

POLICY DEVELOPMENT AND DECISION GROUP (JOINT OPERATIONS TEAM)

A meeting of **Policy Development and Decision Group (Joint Operations Team)** will be held on

Thursday, 18 May 2017

commencing at 2.00 pm

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

Councillor Amil

Councillor Excell

Councillor Haddock

Councillor King

Councillor Manning

Councillor Mills

Councillor Parrott

Mayor Oliver

A prosperous and healthy Torbay

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

Kate Spencer, Town Hall, Castle Circus, Torquay, TQ1 3DR (01803) 207013

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

POLICY DEVELOPMENT AND DECISION GROUP (JOINT OPERATIONS TEAM) AGENDA

1. Election of Chairman

To elect the Chairman of the Policy Development and Decision Group (Joint Operational Team) for the 2017/2018 Municipal Year.

2. Apologies

To receive apologies for absence.

3. Appointment of Chairman

To consider the appointment of a Vice-Chairman for the ensuing Municipal Year.

4. Disclosure 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. Minutes (To Follow)

To confirm as a correct record the Minutes of the meeting of the Policy Development and Decision Group held on 26 April 2017.

6. Urgent Items

To consider any other items the Chairman decides are urgent.

Part A - Policy Development

7. Apprentice Strategy

To consider a report on the above.

(Pages 4 - 16)

8. Transformation Project - Generating Income through Housing (Pages 17 - 30) Policy Framework Document

To consider the submitted report and make recommendations to the Mayor.

Part B - Mayoral Decisions

9. Disposal of Land Adjacent to the Inn on the Quay, Tanners (Pag Road, Goodrington, Paignton

(Pages 31 - 43)

To consider the report on the above and make recommendations to the Mayor.

Agenda Item 7



Meeting: Policy Development and Decision Group
Date: 18 May 2017

(Joint Operations Team)

Wards Affected: All wards in Torbay

Report Title: Apprenticeships

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Councillor Derek Mills, Executive Lead for Health and Wellbeing and Corporate Services, (01803) 843412, Derek.mills@torbay.gov.uk

Supporting Officer Contact Details: Anne-Marie Bond, Assistant Director Corporate and Business Services, (01803) 207160, Anne-marie.bond@torbay.gov.uk

1. Proposal and Introduction

1.1 A review of the existing Employing Apprentices Strategy and the number of Apprentices has been undertaken due to the forthcoming changes in the way in which apprentices are funded in April 2017 with the introduction of the Apprentice Levy.

2. Reason for Proposal

2.1 The original Employing Apprentices Strategy was approved in 2014, with the introduction of a target in terms of the recruitment of Apprentices with an additional commitment to employing those leaving care. Due to the introduction of the Apprentice Levy, the strategy has been revised to take account of new government targets and operating model (Appendix 2).

3. Recommendation(s) / Proposed Decision

3.1 That the Employing Apprentices Strategy 2017, as set out at Appendix 2, be approved.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Employing Apprentices Strategy 2017

Supporting Information and Impact Assessment

Service / Policy:	Human Resources Apprentice Strategy
Executive Lead:	Cllr Derek Mills
Director / Assistant Director:	Anne-Marie Bond

Version:	Date:	1 st March 2017	Authors:	Susan Wiltshire – Head of HR
				Jo Sandbrook – Senior HR
				Officer OD & Well-being

Section 1: Background Information

1. What is the proposal / issue?

A review of the existing Apprentice Strategy and the number of Apprentices has been undertaken due to the forthcoming changes in the way in which apprentices are funded in April 2017 with the introduction of the Apprentice Levy.

2. What is the current situation?

The original Apprentice Strategy was approved in 2014, with the introduction of a target in terms of Recruitment of Apprentices with an additional commitment to employing those leaving care. To date the following Apprenticeships have been offered by Torbay Council:

- AAT Level 2 and 3
- Business Administration Level 2 and 3
- Customer Service Level 2
- Digital and Machine Printing Level 3
- ICT Intermediate Level 2
- ICT Advanced Level 3

In addition, the following Traineeships have also been offered by Torbay Council

- Diploma in Work Based Horticulture Level 3
- Highways Engineering Technician ONC Level
- Construction Diploma Level 3

Success against the original targets and also in recruiting those leaving care has been variable. Some apprenticeship vacancies have been more desirable than others to recruit to, ICT, Finance, Design, Children's Social Care Business Administration have been popular, whereas other opportunities such as HR and Resort Services have been more difficult to fill. To date only two care leavers have been recruited, who have since been successful in gaining permanent positions within the Council, this is despite linking in with colleagues in Children's Services and also partner organisations such as South Devon College to reach potential candidates during each campaign.

With the introduction of the levy, the Council has had to review the original strategy and target, but this also provides the Council with the opportunity to also consider how best the levy funds can be used to develop the existing workforce in terms of continuing professional development (CPD).

Torbay Council's contribution to the levy will be 0.5% of its monthly pay bill, which includes maintained schools and TDA. The Council's levy is therefore estimated to be £190,306 of which will be available to re-invest in Apprenticeships and also CPD for the existing workforce, over a rolling 2 year period, however, this can only be used for training provision not for actual employment costs. If an organisation does not use the levy for training provision within the 2 year it will be lost.

HR has been working with colleagues and partners to determine the impact of the levy and met with other local authorities and various apprenticeship providers in the South West to explore new and existing opportunities taking into account the forthcoming changes in April 2017 to Apprenticeships and the introduction of the levy.

In terms of new apprentices it is estimated that the Council will be able to recruit five new additional apprentices from April 2017, taking into account budgets and the levy that is payable. However, Local Authorities are being set Targets of at least 2.3% based on headcount, which is determined by the Office National Statistics return each year. Torbay's target is currently estimated to be 24 apprentices, so five new apprentices falls well below this target, however, this target can include new apprentice starts and also existing members of staff who join an apprentice training scheme, so in essence the Council should meet this target.

Human Resources is currently reviewing the wider organisational development and workforce plans to assess which areas of the business will be able to benefit from a new Apprentice and or CPD for their existing members of staff. Final proposals on numbers of new starter apprentices and CPD opportunities will be presented to Senior Leadership Team in April once the new arrangements are in place.

In addition, as part of the organisational development strategy and workforce plan, Human Resources is determining with Managers what existing areas of the workforce will require training and be able to access an approved apprentice program in order of the Council to fully use the levy fund and also develop our employees.

Additional work is also on-going with Schools, Academies and the TDA to inform them of the changes to Apprenticeships, the Levy and how the levy is accessed.

In order to access the levy funds, the Council will only be able to use approved on the Apprenticeship Framework, Human Resources has registered with the appropriate organisations as required.

3. What options have been considered?

No other options have been considered, due to changes in the way Apprentices will be delivered and funded from April, the need to be compliant and also ensure that the Council and its partners make best use of the levy.

4. How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?

Succession planning and apprenticeships are key areas of the Council's workforce planning activities to ensure that the right people with the right skills are attracted, retained and developed. The actions identified in the Workforce Plan 2015-2019 and Apprentice Strategy will help staff to understand better where they fit within the organisation and their role in:

Ambitions: Prosperous and Healthy Torbay

Principles:

- Use reducing resources to best effect
- Reduce demand through prevention and innovation
- Integrated and joined up approach

Targeted actions:

- Protecting all children and giving them the best start in life
- Working towards a more prosperous Torbay
- Promoting healthy lifestyles across Torbay
- Ensuring Torbay remains an attractive and safe place to live and visit
- Protecting and supporting vulnerable adults

5. Who will be affected by this proposal and who do you need to consult with?

All employees of the Council and partner organisations will be affected by these changes. These changes are legislative and partners such as Trade Unions, Schools, Academies will be informed through the normal HR communication methods of communication such as Torbay JCC, Meetings, Newsletters and direct communications.

6. How will you propose to consult?

Legislative changes which have to be adopted, and partners such as Trade Unions, Schools, Academies will be informed through the normal HR communication methods such as Torbay JCC, Meetings, Newsletters and direct communications

Section 2: Implications and Impact Assessment

7. What are the financial and legal implications?

These are legislative changes that the Council will need to adopt in order to be compliant, however, it is imperative that the Council makes full use of the levy fund within the two year period in order for the Council and its partners to get a return on the investment

8.

What evidence / data / research have you gathered in relation to this proposal?

Apprenticeship funding: how it will work https://www.managers.org.uk/~/media/Files/Apprenticeships/The Age of Apprenticeships white paper.pdf

This is Where Everything Changes http://apprenticeships.managers.org.uk/

13	Identify the potential positive and negative impacts on specific groups
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	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Helping them into work.		
People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact.
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.
Women who are pregnant / on maternity leave			There is no differential impact.
Socio-economic impacts (Including impact on child			There is no differential impact.

	poverty issues and deprivation)			
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	No cumulative impacts Council wide	e identified.	
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	No cumulative impacts on other put	olic services identified.	



TORBAY COUNCIL APPRENTICE STRATEGY

Human Resources March 2017

This document can be made available in other languages, on tape, in Braille, large print and in other formats. For more information please contact 01803 207361

1 Vision

An Apprenticeship is a worked based training program designed around the needs of the employer, which leads to a nationally accredited qualification. Apprenticeships can be used to train new employees and existing employees through further career development training opportunities. Apprenticeships are open to all ages. Apprenticeships generally last for a minimum of 12 months, but in some cases can last between 3 and 4 years if they are a higher level apprenticeship.

As a Council and employer at the heart of the Community it is our vision that working for the Council becomes the preferred vocational choice for anyone looking for an Apprentice opportunity within the local area.

Local government offers a wide range of jobs and opportunities for career development and working within local government is an excellent starting point for those leaving school or college and looking for their first job, those that may wish to switch career or considering returning to work after a break. We have successfully employed Apprentices for several years and have seen many individuals flourish through our Apprentice opportunities and career paths that Apprenticeships can often lead to.

Apprentices provide the Council with the opportunity to:

- Enable the Council to develop the right level of skills to meet the future workforce planning requirements.
- Corporate social responsibility to support people into employment, training and career pathways with specific focus upon skills shortages, disadvantaged groups such as those leaving care or this not in education, employment or training (NEET).
- Become an employer of choice through being recognised as an employer that provides career progression and structured training.

2 Background

In 2014, Torbay Council adopted the formal Apprentice Strategy 2014-2019. Forthcoming changes to the way in which Apprentices are funded in April 2017 have brought about a review of the previously approved strategy. This revised strategy commits to the original ethos of the Employing Apprentices Strategy, however, it also takes into account changes to Apprenticeships nationally, the financial landscape within Local Government and the way in which Apprentices are funded.

The principal objectives of this strategy are:

- The Council will aim to employ as many Apprentices in each financial year as the budget planning process permits. The number of new apprentice starts will take into account workforce planning considerations and what the workforce of the future will likely be, priority will be given to apprenticeships available for young people, with a specific focus upon skill shortages, disadvantaged young people, including care leavers, and those not in education, employment or training (NEETS).
- To ensure that the strategy is flexible enough to meet the needs of the changing employment and financial landscape within Torbay Council and the wider Public Sector.
- To become a role model within Torbay as an Employer of choice for employing apprentices, working in partnership with other organisations such as Schools, Academies, Colleges, other local authorities and training providers. Actively promoting apprenticeships within the Council as a valuable career option.
- To ensure that the forthcoming changes to the way in which Apprentices are funded from April 2017 are maximised by the Council.
- To ensure that Managers, Trades Unions, Employees and partner organisations are aware of the Council's approach to the employment of apprentices.

The benefits of Apprentices:

- Ensuring that young talent is encouraged and nurtured investing in young people in the local community.
- The Council becomes a positive role model within the wider Community with regards to its Employment of Apprentices
- Develop the skills required for the future needs of the organisation

- Support succession planning –particularly in areas of key skills or professions and managers of the future
- Be a cost effective CPD and training option for the Council, as the Apprentice levy will fund training costs.
- Motivate the wider workforce by involving them in the Apprenticeship programme.

Working for the Council our apprentices will have:

- Structured training with personal development plans for the apprentice which will support organisational development and workforce planning requirements.
- Earn a wage above the Apprentice minimum wage on the Torbay Council Apprentice pay scale which is reviewed each year. The will be incremental progression for apprenticeships lasting longer than 12 months subject to completion and progression of training.
- On completion of Apprenticeship, the opportunity to apply for jobs within the council and or partner organisations.
- Become an employee of the Council on a fixed term contract with access to all the benefits that being an employee of the Council attracts such as access to Pension Scheme, Employee Reward Scheme, i-Gain, and holiday pay.
- Learn transferable skills, a trade or occupation with an accredited Training Provider.
 This will be used to reinforce the understanding of the requirements of the Apprenticeship.
- Be employed for a minimum hours of 30 hours per week and be given time off to attend college training days (if required as part of the programme). Apprentices will work full time during college academic holidays.
- Be provided with relevant in-house training in addition to the Apprenticeship training.
- Work with experienced staff and have access to support in the form of a work buddy, mentor and/or a coach.
- Provide a diverse range of job and career roles for Apprentices with scope for career progression in some areas.

- Towards the end of the Apprenticeship they will have access to a coach who will work with them on their career development and help them set future goals.
- Although permanent employment cannot be guaranteed at the end of an Apprenticeship, support will be given to apprentices to enable them to apply for suitable posts within the Council, partner organisations or externally with other organisations.
- Apprenticeships are protected from redundancy and there is a commitment from organisations to continue the Apprenticeship to the end of the training if reorganisation occurs.

Human Resources will:

- Lead the Apprenticeship programme, developing an action plan to enable and support delivery of the strategy, linking in with wider Workforce Planning Strategy.
- Provide advice to managers regarding Apprenticeships and Recruitment.
- Be the main contact with The Apprentice Service, training providers and the Skills Funding Agency.
- Allocate a Mentor and Coach to each Apprentice to ensure that support throughout employment.

Managers will:

- Identify with HR roles that are suitable as Apprenticeships.
- Provide roles and practical work experience elements of the programme.
- Ensure individuals receive training and support in the workplace in line with the Council's Employment Policies and Procedures.
- Ensure full induction is undertaken.
- Release individuals to attend training required to complete the Apprenticeship and internal training.
- Undertake regular meetings and supervision to review individuals progress, agree targets and discuss any issues or problems to an agreed framework.

- Liaising with HR and the training providers to ensure that the Apprentice receives appropriate support and training in order to complete the Apprenticeship.
- Provide HR with Apprentice progression update on a regular basis.
- Notify HR of any changes in the employment status of the Apprentice at least one month prior to changes taken effect during the Apprenticeship contract.
- Work with the Apprentice to identify substantive posts for the Apprentice to apply for at the end of their program.
- Promote the value of Apprenticeships within the Council and externally with partners and other businesses.
- When procuring contracts and commissioning services use the influence of the Council to ensure that Apprenticeships are an inherent part of the contract or service and that the contracting organisation has a positive approach to employing Apprentices.

For more information regarding Apprentices please contact the HR Organisational Development and Well-being Team:

Jo Sandbrook – <u>jo.sandbrook@torbay.gov.uk</u> Jane May – <u>jane.may@torbay.gov.uk</u>

Equality Statement

These guidelines apply equally to all Council employees regardless of their age, disability, gender, race, religion or sexual orientation. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy Feedback mailbox –

HRpolicy@torbay.gov.uk

History of Policy Changes

This Apprentice Strategy was agreed by members of the Full Council, Torbay Senior Leadership Team and Torbay Joint Consultative Committee.

Date	Page	Details of Change	Agreed by:



Meeting: Policy Development and **Date:** 18th May 2017

Decision Group (JOT)

Wards Affected: All

Report Title: Transformation Project – Generating Income through Housing

Is the decision a key decision? Yes - Reference 1025402

When does the decision need to be implemented? Immediately

Supporting Officer Contact Details: Caroline Taylor, Director of Adults and Transformation (Housing-client side), 01803 208949, caroline.taylor@torbay.gov.uk

1. Introduction

- 1. On 22 September 2016, Council agreed the principle of setting up a new wholly owned company to develop and own homes, with the overarching aim of maximising income back to the Council, as well as supporting the objectives of the Council's Housing Strategy. Council approved the use of funding to undertake necessary further due diligence in order to progress the proposal.
- 2. Subsequently on 24 February 2017, Council agreed to the establishment of three new companies limited by shares: (i) a Holding Company (HoldCo), (ii) a Housing Development Company (DevCo) and (iii) a Housing Rental Company (RentCo), which is currently in progress.
- 3. The Holding Company will be wholly owned by the Council and, as the name suggests, act as a holding company for the Council's interest in the Housing Development Company, and Housing Rental Company as well as any other companies that the Council decided in the future to include within the Holding Company group.
- 4. The Council decision was for a Policy Framework document for DevCo and RentCo, to be brought forward.
- 5. Officers in conjunction with the 'Housing Group' have developed an officer proposed Policy Framework document for DevCo and RentCo, this version has been subject to early input from Overview and Scrutiny via a 'Task and Finish Group'.
- 6. The Mayor has had the opportunity to consider the officer proposed Policy Framework document and is subsequently presenting a Mayoral Proposal.
- 2. Reason for Proposal

forward thinking, people orientated, adaptable - always with integrity.

- 2.1 To progress the Housing Company and Development Company proposals.
- 3. Mayoral Recommendation (s) / Proposed Decision
- 3.1. That the Housing Company Policy Framework document (appendix one) be approved for consultation with Overview and Scrutiny, and submission to Council.

Appendices

Appendix One – Housing Companies Policy Framework – Mayoral Proposal Appendix Two – Housing Companies Policy Framework – Officer Proposal

Background Documents

Report to Council – Transformation Project – Generating Income through Housing dated 22 September 2016

Report to Council – Transformation Project – Generating Income through Housing dated 23 February 2017



creating a prosperous and healthy Torbay

April 2017

Housing Companies – Policy Framework Document

Mayoral Proposal



Housing Companies – Policy Framework Document

1. Objective

Whilst Full Council have previously made the decision to establish new companies, Rent Co and Dev Co to directly deliver development and rental properties, the inherent level of risk and volatility in the housing market and the consequent risk that this may place on the Council's financial position means that this Policy Framework sets out to limit activity to only deliver elements of the Council's Housing Strategy through funds available to the Council for affordable housing.

This Policy Framework is also clear that the Council will not use the companies to deliver this work – the work outlined in this document will be undertaken by the Council, or commissioned by the Council.

The elements of the Housing Strategy which will aim to be met through the work of the Council will include:

- (i) Increasing the number of affordable homes delivered;
- (ii) Increasing standards in the private rented sector;
- (iii) Provide greater flexibility when dealing with housing needs for local people;
- (iv) Increase the level of adapted accommodation to allow more people with care and support needs to live in specialist housing;
- (v) Unlock stalled sites in and around the town centre to assist with regeneration and increase footfall in the areas town centres; and
- (vi) Assist with regenerating areas of deprivation.

3. Scope

The Council will utilise funds available as a result of contributions for affordable housing and will not undertake prudential borrowing. The Council will undertake the work directly, or commission the same – it will not utilise the housing companies.

4. Location

Torbay will be the only location for the delivery of this strategy.

5. Target Assets

Only assets that directly support delivery of the Housing Strategy will be acquired.





creating a prosperous and healthy Torbay

April 2017

Housing Companies – Policy Framework Document

Officer Proposal



Housing Companies – Policy Framework Document

1.1 Background

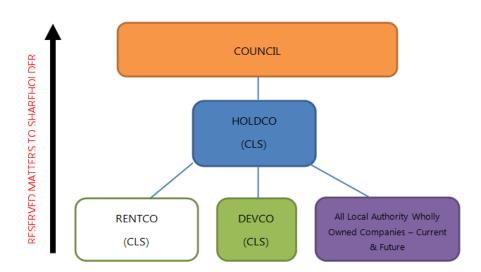
Torbay Council's Efficiency Plan which covers up to the end of 2019/20 sets out that there is an estimated funding gap of £21.5m over the plan period. In order to address the financial challenges over the next few years Torbay Council needs to think of new ways of working.

As part of the Councils Efficiency Plan and Transformation Programme it has been established that the Council will 'deliver projects which will maximise income from investments and services', as a result the Council has adopted a strategic objective of generating additional income sources to replace the resource being lost through the reduction of central government revenue support grant by 2020.

On 22 September 2016, Council agreed the principle of setting up a new wholly owned housing company to develop and own homes with the overarching aim of maximising income back to the Council as well as supporting objectives set out in the Council's Housing Strategy.

Subsequently on 24 February 2017, Council agreed to the establishment of three new companies limited by shares: (i) a Holding Company (**HoldCo**), (ii) a Housing Development Company and (**DevCo**) (iii) a Housing Rental Company (**RentCo**).

The Holding Company will be wholly owned by the Council and, as the name suggests, act as a holding company for the Council's interest in the Housing Development Company, and Housing Rental Company as well as any other companies that the Council decided in the future to include within the Holding Company group. The Council has a number of wholly owned companies, and it is proposed that the Council should organise all of its wholly owned companies under the Holding Company.



This Policy Framework document sets out the strategy for the management of RentCo and DevCo including purchases/investments and forms the initial Business Plan of all of the companies (HoldCo, DevCo, RentCo).

This strategy reflects a suitable balance between the risks inherent in the types of properties to be acquired / developed and the financial rewards obtainable whilst limiting risks appropriately. In addition, the portfolio of properties being acquired / developed should be diversified in order to spread risks, such diversification principally being across the use and type of properties held.

The Current Housing Position

Torbay covers an area of 62.9 square kilometers and has approximately 59,000 households with 50% in Torquay, 37% Paignton and 13% Brixham. The Council does not currently retain any social housing stock.

Detailed statistical information concerning Torbay's housing needs is set out in a November 2015 report produced by the Council entitled 'Torbay Housing and Health Needs Assessment'.

Some of the salient points from that report are:

- There is a higher percentage of home ownership in Paignton and Brixham than the situation in England as a whole¹;
- There is a lower percentage of social rented housing than England as a whole in the 3 towns² (Torquay, Paignton and Brixham);
- There is a significantly higher percentage of private rented accommodation in Torbay than England³;
- The average (median) sale price in Torbay in 2014 was £169,250 (2009 £155,000) 4;
- The average (median) sale price in Torbay in 2014 per property type was as follows Detached £246,000, Semi-detached £179,084, Terraced £150,500, Flats/Maisonettes £112,000 (overall average in 2014: £169,250) ⁵;
- In 2015 the average (median) earnings of Torbay residents who are full time workers were around £5,450 p.a. less than England as a whole at £22,380⁶.
- In 2014, 7.7 times the average (median) annual salary is needed to buy the average priced house in Torbay, higher than the equivalent across England⁷, meaning housing is less affordable in Torbay compared with England ⁷;
- Because of the lower average earnings an increasing number of Torbay residents are living in private rented accommodation;

⁸ Torbay Council

¹ Census 2011, www.nomisweb.co.uk

² Census 2011, www.nomisweb.co.uk

³ Census 2011, www.nomisweb.co.uk

⁴ Land Registry, House price statistics for small areas, www.ons.gov.uk

⁵ Land Registry, House price statistics for small areas, www.ons.gov.uk

⁶ Annual survey of hours and earnings, www.nomisweb.co.uk, Figures are gross annual pay

⁷ Ratio of median house price to lower quartile earnings, Land Registry and the Annual Survey of Hours and Earnings, Table 577, earnings relate to the respondents place of work rather than place of residence.

- In 2015/16, there were 410 net housing completions (additional housing units provided). In the 6 years to 2015/16 there was an average of 360 net housing completions a year in Torbay. (*N.B. These figures are rounded to the nearest 10*)⁸.
- Between 2010/11 and 2015/16 505 affordable homes were delivered in Torbay; and
- The social housing register shows that a rising trend of applicant households 1,690 in January 2013 rising to 2,266 by March 2017. The greatest need is for 1 bedroom dwellings 56%, 2 bedroom dwellings 26%, 3 bedroom dwellings 12% and 4 bedrooms or more 6%.

1.2 Objective

- 2.1 The objectives of the new companies are to:
 - 1. Maximise the return from Council assets and in particular the land that the Council holds;
 - 2. Provide a revenue income to the Council to support other Council services;
 - 3. Enable the delivery of elements of the Council's Housing Strategy which may include:
 - (i) Increase the number of affordable homes delivered;
 - (ii) Increase standards in the private rented sector;
 - (iii) Provide greater flexibility when dealing with housing needs for local people;
 - (iv) Increase the level of adapted accommodation to allow more people with care and support needs to live in specialist housing;
 - (v) Unlock stalled sites in and around the town centre to assist with regeneration and increase footfall in the areas town centres; and
 - (vi) Assist with regenerating areas of deprivation

DevCo:

The objective of the Housing Development Company would be to focus on development of land – initially it is proposed that this would be land acquired from the Council.

The Housing Development Company would not itself have the resources to develop the sites and therefore based on a consideration of the particular site, the Housing Development Company would have to enter into an arrangement with a developer to build the homes and infrastructure required. The land acquired from the Council would be in exchange for a loan note in the amount of its market value with interest charged on the loan note at market rates. The loan note would be repaid on onward sale of the developed land. The loan will come from the Council's approved prudential borrowing.

RentCo:

The Housing Rental Company supports objectives of the medium to long term needs of the Council in that it enables the delivery of elements of the Council's housing strategy and has the ability to produce income back to the council, albeit over a longer period. Other key objectives of the Housing Rental Company would be to increase standards in the private rented sector, and to increase the level of adapted accommodation to allow more people with care and support needs to live in specialist housing.



This Company would purchase properties from the Housing Development Company and third parties for rental.

To ensure the most optimal VAT treatment any rental activities should be kept separate from the development activities in the Housing Development Company. The Housing Rental Company would still be able to sit under the Holding Company structure as described above.

1.3 Scope

DevCo:

The maximum level of investment for DevCo will be up to £25m at any one time – this will be provided by the Council via a loan facility.

RentCo:

The maximum level of investment for RentCo will be up to £25m at any one time – this will be provided by the Council via a loan facility.

Working Capital:

Working capital/set up funding to cover costs will also need to be provided to HoldCo in the form of a loan from the Council – the terms of which will be specified by the Head of Finance – this will then be distributed to DevCo and RentCo (estimated 50/50 split).

Any of the companies is free to try and source alternative funding. However, the decision to issue share capital and/or to take out loans would be a matter reserved to the Council as shareholder.

Additionally, each business case for DevCo, and phase for RentCo will need to demonstrate that:

- any financial reliance on the Council will not damage the Council's service delivery;
- The business case/phase demonstrates long term viability;
- The housing / development provided is sustainable and of acceptable standard for its intended use;
- Any business partners used to deliver to be financially sound, committed to housing standards acceptable to the Council and have good governance arrangements in place.

Prudential borrowing drawdowns

DevCo and RentCo will be financed by the Council using prudential loans.

The Prudential Borrowing will need to be in line with the Councils Treasury Management Strategy and Minimum Revenue Provision (MRP) Policy. The Council and the companies (DevCo & RentCo) will work together to ensure there is appropriate levels of cash flow.

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It is assumed that:

- 1) The type of the dwellings that are built by DevCo for sale will be those that generate the optimum profit. It is assumed that these will be largely 2/3/4 bedroom houses.
- 2) The type of dwellings for market rent and those for sub-market rents to be determined by on a site by site basis and based on any analysis of housing need expressed in the business plans for DevCo and RentCo.
- 3) DevCo will provide properties to RentCo at a discounted rate.

1.4 Strategy

DevCo:

Council will be asked to approve the prudential borrowing for DevCo. Drawdowns against this borrowing will be approved by Council on a case by case basis, through consideration the business case for each scheme – this document sets out to determine criteria against which business cases should be evaluated.

RentCo:

Council will be asked to approve the prudential borrowing for RentCo. Drawdowns against this borrowing will be approved by Council for each phase undertaken. RentCo will be expected to provide a business case for each phase, which, inter alia will outline performance targets for the phase. It is envisaged that a phase will be a substantial proposal, for example a plan of purchases over a two year period and/or a minimum of 100 homes.

1.5 Yields and decision parameters

DevCo:

DevCo will be expected to generate a minimum return on costs (including overheads and cost of borrowing but before tax). Return on cost is defined by the RICS as "The profit of the scheme expressed as a percentage of (total) costs." This return varies from scheme to scheme and reflects the level of risk involved. The percentage is commensurate with the level of risk. The RICS states that the level of profit will vary from scheme to scheme, given different risk profiles as well as the stage in the economic cycle. For example, a small scheme constructed over a shorter timeframe may be considered relatively less risky and therefore attract lower profit margin, given the exit position is more certain than a large redevelopment spanning a number of years, where the outcome is considerably more uncertain.

Greenfield sites: 10% Brownfield sites: 5%

RentCo:

Rent Co will be expected to act within the decision parameters listed below:

Private Rented Housing:

• Individual houses or clusters to be paid for within the expected life time of the building. Required to make a positive revenue contribution by year 5

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Affordable Housing:

Individual houses or clusters to be paid for within the expected life time of the building unless there
are other clearly identifiable benefits i.e. meeting the needs of the Councils housing strategy

1.6 Locations

Torbay would be the preferred location for acquisitions of both rental and development properties so that reinvestment is directly retained within the local economy, and so that any additional capital expenditure is made in the local area. However, there is a finite and limited supply of land and property within the local area, and of that supply only a small proportion may be available for purchase at any time.

The wider South West Local Enterprise Partnership area should also be considered for new acquisitions as there is an evidence base that demonstrates that investment in this area has a positive impact on Torbay's economy. However opportunities in any geographic location will be considered. We will consider opportunities for co investment with partner organisations of good financial and reputational standing.

1.7 Target Assets

RentCo

The following tenures and house types will be sought:

- Private rent (LHA levels and above)
- Affordable Rent
- Social Rent
- Homebuy (Shared Ownership)
- Houses in multiple accommodation
- Temporary accommodation
- Adapted accommodation
- Extra Care accommodation
- Supported housing
- Stock transfer
- Rent to Homebuy
- Keyworker accommodation

DevCo

Development opportunities will be sought where a return on cost exceeds 10% for Greenfield sites and 5% for Brownfield Sites.

The following development opportunities will be targeted:

- Sites that have no abnormal restrictions (unless already owned by the Council) i.e. contaminated land,
- Brownfield sites delivering under 35 units,
- Greenfield sites delivering 5 or more units,
- Land purchases must be conditional on obtaining a suitable planning permission,
- Options or conditional contracts on land opportunities.



1.8 Assessment of risks

A rigorous assessment of all risks is required for each business case put forward by DevCo and for each phase for RentCo as each will require new investment.

The risks will be measured and an assessment made of the likely future performance of the investment carried out based on the ranges of likely future rental growth and voids of the property together with the projected disposal price or capital value at the end of the period, over which the cash flow analysis is being measured.

The Head of Finance can refer any proposed investment decision (irrespective of value) to Full Council for consideration where they deem this is in the best interest of the Council.

1.9 Decision Making

This Policy Framework stipulates that the following decisions, which in part, comprise of Reserved Matters of the companies, are to be made by Council not the Executive;

- 1.9.1 Varying in any respect the Articles or the rights attaching to any of the Shares in the Company.
- 1.9.2 Varying the quorum provisions for Director or Shareholder meetings.
- 1.9.3 Permitting the registration (upon subscription or transfer) of any person as a member of the Company other than the Council.
- 1.9.4 The creation, allotment or issue of any shares or the variation of any rights attaching to any Share
- 1.9.5 Granting any option or other interest (in the form of convertible securities or in any other form) over or in its Shares capital, redeeming or purchasing any of its own Shares or effecting any other reorganisation of its Shares capital.
- 1.9.6 Issuing any loan capital in the Company or entering into any commitment with any person with respect to the issue of any loan capital.
- 1.9.7 Making any borrowing arrangement, other than from the Council.
- 1.9.8 Passing any resolution for its winding up or presenting any petition for its administration (unless it has become insolvent).
- 1.9.9 Changing the nature/scope of the Company's Business or commencing any new business by the Company which is not ancillary or incidental to the Business.
- 1.9.10 Approving any Business Plan prepared by the Board.
- 1.9.11 Taking any action or decision which would not be consistent with any adopted Business Plan and/or any approved Business Case.
- 1.9.12 Forming any subsidiary or acquiring shares in any other company or participating in any partnership or joint venture (incorporated or not).
- 1.9.13 Selling any part of the Business unless authorised through any adopted Business Plan.
- 1.9.14 Amalgamating or merging with any other company or business undertaking.
- 1.9.15 Creating or granting any Encumbrance over the whole or any part of the Business, undertaking or assets of the Company or over any Shares in the Company or agreeing to do so other than liens arising in the ordinary course of business or any charge arising by the operation or purported operation of title retention clauses and in the ordinary course of business.
- 1.9.16 Making any loan (otherwise than by way of deposit with a bank or other institution the normal business of which includes the acceptance of deposits or in the ordinary course of business) or granting any credit (other than in the normal course of trading) or giving any guarantee (other than in the normal course of trading) or indemnity (other than in the normal course of trading).



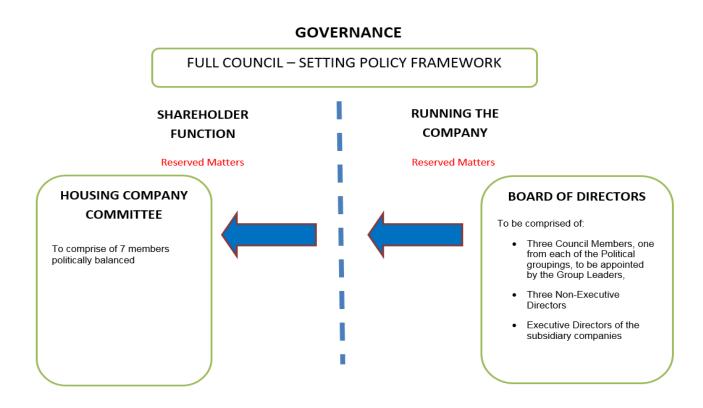
- 1.9.17 Altering any mandate given to the Company's bankers relating to any matter concerning the operation of the Company's bank accounts other than by the substitution of any person nominated as a signatory by the party entitled to make such nomination.
- 1.9.18 Entering into any arrangement, contract or transaction (including the appointment of any agent or intermediary to conduct any of the Company's Business) outside the normal course of its business.
- 1.9.19 Granting any rights (by licence or otherwise) in or over any branding and logos owned or used by the Company.
- 1.9.20 Making or permitting to be made any change in the accounting policies and principles adopted by the Company in the preparation of its audited and management accounts where such change would have an impact on the EBITDA.
- 1.9.21 Declaring or paying any dividend or making any other distribution (by way of capitalisation, repayment or in any other manner) out of the Company's distributable profits or any of its reserves other than an interim dividend in accordance with the Articles.
- 1.9.22 (a) Making the initial decision for the Company to have its own employees(b) Granting any pension rights (Local Government Pension Scheme) to any director, officer, employee, former director, former officer or former employee, or any member of any such person's family.
- 1.9.23 Dismissing any officer or employee in circumstances in which the Company incurs or agrees to bear redundancy or other costs in excess of £50,000 in total and dismissing any Director.
- 1.9.24 Instituting, settling or compromising any material legal proceedings (other than debt recovery proceedings in the ordinary course of business) instituted or threatened against the Company or submitting to arbitration or alternative dispute resolution any dispute involving the Company.
- 1.9.25 Factoring or assigning any of the book debts of the Company.
- 1.9.26 Establishing or amending any profit-sharing, Shares option or other incentive scheme (other than bonus schemes) of any nature for directors or employees of the Company.
- 1.9.27 Agreeing to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any officer of the Company at a rate in excess of £50,000 per annum or increasing the remuneration of any such person to a rate in excess of £50,000 per annum or otherwise in accordance with any adopted Business Plan or Business Case.
- 1.9.28 Entering into or varying any contract of employment providing for the payment of remuneration (including pension and other benefits) in excess of a rate of £50,000 per annum or increasing the remuneration of any staff (including pension and other benefits) to a rate in excess £50,000 per annum.
- 1.9.29 Making any agreement with any revenue or tax authorities or making any claim, disclaimer, election or consent exceeding £100,000 for tax purposes in relation to the Company or its Business.
- 1.9.30 The acquisition or disposal of any land, buildings and/or other assets where such acquisition or disposal is not within the approved Business Plan of the Company or any approved business case.
- 1.9.31 To receive and approve Business Cases for developments/phases and therefore approve drawdowns of loans in accordance with the Prudential Borrowing limit set by Full Council.

These decisions compromise of the totality of Shareholder decisions, and therefore the Policy Framework does not envisage any Shareholder decisions being taken by the Executive.

To ensure that Shareholder decisions can be made quickly and effectively it is proposed that Council create a Housing Company Committee, comprising of 7 members.

All appointments to the companies would be undertaken through the Council's Employment Committee.





The companies are separate legal entities and so have to be treated as distinct from the Council in that any land sold to a company must be sold for best consideration under s123 of the Local Government Act 1972;

Any funding to the companies must be provided on market terms – this could be through equity investments (i.e. for shares) or more likely repayable loans at market rates – to avoid any suggestion of giving State Aid to the companies;

Any support that the Council provides to the companies (e.g. back office services) must be provided on at least a full cost recovery basis.

Governance Arrangements:

HoldCo will be the shareholder for DevCo and RentCo for which directors will also be required. Non-Executive directors can be paid an honorarium.

HoldCo and RentCo will require a small number of posts, potentially secondees from the Council, or other Council companies performing work on its work on its behalf, or may appoint a third party to undertake work in its behalf.



Meeting: Policy Development and Decision Group
Date: 18 May 2017

(Joint Operation Team)

Wards Affected: Goodrington with Roselands

Report Title: Inn on the Quay, Goodrington, Paignton

Is the decision a key decision? Yes

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

Executive Lead Contact Details: Mayor and Executive Lead for Regeneration and

Finance, mayor@torbay.gov.uk

Supporting Officer Contact Details: Kevin Mowat, Executive Head of Business

Services, 01803 292429, Kevin.mowat@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The operator of the Inn on the Quay at Goodrington (Premier Inn) has approached the Council to expand/extend their hotel by an extra 20 beds, within their existing leased area. To accommodate this, the tenant would require additional Council owned land to accommodate the additional car parking required.
- 1.2 The intended outcomes are to increase the tourist accommodation offer in the area and to increase the Council's rental income for the site. A larger hotel in this area will contribute towards a prosperous Bay.

2. Reason for Proposal

2.1 This proposal has come forward at the request of the hotel operator who already rents land from the Council, adjacent to the Inn on the Quay. The proposed extension will increase the tourist accommodation offer at Goodrington, improve revenue to the Council and contribute towards a more prosperous Bay.

3. Recommendation(s) / Proposed Decision

- 3.1 That, Premier Inn Hotels Limited be granted a long lease of the area indicated in Appendix 3 to the submitted report and that the lease should be co-terminus with the existing leased area shown in Appendix 2 to the submitted report.
- 3.2 That the Heads of Terms and consideration offered in exempt Appendix 4 to the submitted report be accepted and that the cash sum should be used to provide alternative public toilets.

- 3.3 That, the Assistant Director Corporate and Business Services, be requested to implement the procedure for the disposal of 'open space', including public consultation, in respect of the proposed lease area identified in Appendix 3 to the submitted report and that she give consideration to any representations which are received.
- 3.4 That, subject to the outcome of the public consultation identified in 3.3 above, authority is delegated to the Assistant Director Corporate and Business Services, in consultation with the Executive Head of Business Services and the Torbay Development Agency, to finalise the details of the new lease.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Existing Leased Area

Appendix 3: Tenant's Proposal Plan

Appendix 4: Confidential Tenant's Financial Proposal (Exempt)

Background Documents

None

Section 1: Background Information

1. What is the proposal / issue?

The tenant of the Inn on the Quay (Premier Inn Hotels Limited) wish to expand their hotel accommodation by 20 beds within their existing leased area. Due to this expansion the tenant would lose a number of car parking spaces and would require an additional 20 car spaces to make up for the loss of existing car spaces and to cater for the additional bedrooms.

There is not sufficient space within the existing leased area to accommodate these additional car spaces.

The tenant's proposal is for the tenant to be granted additional Council land to provide these spaces. The area would be adjacent to the Inn on the Quay and include the area currently occupied by the public toilets.

The tenant requires customer car parking at a close distance to its hotel facilities as it takes customer safety very seriously.

Appendices 2 and 3 illustrate the existing leased area (shown edged red) and the proposal plan respectively.

2. What is the current situation?

The tenant operates a pub/restaurant and a Premier Inn hotel with 33 bedrooms. Currently the tenant leases the area as shown edged red in Appendix 2.

The tenant wishes to invest in providing more accommodation at this site.

If the proposal is accepted and provided, then the Council will receive a lump sum and an anticipated increase in annual income. The tenant currently pays a rent based on a percentage of the tenant's annual turnover and this turnover is expected to increase.

A block of public toilets are currently situated adjacent to the pub/restaurant.

3. What options have been considered?

Officers have considered the tenant's proposal as well as the option to do nothing. Support for the tenant's proposal should assist economic growth and improve prosperity in the Bay.

This proposal can only proceed if the public toilets are relocated and other options were considered, which retained the toilets but a jointly agreed solution could not be found. As the Council is currently reviewing its provision of public toilets across the Bay this proposal provides an opportunity to consider an alternative solution in this area. A cash sum would be made available as part of the transaction and this could be used to help with an alternative public toilet solution.

4. How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?

This proposal supports the Council's ambition for a prosperous Torbay.

The following targeted actions are also linked to this proposal :-

- Working towards a more prosperous Torbay
- Ensuring Torbay remains an attractive and safe place to live and visit

5. Who will be affected by this proposal and who do you need to consult with?

This proposal involves the disposal of public open space and consequently this issue is considered a Key Decision and it will therefore be published in the Forward Plan.

The procedure for disposal of 'open space' will be followed and this will include appropriate public consultation. Residents and visitors who make use of the proposed lease area will have the opportunity to comment on the disposal.

6. How will you propose to consult?

The procedure for disposal of 'open space' will be followed and this will include appropriate public consultation. An advertisement will be placed in the local newspaper and residents/visitors will have the opportunity to comment on the disposal.

Section 2: Implications and Impact Assessment

7. What are the financial and legal implications?

The financial proposal from the tenant is confidential and set out in exempt Appendix 4. It is estimated that the increased annual turnover rent that the Council would receive would be in the order of £15,000 pa to £20,000 pa (based on previous and current annual turnovers). As the tenant is a special purchaser it is considered that the offer put forward is of reasonable value.

All figures quoted in the offer are exclusive of VAT.

The tenant has stated that it does not wish to run the public toilets on behalf of the Council.

The tenant holds a 99 year lease from 1st March 1996 (78 years unexpired).

Under the terms of the lease, the tenant can undertake additions or alterations with the Council's consent, such consent not to be unreasonably withheld (Council acting as Landlord).

The permitted user for the whole leased area is within Planning Use Classes A3 (restaurants and cafes) and C1 (hotel). The tenant would therefore not require Landlord's consent for change of use for the proposed hotel accommodation.

The additional area outside the existing leased area, which the tenant needs for car parking, will require the Council to follow the statutory procedure for the disposal of 'open space'.

Checks on the legal title of the land will be undertaken as is usual practice.

8. What are the risks?

If the proposal is not implemented, then the Council will not receive a significantly increased annual rental into the future. In addition, the tenant may not continue to invest, upgrade and enhance its hotel facilities and pub/restaurant. This could have a detrimental effect on the wider Goodrington beach area and would be a missed opportunity in terms of economic prosperity.

9. Public Services Value (Social Value) Act 2012

The Public Services Value (Social Value) Act 2012 does not apply to this proposal.

10.	What evidence / data / research have you gathered in relation to this proposal?			
	The Torbay Development Agency has provided appropriate professional advice in respect of this proposal.			
11.	What are key findings from the consultation you have carried out?			
	The professional advice from the Torbay Development Agency is that the tenant is a special purchaser and that the offer put forward is of reasonable value.			
	Consultation on the proposed disposal of 'open space' has yet to be undertaken.			
12.	Amendments to Proposal / Mitigating Actions			
	It is proposed that authority should be delegated to the Assistant Director of Corporate and Business Services to make minor amendments to the proposal following the disposal of 'open space' public consultation.			
	Any significant issues arising from the public consultation will require a revised proposal to be put forward for consideration and a new decision would be required.			

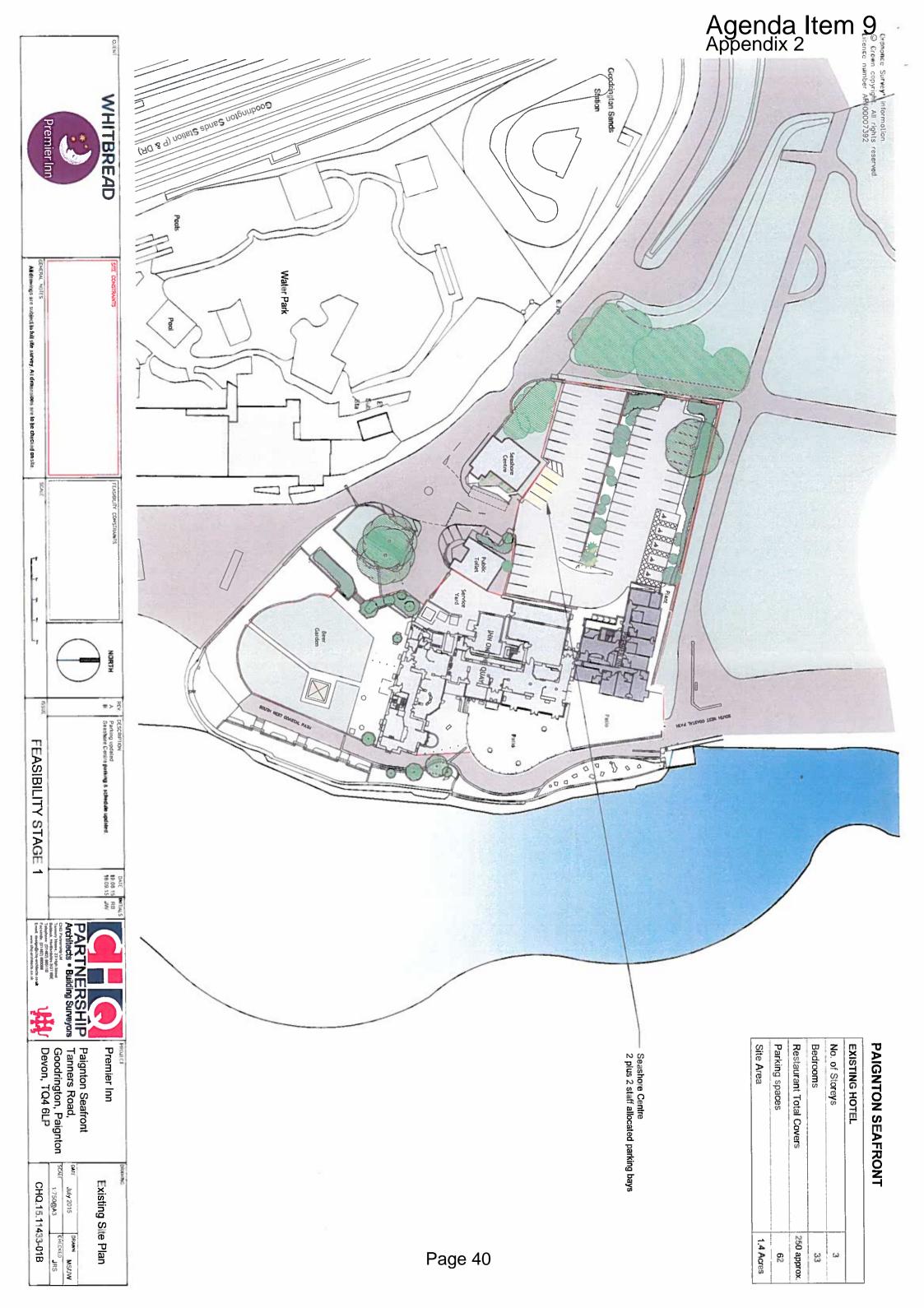
Equality Impacts

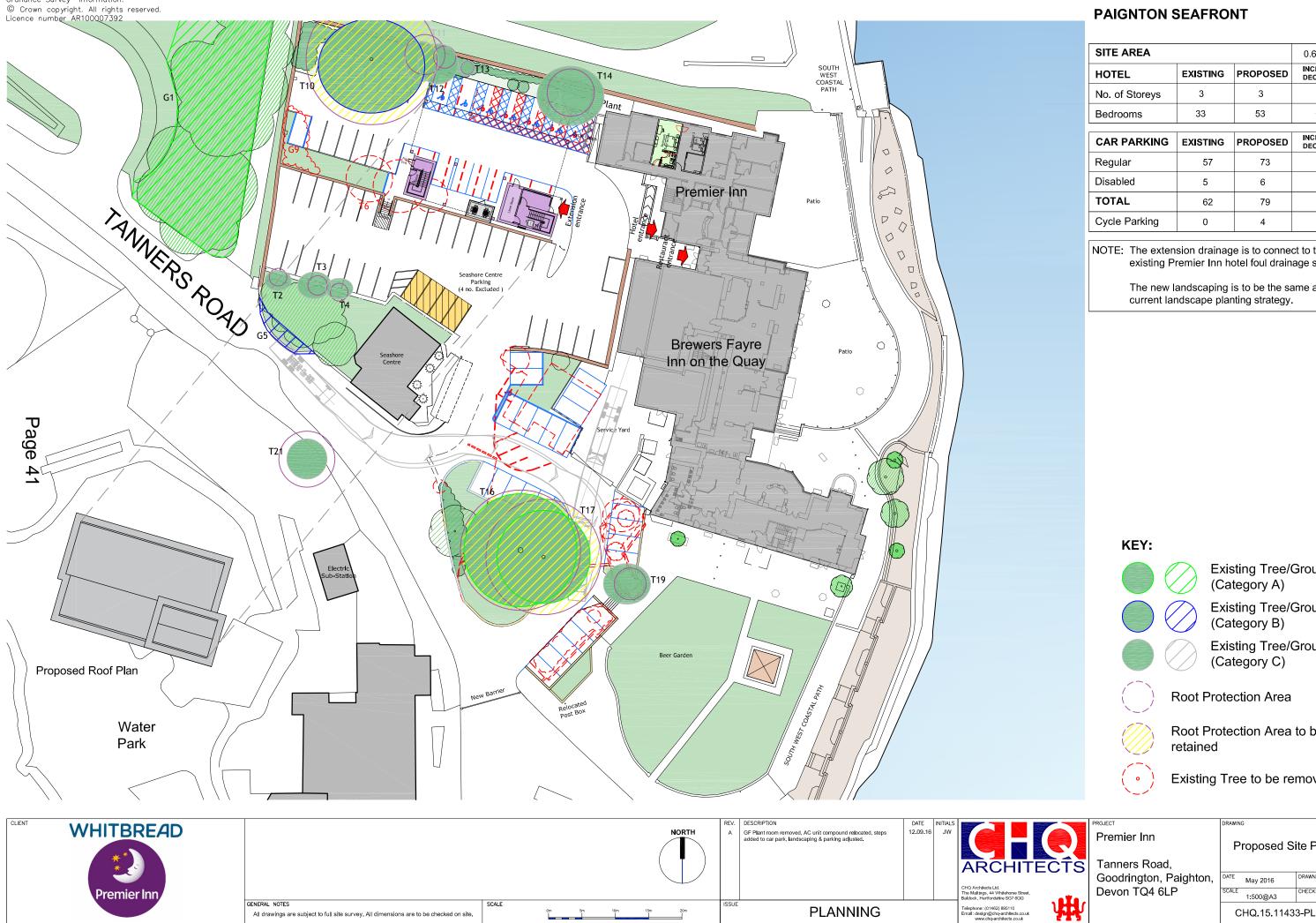
13 Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact
People with caring Responsibilities			There is no differential impact
People with a disability			There is no differential impact
Women or men			There is no differential impact
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact
Religion or belief (including lack of belief)			There is no differential impact

People who are lesbian, gay or bisexual		There is no differential impact
People who are transgendered		There is no differential impact
People who are in a marriage or civil partnership		There is no differential impact
Women who are pregnant / on maternity leave		There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)		There is no differential impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		There is no differential impact

14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	None identified.
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None identified.





All drawings are subject to full site survey. All dimensions are to be checked on site

PLANNING

Ordnance Survey® information.

SITE AREA	0.69 Ha		
HOTEL	EXISTING	PROPOSED	INCREASE / DECREASE
No. of Storeys	3	3	-
Bedrooms	33	53	+20

CAR PARKING	EXISTING	PROPOSED	INCREASE / DECREASE
Regular	57	73	+16
Disabled	5	6	+1
TOTAL	62	79	+17
Cycle Parking	0	4	4

NOTE: The extension drainage is to connect to the existing Premier Inn hotel foul drainage system.

The new landscaping is to be the same as the

Existing Tree/Group (Category A)

> Existing Tree/Group (Category B)

Existing Tree/Group (Category C)

Existing Tree to be remove

Proposed Site Plan May 2016 HCG

CHQ.15.11433-PL05A

CHECKED

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 9 Appendix 4

Document is Restricted