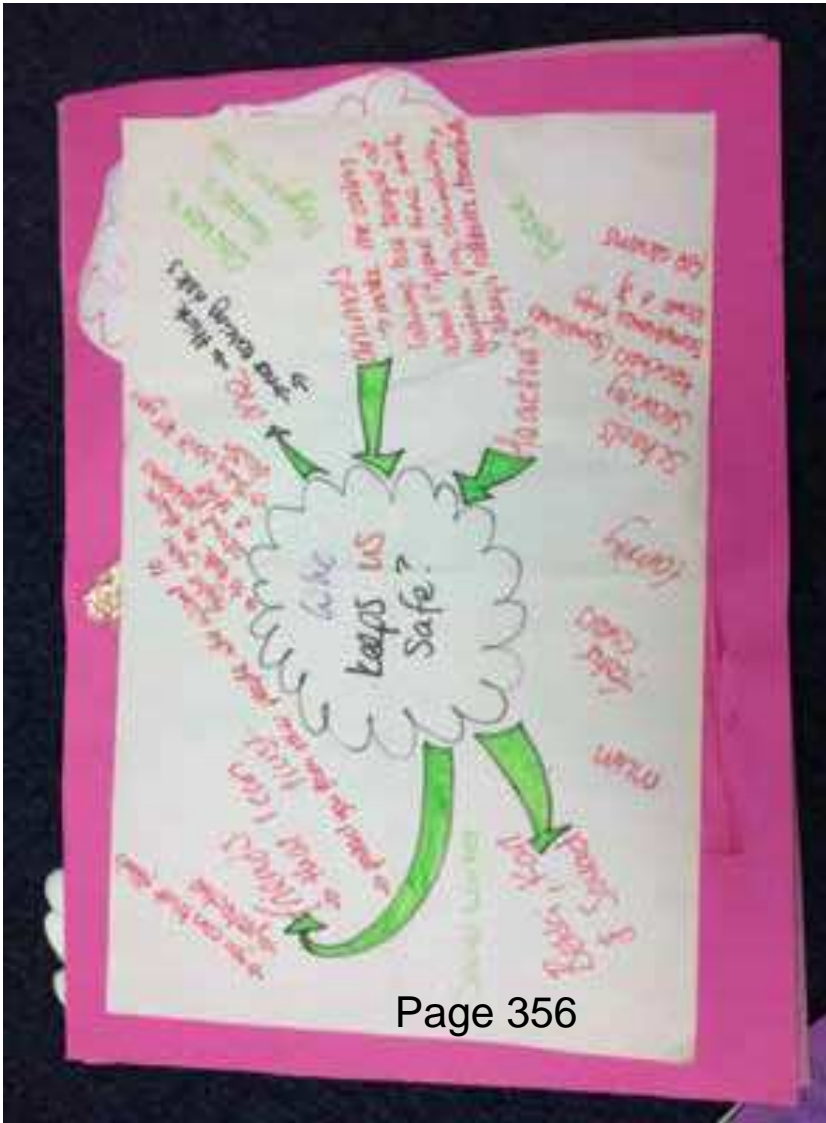
They will listen to you and take any bullying seriously, helping you and giving you support.

They will work with you and your foster carer or care placement to make it the best

Get in touch with us

Use this space to write down the details of your Social Worker and Independent Reviewing Officer (IRO).

Social Worker:
Name:
Phone:
Mobile:
Email:
Independent Reviewing Officer:
Name:
Phone:
Mobile:
Email:



Agenda Item 22



Title: **Covenant Protecting Babbacombe Downs Against Development (Mayoral)**

Public Agenda Item: **Yes**

Wards Affected: **St Marychurch Ward**

To: **Council**

On: **17 July 2014**

Key Decision: **No** Does the call-in procedure apply: **Yes.**

Change Budget: **No**

Change to Policy Framework: **No**

Contact Officer: Patrick Carney

☎ Telephone: 7710

✉ Email: patrick.carney@torbay.gov.uk

1. **What we are trying to achieve**

- 1.1 To protect the area of Babbacombe Downs shown edged red on the attached plan.
- 1.2 To allow the present uses of Babbacombe Downs to continue as well as new uses provided that they are supported by the community.

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

That the Mayor be recommended:

- 2.1 That the Council considers entering into a deed covenanting with the residents of St Marychurch Ward as follows:-

“Torbay Council covenants with all inhabitants of the ward of St Marychurch that for a period of 100 years beginning on the date of this deed it will not on the land shown edged red on the plan attached erect or permit the erection of any permanent structure without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of councillors for St Marychurch Ward and are registered as local government electors at an address within this Ward. For the purpose of this covenant ‘permanent structure’ shall mean any structure intended to remain on the land for a period greater than 3 months. This covenant shall not apply to the installation, construction or renewal (whether by statutory undertakers or otherwise) of any media for the supply or removal, electricity, gas, water, sewage, energy, telecommunications, data and all other services and utilities and all structures, machinery and equipment ancillary to those media/or to the installation of street furniture”.

3. Key points and reason for recommendation

- 3.1 An application was made in 2014 by representatives of the community for a covenant on Babbacombe Downs.
- 3.2 By entering into the deed of covenant with the residents of the present St Marychurch Ward the Council will be unable to carry out substantial development of the green without first obtaining consent of the majority of those residents taking part on a referendum on the proposals.
- 3.3 The land affected by the covenant shall be that shown edged red on the plan attached to this report.
- 3.4 The most significant risk to the Council of entering into the proposed covenant is that should any substantial development be considered desirable over the next 100 years a referendum would have to be undertaken and a majority of votes in such a referendum would have to be in favour of the development before it could take place. The land already has some protection from the development due to the planning and political process and therefore could be considered as having adequate protection.

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 An application has been made by a representative of the community to place a covenant on Babbacombe Downs. This application has the support of the Ward Councillors and the Community Partnership.
- A1.2 There is currently no intention to develop any of the land edged red on the plan. However the Council may wish to make changes to the site in relation to providing new street furniture such as bins, bench and shelters in the future.
- A1.8 If a covenant is placed, should the Council wish to build a structure on any part of the land edged red on the plan in the future it will be required to hold a referendum of the residents of the ward specified in the covenant with the majority of those voting, voting in favour of such structure or structures.

A2 Risk assessment of preferred option

A2.1 Outline of significant key risks

- A2.1.1 If the Council does not progress the covenant application it could receive an application for village green status.

- A2.1.2 Should the Council wish to build a structure on the Covenant Land that was intended to remain for a period of more than 3 months it would first have to carry out a referendum of the residents of St Marychurch Ward. Even if the proposals were supported by the residents of St Marychurch Ward the delay caused in carrying out the referendum could result in the funding or support of the proposals being withdrawn or the Council being overlooked for any funding even where the proposals would be for the benefit of Paignton and/or Torbay as a whole.
- A2.1.3 The covenant is an absolute one, therefore any permanent structure would not be permitted without approval in a referendum. An exemption could be included in the covenant however this would need to be carefully worded and would not be in accordance with the 'absolute' nature of the covenant. Any land the members consider may be suitable for the erection of small but permanent structures may be better excluded from the Covenant Land.
- A2.1.4 The Council's decisions may be open to challenge if it fails to act in a consistent manner, if a decision to enter into a restrictive covenant is made in this location then this may open the floodgates to similar applications and mean that the Council's ability to develop and/or sell its property may be compromised. Previous comments for Paignton Green could be viewed as a special case given that the potential for development has always been very limited and that the Council's decision to enter into a covenant was in some way a compromise with those attempting to argue that it should be awarded the status of a village green. However, the more sites that are voluntarily made subject to covenants, the more difficult it will be to resist future applications.
- A2.1.5 It is a basic rule of land law that covenants are taken for the benefit of property rather than a class of people. The land intended to be benefited should be identified if the covenant is to be enforceable. Such benefiting land would of course be worth more (as they could guarantee development would not occur which would protect the views they enjoy) and they should therefore have to pay for such a windfall.

A3. Other Options

- A3.1 To take no action as use of the land is controlled through the political and planning process.
- A3.2 To enter into the deed of covenant.
- A3.3 To add exemptions (in addition to temporary structures) allowing certain types of development to take place on the Covenant Land.

A4. Summary of resource implications

- A4.1 Should any permanent development of the Covenant Land be proposed then it would be necessary to carry out a referendum which is likely to cost the Council in

the region of £5,000. Any referendum would also create work pressures on Democratic Services. If a referendum could be held to coincide with local or national elections the costs and work pressures would however be reduced.

A4.2 The Council is under a general duty to obtain best value when making decisions; it is difficult to argue that the Council is obtaining best value if no financial consideration is being obtained; by entering into a restrictive covenant the Council's land is worth less to a prospective purchaser of the same. Any environmental or social benefits gained from preventing development of this land could be achieved through other means (such as an assurance by Members that they wouldn't countenance development during their time in office). Possibly another solution would be to dispose of this land to a community group (for value) but make it subject to a covenant enforceable by the Council that the purchaser wouldn't develop and that the land would remain open to the public to use.

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

A5.1 None

A6 Consultation and customer focus

A6.1 No public consultation has been carried out on the proposal, although the application has the support of the Ward Councillors and Community Partnership. Internal consultation with Legal Services and Senior Managers resulted in the officer recommendation that the land is adequately protected.

A7 Are there any implications for other Business Units?

A7.1 See A4.

Appendices:

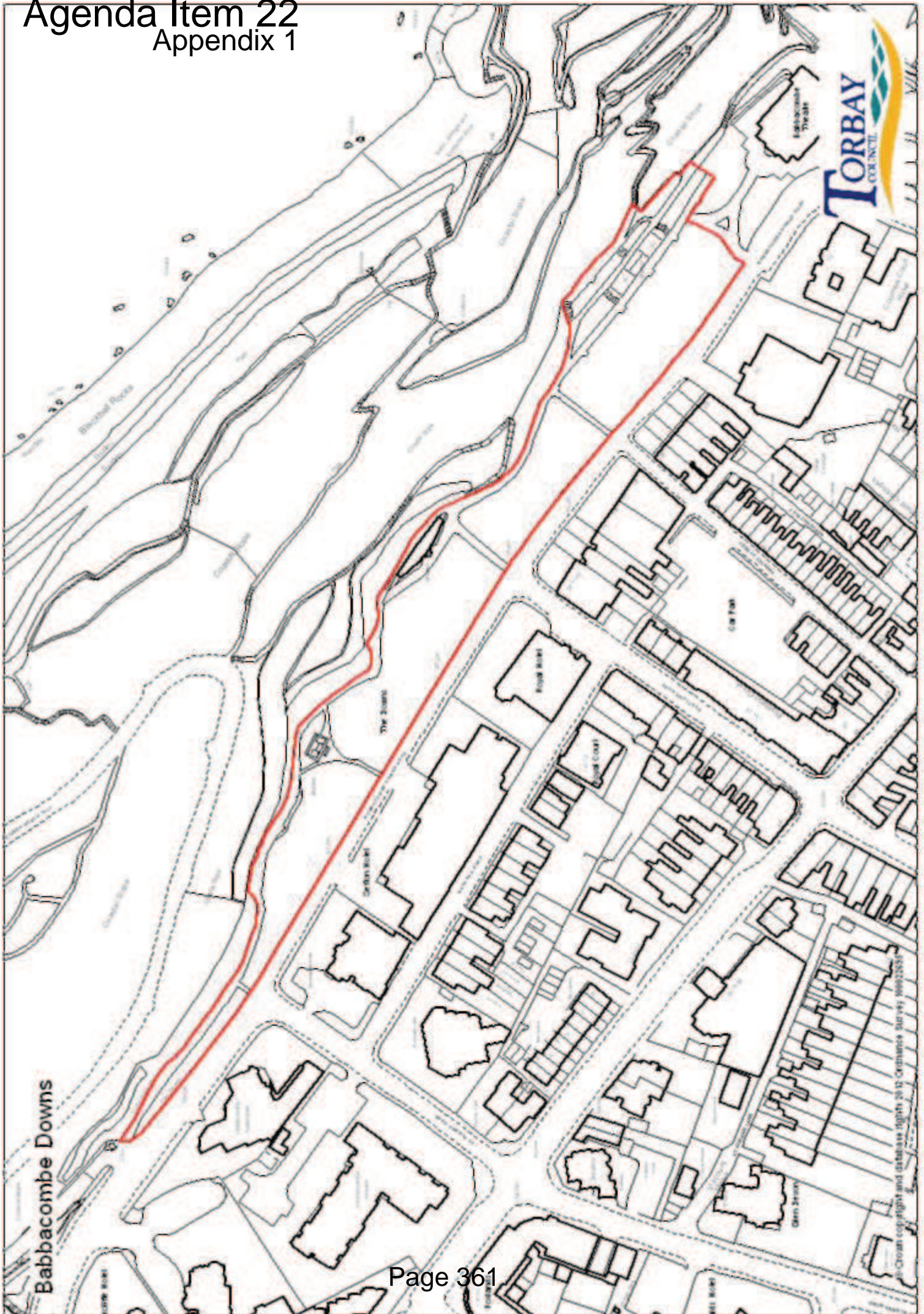
Appendix 1 – Plan of Babbacombe Downs

Background Papers:

None

Agenda Item 22

Appendix 1



© Crown copyright and database rights 2015 Ordnance Survey 100022551