

Monday, 13 September 2021

CABINET

A meeting of **Cabinet** will be held on

Tuesday, 21 September 2021

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room - Town Hall

Members of the Committee

Councillor Steve Darling (Chairman)

Councillor Carter

Councillor Long

Councillor Cowell

Councillor Morey

Councillor Law

Councillor Stockman

Together Torbay will thrive

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

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

CABINET AGENDA

1. **Apologies**
To receive apologies for absence.
2. **Minutes** (Pages 4 - 31)
To confirm as a correct record the Minutes of the meetings of the Cabinet held on 24 August and 1 September 2021.
3. **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.)
4. **Communications**
To receive any communications or announcements from the Leader of the Council.
5. **Urgent Items**
To consider any other items the Chairman decides are urgent.
6. **Matters for Consideration**
7. **Torquay Town Dock Infrastructure Improvements** (Pages 32 - 40)
To consider a report that seeks the approval of a capital spend for Torquay harbour to carry out urgent and essential pontoon replacement and repair works to the Torquay Town Dock.
8. **Torbay Council Strategic Asset Management Plan 2021 ~ 2026** (Pages 41 - 92)
To consider a report that seeks approval to launch consultation on the Torbay Council Strategic Asset Management Plan 2021-2026.

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|------------|---|-------------------|
| 9. | Street Lighting Infrastructure Action Plan
To consider a report on the above. | (Pages 93 - 105) |
| 10. | LGA Remote Corporate Health Check Report and Action Plan
To consider a report that sets out the Local Government's Association (LGA) Remote Corporate Health Check Feedback Report and resulting action plan. | (Pages 106 - 122) |
| 11. | Budget Monitoring 2021/22 - Period 4 (July) Revenue Outturn Forecast & Quarter 1 (June) Capital Outturn Forecast
To consider a report that provides a high-level budget summary of the Council's revenue and capital position for the financial year 2021/22 which commenced on 1 April 2021. | (Pages 123 - 146) |
| 12. | Member Champion Annual Report - Armed Forces
To consider a report on the above. | (Pages 147 - 148) |
| 13. | Member Champion Annual Report - Domestic Abuse and Sexual Violence
To consider a report on the above. | (Pages 149 - 150) |
| 14. | Purchase of Employment Land
To consider a report on the above. | (To Follow) |

Meeting Attendance

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

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

Minutes of the Cabinet

24 August 2021

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Carter, Cowell, Long, Morey and Stockman

(Also in attendance: Councillors Barnby, Barrand, Brown, Bye, Chris Lewis, Loxton,
David Thomas and Jacqueline Thomas)

231. Apologies

An apology for absence was received from Councillor Law.

232. Minutes

The Minutes of the meeting of the Cabinet held on 13 July 2021 were confirmed as a correct record and signed by the Chairman.

233. Communications

The Cabinet Member for Infrastructure, Environment and Culture, Councillor Morey, informed Members that there continued to be delays to waste and recycling collections due to the ongoing national HGV driver shortages. This shortage was impacting waste and recycling services, in all local authority areas. Councillor Morey advised residents to continue to put their waste and recycling out on the normal collection day.

The Cabinet Member for Corporate and Community Services, Councillor Carter, informed members that the Council had received offers to help support refugees from Afghanistan. Councillor Carter advised that if anybody was able to assist to email, community.safetyadmin@torbay.gov.uk.

234. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions and recommendations to Council) are set out in the Record of Decisions appended to these Minutes.

235. Notice of motion - Emergency Services Day

236. Adult Social Care - Annual Local Account 2020/21

237. Equality Objectives 2021-2025

- 238. Corporate Parenting Strategy**
- 239. Children's Improvement Board and Governance Arrangements**
- 240. Policy for the Prevention of the Facilitation of Tax Evasion**
- 241. The CIPFA Financial Management Code – Desk Top Review 2020/21**
- 242. Increasing Local Spend**
- 243. Report of the Overview and Scrutiny Board - Budget Outturn Monitoring 2020/21 – Quarter Four**
- 244. Redevelopment of Former WCs - Corbyn Head and Preston (North)**

This item was withdrawn from the agenda.
- 245. Expansion of EFFECT Photonics onto Torbay Business Park**
- 246. Project update for the creation of a solar farm on land at Nightingale Park to sell the electricity for a return on investment and help meet the Council's carbon neutral priority.**

Chairman/woman

Record of Decisions

Notice of Motion - Emergency Services Day

Decision Taker

Cabinet on 24 August 2021.

Decision

That this Cabinet agrees to fly the official flag of the 'Emergency Services Day' above the Town Hall on 9 September each year to mark 999 Day, to reflect not just their sacrifice during the pandemic but their ongoing example of service to others.

Reason for the Decision

To endorse the motion and demonstrate support for the Emergency Services.

Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet considered a motion in relation to the Emergency Services Day, notice of which was given in accordance with Standing Order A14.

Councillor Steve Darling proposed and Councillor Cowell seconded a motion, as set out below which was agreed unanimously by the Cabinet:

That this Cabinet records its support for the UK's annual national 'Emergency Services Day' which is held on 9th September and which is supported by Her Majesty Queen Elizabeth II; and that this Cabinet places on record its sincere appreciation for the two million people who work and volunteer in the NHS and emergency services today. For the last 18 months, at a time of national crisis, our frontline has shown a level of commitment, endurance and compassion which has inspired us all.

That this Cabinet agrees to fly the official flag of the 'Emergency Services Day' above the Town Hall on 9 September each year to mark 999 Day, to reflect not just their sacrifice during the pandemic but their ongoing example of service to others.

Alternative Options considered and rejected at the time of the decision

None.

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

27 August 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Adult Social Care - Annual Local Account 2020/21

Decision Taker

Cabinet on 24 August 2021.

Decision

- (i) That the Local Account 2020/21 as set out in Appendix 1 to the submitted report be approved
- (ii) That the Local Account 2020/21 to be published in accordance with Government requirements,

Reason for the Decision

The Local Account Summary is a statutory annual report that offers everyone across Torbay the opportunity to reflect on and celebrate the achievements made in the preceding year.

Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Government requires Local Accounts are put in place to offer councils the opportunity to share a common approach to the performance of adult social care. The Local Account for Adult Social Care in Torbay sets out what has achieved for local people in relation to adult social care and outlines the level of performance for the last financial year and commitment to future service delivery.

At the meeting, Councillor Stockman proposed and Councillor Long seconded a motion that was agreed unanimously, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

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

27 August 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Equality Objectives 2021-2025

Decision Taker

Cabinet on 24 August 2021.

Decision

- i) That the Council be recommended to agree the following Equality Objectives for 2021-2025:
1. Ensure a wide range of voices are reached and heard in decision making and designing and delivering services.
 - Ensure all relevant groups are included in consultations, providing support as appropriate.
 - Improve the accessibility of our events, meetings, information and communications.
 - Strengthen our relationship with our communities and encourage participation.
 - Ensure equality considerations are appropriately addressed within our procurement processes and contract management arrangements.
 2. Reduce inequalities so Torbay and its residents thrive.
 - Deliver on our Community and Corporate Plan ambition we will work to:
 - Ensure that all children are given the best start in life and families are supported.
 - Tackle lifestyle and economic issues which lead to inequality and poor health.
 - Ensure that older people age well and are physically, mentally and socially active.
 3. Consider and if approved implement the recommendations from the Torbay Racism Review Panel.
 - Maintain a legacy of the review.
 - Strengthen engagement networks.
 4. Support the diverse needs of our workforce.

Our staff are one of our biggest assets and our employees come from a wide range of backgrounds with a variety of skills and knowledge. We are committed to supporting our staff and enabling them to provide the best possible service to our customers.

 - Demonstrating our Core Values, we will always be approachable, calm and respectful.
 - Create an environment where we act professionally and treat everyone with respect.
 - Ensure that policies and initiatives are in place so our staff can feel safe at work and carry out their duties without feeling bullied or discriminated against.
 - Support staff to continue to improve their cultural competence and confidence to improve workforce inclusivity and engage with our diverse

population and communities.

- ii) That the Head of Policy, Performance and Community Engagement prepare and implement an Action Plan to ensure that the Equality Objectives are embedded across the Council.
- iii) That, as part of the Action Plan, an Equality, Diversity and Inclusion Reference Group be established to support the Council in embedding the Equality Objectives in its work.

Reason for the Decision

It is a requirement of the Public Sector Equality Duty to publish one or more objective which we think we should achieve in order to meet the General Duty. The Council's current objectives expired in March 2021 and therefore a new set of objectives were required for the next four years.

Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Public Sector Equality Duty, which came into force in April 2011, places a requirement on all public bodies to publish one or more objective(s) that they think they should achieve in order to meet the General Duty. The General Duty requires us to:

- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it, and
- Foster good relations between people who share a relevant protected characteristic and people who do not share it.

The Council is required to publish its objectives every four years, with the current objectives running until March 2021 and therefore new objectives needed to be agreed.

At the meeting, Councillor Carter proposed and Councillor Stockman seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

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

27 August 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Corporate Parenting Strategy

Decision Taker

Cabinet on 24 August 2021.

Decision

- (i) That the Corporate Parenting Strategy be approved,
- (ii) That Cabinet recommends to Full Council that the Corporate Parenting Strategy become a Policy Framework document; and
- (iii) That following engagement with children and young people a further updated Corporate Parenting Strategy be prepared for consideration by Council.

Reason for the Decision

The current Corporate Parenting Strategy was out of date, having expired last year. The Council recognised that it was imperative that our cared for and care experienced young people were a part of developing a final version of the Strategy, and that work was currently underway. However, in the interim it was imperative that the Council had a Strategy that was current and reflective of our approach as a Council.

Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The current Corporate Parenting Strategy was out of date, having expired last year. In considering the tone of the previous strategy it was evident just how far the Council had travelled in its journey to a model of restorative practice and ensuring that our children were at the heart of everything we do as a Council. The Council recognised that it is imperative that our cared for and care experienced young people were a part of developing a final version of the Strategy, and that work was currently underway. However in the interim it was imperative that the Council had a Strategy that was current and was reflective of our approach as a Council.

At its meetings on 27 July and 18 August 2021, the Children and Young People's Overview and Scrutiny Board considered the draft Corporate Parenting Strategy and supported the recommendations as set out in the submitted report.

At the meeting of the Cabinet, Councillor Steve Darling proposed and Councillor Morey seconded a motion that was agreed unanimously, as set out above.

Alternative Options considered and rejected at the time of the decision

The current Corporate Parenting Strategy expired at the end of 2020. Whilst it was not a legal requirement to have the same, it was an essential element of Leadership, Management and

Governance within Children's Services, and therefore doing nothing was not an option.

The 2018-2020 Strategy could have been extended, however in respect of the tone of the same, it did not align with the Council's restorative practice approach and therefore this was not recommended.

Rather than approving this Strategy the Council could await the outcome of the work that was currently being undertaken with our cared for children and care experienced young people. However given it was out of date and the tone did not align with current practice this is not recommended.

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

27 August 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Children's Improvement Board and Governance Arrangements

Decision Taker

Cabinet on 24 August 2021.

Decision

1. That Cabinet approves the Children's Continuous Improvement Board, with an independent Chair, as a permanent arrangement and beyond DfE intervention, to provide continued focus and drive for our Children's improvement journey. The Head of Governance Support be delegated authority to review the terms of reference and membership for the CCIB in consultation with the Cabinet Lead for Children's and Director of Children's Services.
2. That the Director of Children's Services, Independent Chair of the CCIB and the Director of Public Health undertake a review of the CCIBs work programme to ensure the objectives of the Children and Young People's Plan and the work of the Children's and Young People's Strategic Partnership Board are incorporated, and that an appropriate children and young people focus takes place in the Health and Wellbeing Board (HWB) and accordingly agree that the Children's and Young People's Strategic Partnership Board (CYPSB) be stepped down. The Monitoring Officer be requested to make any associated changes to HWB's terms of reference (in accordance with the Constitution, consulting with Group Leaders) ensuring that the Cabinet Member for Children's Services is within its membership.

Reason for the Decision

To ensure the correct level and governance structure is in place to provide accountability for continued improvement and delivery within Children's Services, whilst ensuring that meetings are not unnecessarily duplicated.

Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Children's Improvement Board (CIB) was established to oversee the Council's improvement plan as part of the DfE's intervention and has an independent chair. The CIB can be temporary and stepped down by the DfE when appropriate. It was proposed that the Council commits to retaining a Children's Continuous Improvement Board (CCIB) as the body to provide the focus and drive for our continuous improvement of Children's Services. The CCIB would continue with an independent chair to ensure the appropriate level of external challenge and that the CCIB oversee the Children's and Young People's Plan, rather than necessitating a separate meeting to do this. As such the Children's and Young People's Strategic Partnership Board would be stepped down.

The proposals would strengthen the Council's governance arrangements for Children's

Services and provide focus and drive for Children's improvement beyond the Department for Education's (DfE) intervention.

At the meeting Councillor Steve Darling proposed and Councillor Stockman seconded a motions that was agreed unanimously, as set out above.

Alternative Options considered and rejected at the time of the decision

An alternative option would be to do nothing, but the governance and accountability for children would not be strengthened.

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

27 August 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Policy for the Prevention of the Facilitation of Tax Evasion

Decision Taker

Cabinet on 24 August 2021.

Decision

That:

- i. The Prevention of the Facilitation of Tax Evasion Policy, as set out in Appendix 1 to the submitted report be approved;
- ii. the Council's wholly owned companies be required to adopt the same or a similar policy.
- iii. the Monitoring Officer be requested to review the Council's Financial Regulations and Contract Procedures as set out in the Council's Constitution.
- iv. Cabinet notes that during 2021/22 the Council commits to undertake a risk assessment to identify those areas of the Council's activities where risk is considered high and to implement the measures set out in the Policy.

Reason for the Decision

To mitigate the risk of prosecution for the corporate criminal offences of the facilitation of tax evasion, the Council would need to prove that reasonable prevention procedures are in place. This would enable the Council to raise a defence.

The Policy demonstrates the Council's commitment to adopting a zero tolerance to all forms of tax evasion.

Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Criminal Finances Act 2017 Part 3 created the Corporate Offences of Failure to Prevent Facilitation of Tax Evasion. Under this Act, an offence may be committed by the Council where it fails to prevent an 'associated person' criminally facilitating the evasion of a tax, whether the tax evaded is owed in the UK or in a foreign country.

In response to the requirements of the Act, the Council sought approval of a 'Prevention of the Facilitation of Tax Evasion' Policy.

At the meeting Councillor Cowell proposed and Councillor Long seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

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

27 August 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

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

Decision Taker

Cabinet on 24 August 2021.

Decision

That Cabinet note the report.

Reason for the Decision

To assist the Council in working towards full compliance with the CIPFA Financial Management Code.

Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The CIPFA Financial Management Code was released in 2019. The code was designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. The Code therefore for the first time sets the standards of financial management for local authorities.

Torbay Council must demonstrate that the requirements of the code were being satisfied, this was a collective responsibility of elected members, the Chief Finance Officer and the Senior Leadership Team.

The first full year of compliance would be 2021/22. Reflecting the recognition that organisations would need time to work towards compliance. In order to establish the level of compliance at present, the Chief Finance Officer undertook a desk top review.

The Audit Committee had also considered the outcome of the desk top review and had agreed to monitor compliance with the Financial Management Code on an annual basis with exception reporting on reoccurring of continuing issues.

At the meeting, Councillor Cowell proposed and Councillor Steve Darling seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered.

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

27 August 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Increasing Local Spend

Decision Taker

Cabinet on 24 August 2021.

Decision

That the report be noted.

Reason for the Decision

By using the SupplyDevon hub as the Council's route to market for low level spend, the Council can:

- increase the spend that remains within Torbay (or Devon where there is no Torbay based supplier);
- feed into the Community Wealth Building agenda;
- reduce the reliance contracting departments have on their own knowledge of the local supply market and the need to undertake extensive research to identify potential local suppliers;
- remove the lack of visibility around whether the current requirement to invite at least one local supplier to bid where spend is between £10,001 and £25,000 is being met;
- remove the potential for favoured suppliers to regularly be given the opportunity to bid for and be awarded work.

Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council would be taking part in a pilot that would use the SupplyDevon hub as the route to market for external Council spend between £5,000 and £50,000. The use of SupplyDevon, which identifies all potential suppliers on their ability to meet the need, for low value contracts should increase the level of spend with suppliers based in Torbay or where there is no Torbay supplier registered, enable the spend to remain within Devon.

At the meeting Councillor Cowell proposed and Councillor Long seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The alternative options considered were:

- do nothing. This option was discounted as maintaining the status quo would not lead to change in the level of local spend.
- mandate that where a request for quote process was being undertaken only local suppliers could be invited to bid. This option was discounted as it would require a level of

knowledge of local supply markets the Council does not currently have, along with the capacity to monitor compliance, which would potentially divert Procurement, Contract Management and Commissioning resource from higher level more complex procurements.

- run open tenders through the Council's current e-tendering portal for all spend over £5,000. This option was discounted as the system cannot be tailored to enable advertising of opportunities to local suppliers only.

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

27 August 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

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

Decision Taker

Cabinet on 24 August 2021.

Decision

That the Cabinet's response to the Overview and Scrutiny Board – Budget Outturn Monitoring 2020/21 – Quarter Four report be approved, as published.

Reason for the Decision

The Cabinet was required to respond to the findings of the review undertaken by the Overview and Scrutiny Board.

Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet received the report of the Overview and Scrutiny Board on the Budget Outturn Monitoring 2020/21 – Quarter Four. In accordance with section D7 of Standing Orders – Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Overview and Scrutiny Board within two months.

Subsequently the Cabinet prepared a response to the recommendations of the Overview and Scrutiny Board which was proposed by Councillor Cowell and seconded by Councillor Steve Darling and agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

No alternative options were considered.

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

27 August 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Expansion of EFFECT Photonics onto Torbay Business Park

Decision Taker

Cabinet on 24 August 2021.

Decision

That:

If the Levelling Up Fund application is successful

- i. That delegated authority be given to the S151 officer in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing to satisfy himself that the Growth Fund criteria are met, and that there is a robust business case, including an agreement for lease, to authorise allocation from the Growth Fund to match fund the construction of the building described in the report, being a minimum of £683,759.

If the Levelling Up Fund application is unsuccessful then:

- ii. That delegated authority be given to the S151 officer in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing to satisfy himself that the Growth Fund criteria are met, and that there is a robust business case, including an agreement for lease, to authorise allocation from the Growth Fund to construct in totality the building described in the report.

That delegated authority be given to the Director of Asset Management, Investment and Housing in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing to agree and finalise the detailed lease terms.

Reason for the Decision

To ensure match funding is available should Torbay be successful with the Levelling Up Fund application and to ensure a local company, EFFECT Photonics, can continue to grow within Torbay, should the Levelling Up Fund application be unsuccessful.

Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

To support the Council's ambition for a thriving economy in Torbay. The Cabinet was asked to support, through the Growth Fund, the creation of a new Electronics & Photonics Production Park and build out the first unit for an anchor tenant. The Levelling Up Fund (LUF) application and the outcome of that application would determine the scale of investment required.

Sector development work had encouraged growth in this sector most recently through the successful delivery of EPIC. Working closely with tenants and wider sector businesses had

identified the pressing requirements for space for EFFECT Photonics and it was proposed that they would become the anchor tenant on this new development supporting both inward investors and Torbay's hi-tech businesses as they move from research and development into production and manufacturing.

At the meeting Councillor Long proposed and Councillor Cowell seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

Options were set out in the exempt appendix to 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

27 August 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Project update for the creation of a solar farm on land at Nightingale Park to sell the electricity for a return on investment and help meet the Council's carbon neutral priority.

Decision Taker

Cabinet on 24 August 2021.

Decision

That the i) to iii) of the exempt decision made by the Cabinet 11 August 2020 (Minute 115h/08/20 refers) be rescinded and that the following be approved:

1. That, subject to the criteria in the Growth Fund strategy being met and a detailed business case approved by the Section 151 Officer in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, Cabinet authorise up to £3.1m from the Growth Fund to fund the construction and delivery of the solar farm.
2. That, Delegated authority be given to the Chief Executive in consultation with the Leader of the Council to agree and finalise the detailed terms of the power purchasing agreement with an end user.
3. If necessary delegated authority be given to the Chief Executive in consultation with the Leader of the Council to agree and finalise the terms of setting up a separate special purpose vehicle with the Health Trust, if this is deemed the most appropriate route to ensuring both the sale of the energy by the Council and its purchase by the Health Trust is undertaken in accordance with the requirements of the Public Contracts Regulations.
4. In the event that the HealthTrust have not entered into a formal agreement to purchase the power generated by the solar farm by 31st October and subject to a detailed business case being approved by the Section 151 Officer then delegated authority be given to the Chief Executive in consultation with the Leader of the Council to use the power directly to create a sustainable energy source for the Council.
5. That the Cabinet reconfirms their decision in respect of iv) of the exempt decision made by the Cabinet 11 August 2020 (Minute 115h/08/20 refers):

'That a report be presented to the next Cabinet Meeting after completion of the deal, as to the potential use of up to 10% of the surplus generated, being made available for community use within 1 mile, straight line distance of Nightingale Park.'

Reason for the Decision

The Council will be working collaboratively with the HealthTrust to provide sustainable power to the new hospital. This energy will be used by the hospital/ local people and would help to reduce Torbay's Carbon footprint. The solar development would help address climate change in a positive manner.

The proposed solar development would also provide employment during the design, construction and maintenance of the project and help create quality jobs.

Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

To develop a solar scheme that will provide renewable energy via a private wire to Torbay Hospital to help meet the Council's carbon neutral priorities.

At the meeting Councillor Long proposed and Councillor Cowell seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The NHS trust had indicated that it wanted to receive all the energy produced. It was advantageous to have an end user that wished to take all the energy as usually energy sold via a private wire achieves a higher figure when compared to selling directly into the grid. The NHS trust has a larger energy demand in comparison to other potential end users and these other potential end users have not been as positive about receiving the energy. Should an agreement with the NHS trust not be achieved, there is the possibility of selling the power direct to the grid.

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

27 August 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Minutes of the Cabinet

1 September 2021

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Carter, Law, Morey and Stockman

(Also in attendance: Councillors Chris Lewis and Loxton)

247. Apologies

Apologies for absence were received from Councillors Cowell and Long.

248. Matters for Consideration

The Cabinet considered the following matter, full details of which (including the Cabinet's decision) are set out in the Record of Decision appended to these Minutes.

249. Contract Award for Keyworker and Temporary Accommodation

Chairman/woman

Record of Decisions

Award of Contract for Keyworker and Temporary Accommodation

Decision Taker

Cabinet on 01 September 2021.

Decision

That OYO, Richmond Hotel, Croft Road, Torquay be awarded a contract for a 6 month period, commencing on 14 September 2021, to provide Keyworker and family temporary accommodation mixed use.

Reason for the Decision

There were significant challenges in accessing both temporary and key worker accommodation due to the changes in the housing market and cost of the provision. This had resulted in families being offered emergency accommodation that is elsewhere in the country.

Security of supply at a cost effective rate was required for the local authority to meet its statutory duties. The proposed scheme provided the following benefits:

- Secured access to accommodation in Torbay at a fixed cost, both for keyworkers and families.
- Reduced rework by officers in having to source and move placements every few days, putting additional pressure on an already stretched service.
- Stability for families, whose mental health was being impacted by the constant moves.

Implementation

The decision in respect of the award for contract for keyworker and temporary accommodation will come into force immediately as the decision maker has decided that any delay likely to be caused by the call-in process would prejudice the Public' and Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 27 August 2021.

Information

It was anticipated that the summer would be challenging in accessing temporary accommodation to meet the number of homelessness approaches to Housing Options. As a result, several properties had been leased and more were being identified to assist with demand. The market was such that this had become increasingly difficult. Hotels were fully booked, costs were escalating and hotels due to the elevated market, were choosing not to take our clients. Landlords were also choosing to leave the rental market as house prices had increased. Hence it was essential that the Council stabilise supply and cost.

Torbay Council was approached by OYO hotel chain to obtain sole use of the Richmond Hotel, Croft Road, Torquay, for a 6 month period for temporary accommodation (TA).

There is also a need for keyworker accommodation within Children's Services and other services. It was proposed that a blended model be used at the hotel to provide temporary

(66% occupancy) and keyworker accommodation (33% occupancy) for 6 months, and that the local authority block book all rooms. The contract would run from the 14 September 2021 – 14 March 2022.

The accommodation would be used as the initial placement for families. As soon as self-contained TA was available, the family would be moved to more suitable accommodation whilst either their case was reviewed, or a permanent home was sourced. Additional work was being completed on the procurement of TA and other leased accommodation that was coming online. There was succession planning being undertaken to ensure this was a temporary 6 month arrangement.

At the meeting Councillor Steve Darling proposed and Councillor Morey seconded a motion that agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

Several properties had been leased to facilitate access to accommodation during this challenging time. However, not enough properties could be accessed to meet the current demand, due to the challenges within the wider housing market.

A procurement process was also live to ensure sufficiency of supply from April 2022, negating the need for the hotel provision past this date.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

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

None.

Published

2 September 2021

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Meeting: Harbour Committee
Cabinet
Council

Dates: 16th September 2021
21 September 2021
30 September 2021

Wards Affected: All Wards

Report Title: Torquay Town Dock Infrastructure Improvements

Harbour Committee Member Details: Councillor Nicole Amil, Chair of the Harbour Committee, Nicole.Amil@torbay.gov.uk

Cabinet Member Contact Details: Councillor Darren Cowell, Cabinet Member for Finance, Darren.cowell@torbay.gov.uk

Director/Assistant Director Contact Details: Kevin Mowat, Director of Place, 01803 208433, Kevin.Mowat@torbay.gov.uk

1. Purpose of Report

- 1.1 This report provides Members with the opportunity to consider the approval of a capital spend not exceeding £1.2m required for Torquay harbour to carry out urgent & essential pontoon replacement and repair works to the Torquay Town Dock (see layout in Appendix 1). If approved the project works would commence in the winter of 2021/22.

2. Reason for Proposal and its benefits

- 2.1 The current pontoons used for annual customer berthing on the Town Dock were installed in 2007 by Solent Marine Ltd. Some fourteen years later they are now exhibiting signs that they are coming to the end of their useful life. The piles are still in good condition but the steel work that make up the floating pontoon sections is corroded to an extent that they are starting to lose their structural integrity. We have recently had to replace two sections as they were becoming unsafe. The floats that support the pontoons have also deteriorated to an extent that several are starting to fail, and many have required temporary fixes to keep them serviceable. Although we have replaced two sections and carried out several patched repairs to a number of the floats, it is an expensive and labour-intensive solution and considered to be emergency maintenance to keep this berthing facility open. The preferred option is to replace all the floating pontoon sections for the entire Town Dock.
- 2.2 If the deterioration in usefulness is allowed to continue it would impact on the income from the sale of Town Dock berths. Although the current infrastructure is still useable it could take three years to completely replace all the pontoons and more serious deterioration is likely to occur over this timescale, so we need to start this project as soon as possible to prevent having to close sections of the Town Dock and lose income.

- 2.3 New pontoons would also provide a fair justification for an increase in Town Dock charges above the standard inflationary increases once the works are completed.
- 2.4 The proposal is to carry out an annual phased replacement of each leg of the existing pontoons. Each phase of the work would be carried out over a winter period (October to March) with the first phase being a repair and refurbishment to the existing wave-screen and the access bridge in the winter of 2021/22.
- 2.5 Phase two would be the entire replacement of one of the three pontoon legs and associated fingers the following winter (2022/23), then a leg each winter until the works are completed. The Town Dock would need to remain operational and open to customers throughout the various phases of the project.
- 2.6 On completion of this project in 2023/24 the following outcomes will have been achieved :-
- Refurbished wave-screen to cure the issue with the connecting joints (requires dismantling and transporting off site for works to be completed). A temporary wave-screen will need to be installed during this phase.
 - Refurbishment of the access bridge to the Town Dock (a temporary access bridge from the ferry pontoon will need to be put in place while the main bridge is taken off site).
 - Replacement and fitting of new pontoons and berthing fingers for legs X, Y, Z (see Appendix 1) and the access pontoon from the legs to the bridge. All services (water & power) and service pillars to be taken off the old infrastructure and refitted to the new pontoons.
-

3. Recommendation(s) / Proposed Decision

Harbour Committee

- 3.1 That the Harbour Committee recommend to full Council that borrowing is approved for up to £1.2m for the Torquay Town Dock infrastructure improvements, as set out in this report, and that the Harbour budget will meet the additional borrowing costs, expected to be £115,500 per annum, from increased revenue, commencing in 2024/25.
- 3.2 That the Torquay Town Dock Infrastructure Improvements Project be added to the Council's Capital Programme.

Cabinet

- 3.3 That Cabinet recommend to full Council that borrowing is approved for up to £1.2m for the Torquay Town Dock infrastructure improvements, as set out in this report, and that the Harbour budget will meet the additional borrowing costs, expected to be £115,500 per annum, from increased revenue, commencing in 2024/25.

- 3.4** That the Torquay Town Dock Infrastructure Improvements Project be added to the Council's Capital Programme.

Council

- 3.5** That, following recommendations from the Harbour Committee and Cabinet, the Council approve borrowing of up to £1.2m for the Torquay Town Dock infrastructure improvements, as set out in this report, and that the Harbour budget will meet the additional borrowing costs, expected to be £115,500 per annum, from increased revenue, commencing in 2024/25.
- 3.6** That, following recommendations from the Harbour Committee and Cabinet, the Council add the Torquay Town Dock Infrastructure Improvements Project to the Council's Capital Programme.

Appendices

Appendix 1: Torquay Town Dock Pontoon Layout

Supporting Information

1. Introduction

- 1.1 The Town Dock at Torquay harbour was installed in 2007 at a cost of £1.1m and was funded by prudential borrowing supported via the harbour revenue account. It was built to accommodate 175 berths for vessels ranging from 6 metres to 13 metres in length.
- 1.2 Income generated from this facility was £334,000 in 2020/21. It provides affordable berthing opportunities for local boat owners as well as supporting maritime events and accommodating visiting recreational craft. The dedicated visitor berthing ('V' – pontoon ~ marked as 'A' in the attached Appendix 1) is approximately 135 metres in length and provides safe berthing along with access to fresh water and electricity services. This area is exceptionally busy in the summer season and has an excellent record of visitor berthing from early April through to the end of October each year. Visiting vessels therefore generate a steady income in addition to the resident berth holders within the dock.
- 1.3 The Town Dock also has disabled access and is home to vessels owned by the Disabled Sailing Association, Torbay British Sub Aqua Club, and the Royal Torbay Yacht Club. The local Sea Scouts and Rowing Club also make use of the dock to berth their safety boats.
- 1.4 The design, construction and installation of the Town Dock pontoon system was completed by Solent Marine in 2007. The design comprises of a steel structure supported by a series of floats that have a plastic skin. The design characteristics of this float can be simplified as a large plastic container filled with polystyrene beads. The float is then injected from two filling ports with steam to fuse the beads together into one large solid block of polystyrene. Once the beads are fused together the ports are sealed to make a watertight unit. The filled floats are then fixed at each corner to the underside of the steel framed walkway or finger pontoon.
- 1.5 Experience gained in working with this product has shown that the design and methodology is not 100% effective in this location. The wave climate in this area of the outer harbour puts sufficient pressure on the floats to cause the plastic to split in the corners at the fixing points, which then allows water into the plastic casing. Once the casing starts to slowly fill with water the beads can be seen floating out of the cracked casing and the remaining void is replaced with more water. The additional weight of this fluid then enhances the problem as it flows around the inside of the casing until there can be a catastrophic failure of the float.
- 1.6 The area of the harbour where the Town Dock is located will sometimes experience excessive wave action, which also puts severe pressure on the steel frames of the walkway pontoons. As a consequence, the existing infrastructure suffers from occasional cracking to the steel, including the welded joints, and in extreme circumstances the bolts connecting the walkway units and finger pontoons can sometimes shear.

1.7 As a temporary measure the harbour staff have been modifying some of the damaged floats before recycling them back into the facility. The top of the floats are cut open so that the soaked polystyrene beads can be removed before the void is backfilled with expanding foam that is impervious to salt water. These works are completed by the harbour maintenance team. The floats changed so far have only been fitted to finger berths and to date no attempts have been made to replace floats on the visitor's area because the floats are still likely to crack due to the wave climate. Some of the main walkway sections also require attention where the buoyancy is deficient.

2. Options under consideration

2.1 No other options are under consideration.

3. Financial Opportunities and Implications

3.1 If we had to close parts or all of the Town Dock due to safety concerns with the existing infrastructure the loss of revenue and reputation will be severe. The annual income from the Town Dock is £334,000 and it is the centre piece of Torquay Harbour.

3.2 The replacement of the pontoons will give us the opportunity to increase some of the berthing finger lengths so that we can put larger vessel on dock, where appropriate and increase the overall income. The refurbishment would also provide a fair justification for an increase in Town Dock charges above the standard inflationary increases once the works are completed. Demand for this facility remains very high.

3.3 The life expectancy of the new installation will be better than that of the current infrastructure. This has been demonstrated by MDL who operate the marina adjacent to the Town Dock and who are just about to replace their pontoons after the initial install 30 years ago.

3.4 At the end of the Town Dock infrastructure improvement works, which will take two years and three winters to complete, there will remain a residual debt from the original loan in 2007 of £292k. The Director of Finance has agreed an accounting procedure via the General Fund to clear the asset balance and allow the Harbour account to make good the liability by way of an annual contribution over the life of the new borrowing.

3.5 The new debt of £1.2m will be repaid over 15 years commencing 2024/25 at a cost of £95k per annum, this cost to be met from the harbour revenue account. The total annual impact on the harbour revenue account will therefore be:

	Annual Cost
	£
New loan repayment, £1.2m over 15 years	96,000
Contribution to General Fund re: old debt, £292k over 15 years	19,500
Total cost	<u>115,500</u>

4. Legal Implications

- 4.1 We are currently at risk of some pontoons failing in bad weather which could lead to legal claims from owners of vessels who may get injured, or their vessels damaged because of failing or unsafe infrastructure.

5. Engagement and Consultation

- 5.1 The TDA have been engaged to project manage this replacement and refurbishment work but due to procurement rules we are not yet able to engage with potential contractors who would carry out the works. We have however engaged with structural engineers and organisations such as the Yacht Harbours Association to establish current best practice and designs for floating infrastructure.
- 5.2 If the works are approved the Harbour staff will create a consultation and communication programme to inform existing customers of the project and how it will affect them. The aim is to keep the Town Dock open throughout the project.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable.

7. Tackling Climate Change

- 7.1 When considering the products and materials being used for this project the Council will consider all relevant opportunities to make a positive impact on the climate and to reduce carbon wherever possible.

8. Associated Risks

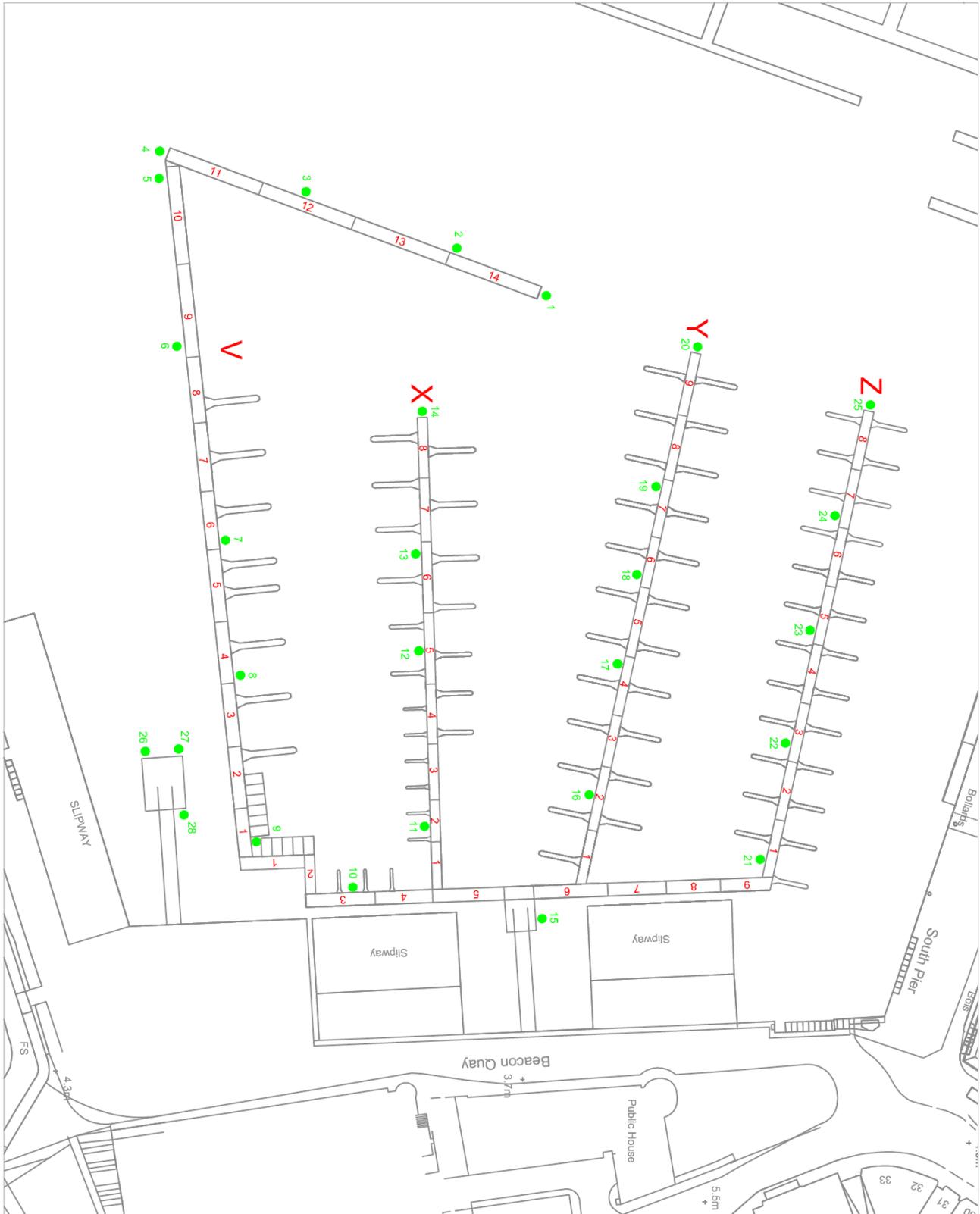
- 8.1 If the capital work is not approved there is a very real risk that certain facilities will need to be closed due to the unacceptable health and safety risks that could occur.
- 8.2 Any pontoon closures will result in lost income and reputational damage.

Equality Impacts

9.	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) <i>(Please note Gypsies / Roma are within this community)</i>			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
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	None		
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	None		

Appendix 1 – Torquay Town Dock Pontoon Layout



Meeting: Cabinet

Date: 21st September 2021

Wards affected: Torbay Wide

Report Title: Torbay Council Strategic Asset Management Plan 2021 ~ 2026

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

Cabinet Member Contact Details: Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, Swithin.Long@torbay.gov.uk

Director Contact Details: Kevin Mowat, Director of Place, 01803 208433, Kevin.Mowat@torbay.gov.uk

Supporting Officer Contact Details: Paul Palmer, TDA Head of Assets & Facilities Management, 01803 926391, paul.palmer@tda.uk.net

1. Purpose of Report

- 1.1 The previous Torbay Council Corporate Asset Management Plan covered the period 2015 ~ 2019 and had been updated on an annual basis. The Corporate Asset Management Plan was last updated in September 2019 following a technical review by the then Director of Corporate Services in light of the change in governance arrangements from Elected Mayor to Leader and Cabinet.
- 1.2 The draft Strategic Asset Management Plan 2021 ~ 2026 is a completely refreshed document and it is presented for approval prior to a formal consultation exercise. As a policy framework document, it considers the Council's approach to the strategic management of its assets, how it will support service delivery, provide the Council with income and how it will fulfil its mission to support, enable and empower its residents, our communities, and our partnerships, promote growth and place shaping within Torbay; and deliver the Torbay Community and Corporate Plan 2019 ~ 2023 One Torbay: Working for all.

2. Reason for Proposal and its benefits

- 2.1 We want Torbay and its residents to thrive.

- 2.2 We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay, and affordable housing for our residents.
- 2.3 We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.
- 2.4 The Strategic Asset Management Plan 2021 ~ 2026 will form part of a suite of key strategic documents for the Council's vision for the built environment which have already been developed in consultation with the community. It focuses on the places where people live and work, maximising opportunities for inward investment and infrastructure that delivers high quality design in our buildings and public realm that increases resilience. It allows for flexibility and growth in the local economy, ensuring any new development contributes positively to community amenities and infrastructure.
- 2.5 The reason for the decision is that it is intended that Torbay Council's Strategic Asset Management Plan will define the principles, criteria and processes through which decisions will be made regarding the use of Council assets. The adoption of the Strategic Asset Management Plan 2021 ~ 2026 will supersede the existing Corporate Asset Management Plan (2015 ~ 2019).

3. Recommendation(s) / Proposed Decision

- 3.1 That the draft Strategic Asset Management Plan 2021 ~ 2026, set out at Appendix 1 to the submitted report, be published for consultation as part of the consultation on the proposed budget for 2022 / 2023.

Appendices

Appendix 1: Draft Strategic Asset Management Plan 2021 ~ 2026.

Background Documents

None.

Supporting Information

1. Introduction

1.1 The drafted Strategic Asset Management Plan 2021 ~ 2026 will adopt an Asset Management Framework comprising of two separate elements as follows:

- An Asset Management Policy
- An Asset Management Strategy

The Asset Management Framework will be formed of two live strands. Neither strand will need to be updated at the same time. The advantage of adopting such a framework is that many areas relating to the Council's approach to its land and property assets is likely to remain constant for a number of years, such as the Asset Management Policy. The Asset Management Strategy is unlikely to change frequently but is likely to have elements that will require refreshing at more regular intervals.

1.2 The aim of the Asset Management Policy is to establish clear principles by which the Council will manage its land and buildings. It will remain in place for the next 5 years but will be reviewed annually to ensure it is still relevant to what it is trying to achieve. The Asset Management Policy identifies seven principles that set out the Council's approach to asset management and guide future decision making through processes that will enable delivery at pace.

1.3 The Asset Management Strategy provides an overview of the Council's land and property estate, comprising of over 1,800 land and building assets, with a total gross book value of £468million, as of 31st March 2021. The total annual rental income generated from the estate is c. £17.3m. The Asset Management Strategy categorises every land and building asset and assigns each asset to one of nine asset groups. The Strategy identifies the main priorities for managing each asset group and the purpose/reason why the asset is held by the Council. The Strategy will guide the Council in developing the portfolio over the next five years and how it will form part of the Council's overall Policy Framework.

1.4 The Strategy will be reviewed and amended within three years to ensure the estate fully supports the Torbay Council Community and Corporate Plan 2019 ~ 2023, by contributing to the key objectives for property asset management.

1.5 Sitting outside of the Policy Framework will be the Asset Management Action Plan, which further describes the specific activities to achieve the objectives of the Strategic Asset Management Plan 2021 ~ 2026. The Action Plan will be categorised under two thematic headings of Strategic and Operational Actions. The Action Plan is a live document and will be reviewed and monitored regularly by Cabinet. It will continually change to reflect

achievements of actions and capture new priorities and initiatives as they are identified. Consequently, the Asset Management Action Plan will not be a policy document.

2. Options under consideration

2.1 None.

3. Financial Opportunities and Implications

3.1 Due to the ongoing financial challenges facing the Authority and the potential for further future reductions in the Revenue Support Grant (RSG), unless there is specific approval at full Council to the contrary, the Council will always seek to maximise revenue streams and the full market receipt whether by way of freehold disposal or leasehold interest from assets classified as 'Investments' or 'Leased Estate, other Land & Buildings'.

3.2 Disposal of other asset groups whether by way of freehold disposal or leasehold interest will be considered alongside community aspirations and due regard to the purpose of ownership, including the operation of Council services.

4. Legal Implications

4.1 There are no legal implications with this proposal.

5. Engagement and Consultation

5.1 The draft Strategic Asset Management Plan 2021 ~ 2026 has been presented internally for consultation, including SWISCo and TDA.

5.2 It is intended, following approval by Cabinet, that the Strategic Asset Management Plan 2021 ~ 2026 will go out for a full public consulted exercise, including Community Partnerships, Brixham Town Council, Sport Torbay, Torbay Coast & Countryside Trust, and the Torbay Community Development Trust, as well as the general public.

6. Purchasing or Hiring of Goods and/or Services

6.1 Not applicable.

7. Tackling Climate Change

7.1 One of the clear principles by which the Council will manage its land and buildings and guide future decision making is working towards creating a carbon neutral estate by 2030.

7.2 This will be achieved by developing actions through the Carbon Neutral Council Action Plan (ready for delivery in 2022) to understand how the Council's operational operation estate

will transition towards carbon neutral for 2030. Other initiatives will also include a review of Council assets in relation to climate change and environmental implications, improving EPC ratings across the leased estate in line with government and our own carbon neutral targets.

8. Associated Risks

- 8.1 The adoption of the Strategic Asset Management Plan 2021 ~ 2026 is fundamental in ensuring the Council is a leading public sector organisation for property asset management. The principles set out in the Strategic Asset Management Plan 2021 ~ 2026 will ensure the Council can deliver an effective and efficient service that will also allow us to manage, maintain and develop the Council's estate following a robust and clear framework.
- 8.2 The absence of an up-to-date Asset Management Plan leads to decisions being made on an individual and reactive basis with little or no strategic guidance being considered.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Adoption of SAMP is likely to have a positive impact on locality.		
People with caring Responsibilities	Adoption of SAMP is likely to have a positive impact on locality.		
People with a disability	Adoption of SAMP is likely to have a positive impact on locality.		
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)	Adoption of SAMP is likely to have a positive impact on locality.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Adoption of SAMP is likely to have a positive impact on locality.		

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.

Strategic Asset Management Plan 2021 – 2026

Page 47

[TORBAY.GOV.UK](https://www.torbay.gov.uk)

Agenda Item 8
Appendix 1

Torbay Council Strategic Asset Management Plan 2021 – 2026

Introduction

The Torbay Council Strategic Asset Management Plan sets out the Council's approach to the strategic management of its assets, how it will support service delivery, provide the Council with income and how it will fulfil its mission to support, enable and empower its residents, our communities and our partnerships, promote growth and place shaping within Torbay and deliver Torbay Community and Corporate Plan 2019- 2023 One Torbay: Working for all.

To support this Torbay Council will adopt a new Asset Management Framework which comprises of two separate elements as follows:

- An Asset Management Policy
- An Asset Management Strategy

The Asset Management Framework will be a live document divided into the two strands. Neither strand will need to be updated at the same time. The advantage of adopting such a framework is that many areas relating to the Council's approach to its land and property assets is likely to remain constant for a number of years, such as the Asset Management Policy. The Asset Management Strategy is unlikely to change frequently but is likely to have elements that will require refreshing at regular intervals.

Sitting outside of the main framework will be the Asset Management Working Action Plan which further describes the specific activities to achieve the objectives of the Strategic Asset Management Plan 2021 ~ 2026. The Action Plan will be categorised under two thematic headings of Strategic and Operational Actions.

The Action Plan is a live document and will be reviewed and monitored regularly by Cabinet. It will continually change to reflect achievements of actions and capture new priorities and initiatives as they are identified. Consequently, the Asset Management Action Plan will not be a policy document.

It is intended that Torbay Council's Strategic Asset Management Plan will define the principles, criteria and processes through which decisions will be made regarding the use of Council assets. The adoption of the Strategic Asset Management Plan will supersede the Corporate Asset Management Plan (2015-2019).

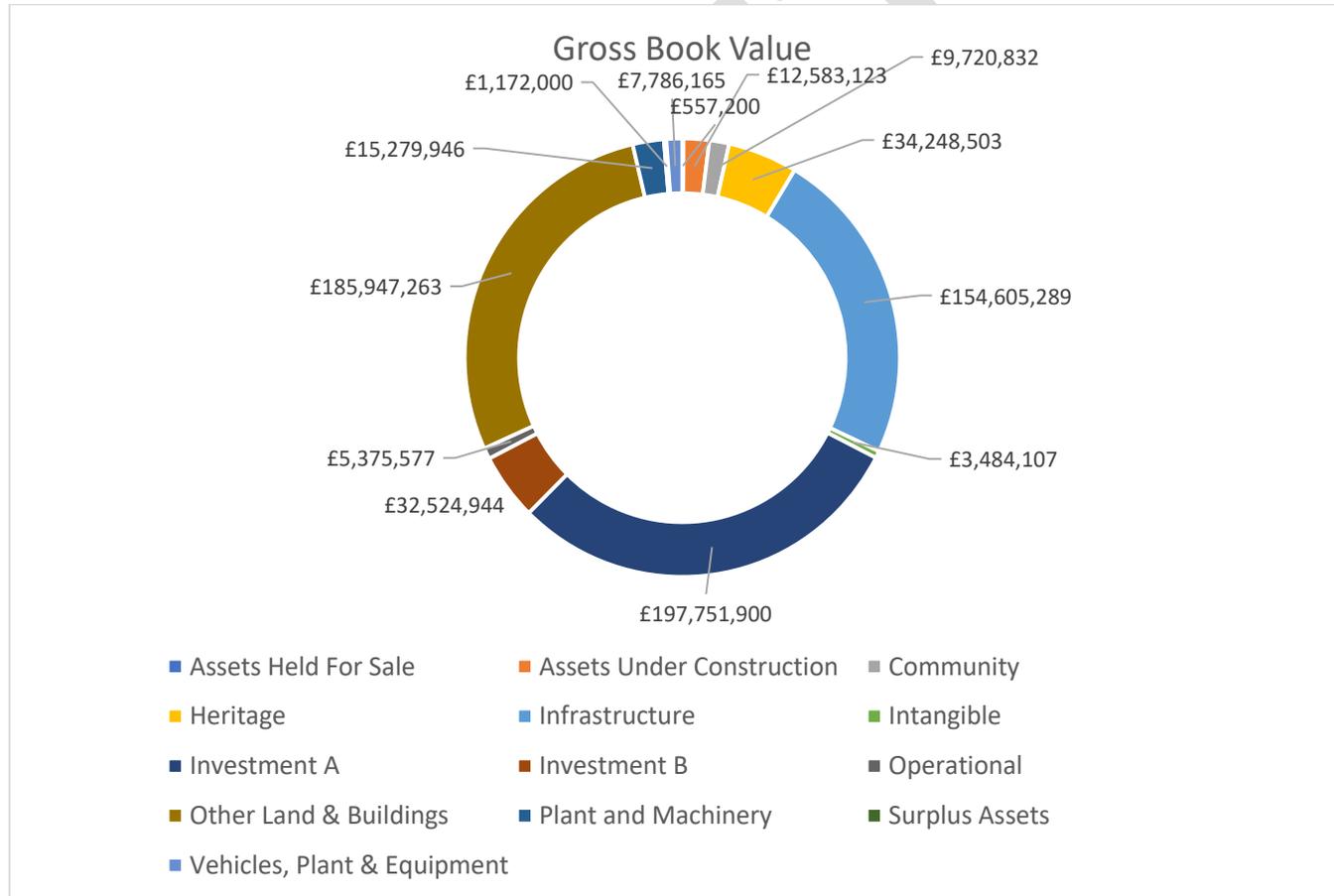
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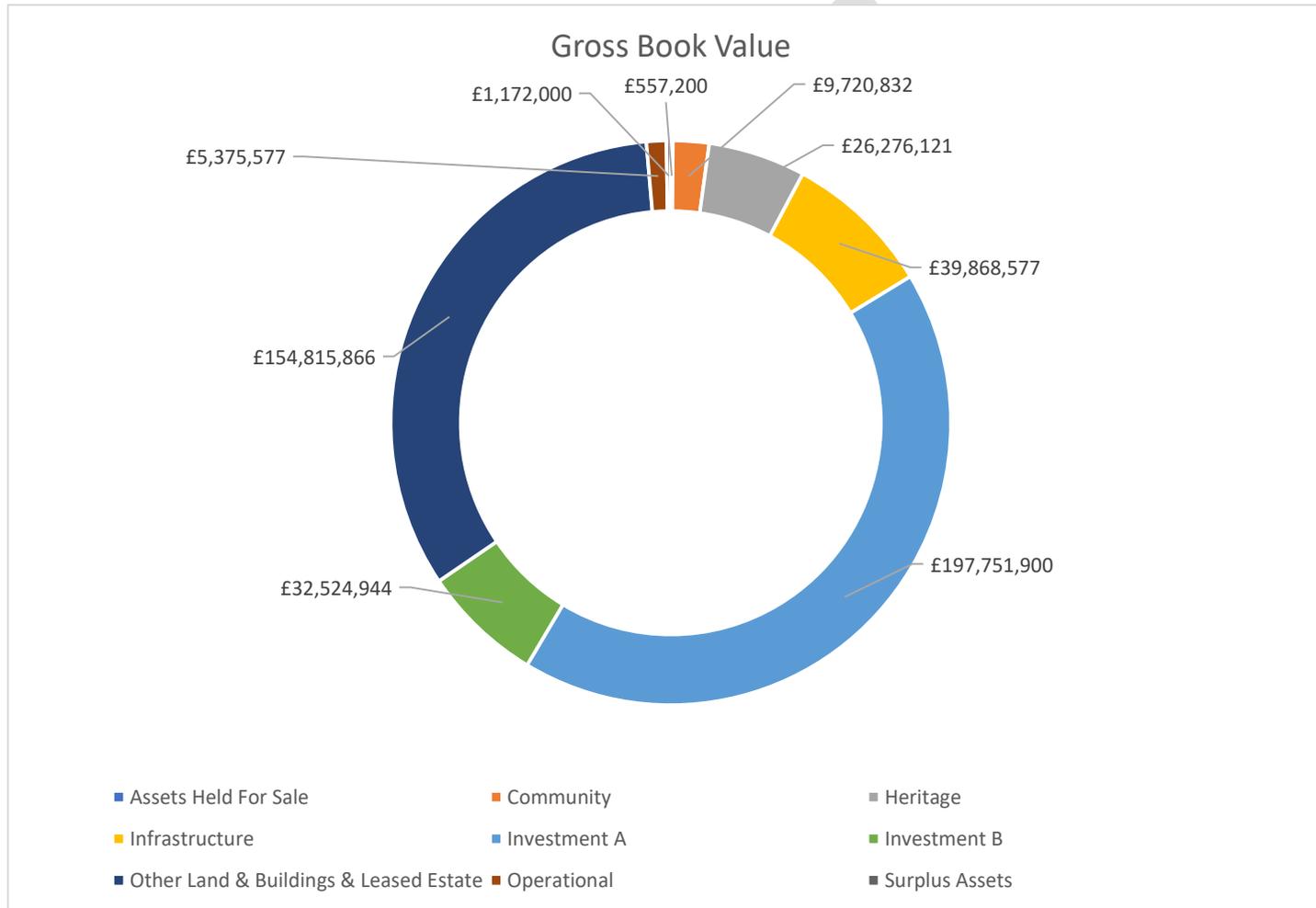
Context

As of April 2021, the Council owns assets with a Gross Book Value of c.£661m. The assets comprise of a range of schedules, including land and buildings, investment assets, operational properties, those held for sale or under construction, intangible assets, infrastructure, plant and machinery, heritage and community assets. These assets are located both inside and outside of Torbay.



- Asset Category descriptions see p.19.

The Council's land and buildings equate to over 70% of the Gross Book Value, totalling £468m. The asset base comprises a total of 1,803 assets and is divided across different schedules as seen below:



The operational estate comprises of 20 assets and the remaining non-operational assets include the let estate, community and heritage assets, the investment portfolio, assets under construction, surplus assets or assets managed externally (such as land and buildings managed by the Torbay Coast & Countryside Trust (TCCT)) and education assets under the control of school academies. The majority of the assets are owned freehold.

Key Drivers for Change

The stated ambition in the Torbay Community and Corporate Plan 2019 ~ 2023 One Torbay: Working for all, is for Torbay and its residents to thrive. A place where we have enabled the tide on poverty to be turned and tackled inequalities, where our children and older people will have high aspirations with a university in the Bay and where there are quality jobs, good pay and quality housing for our residents and a place where we address the climate change emergency. We want Torbay to be a premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy. Importantly we want to be a Council that supports and enables its residents, we want to be recognised as an enabling council, a council that our residents can be proud of.

The Strategic Asset Management Plan will form part of a suite of key strategic documents for the Council's vision for the built environment which have been developed in consultation with the community. These include:

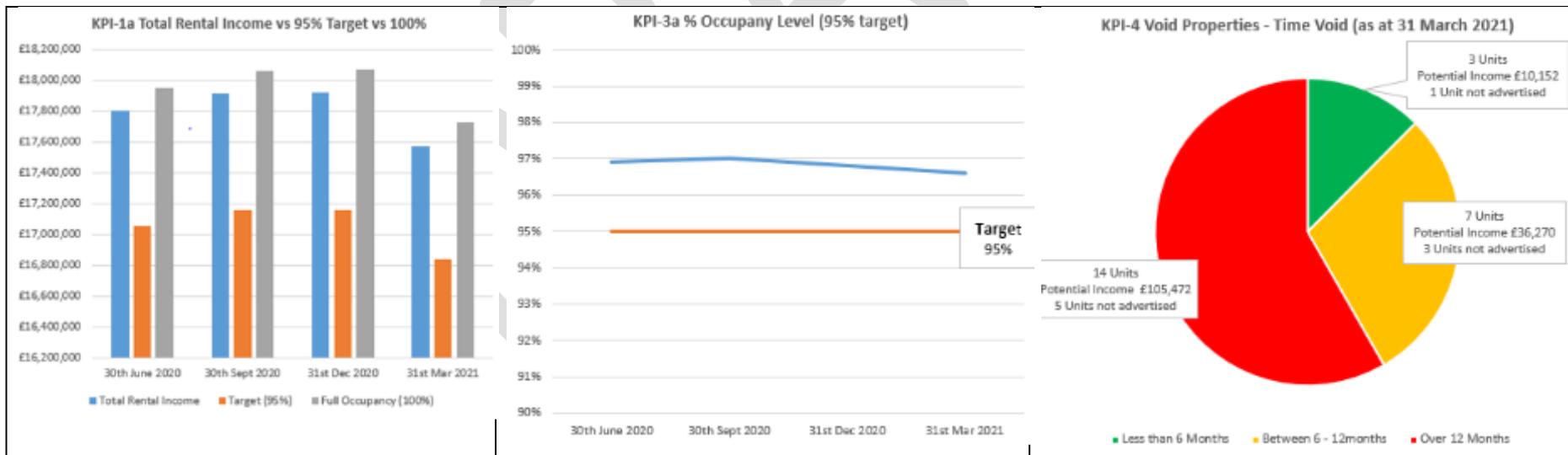
- [Torbay Community and Corporate Plan 2019- 2023 One Torbay: Working for all](#)
- [Economic Recovery Plan – Respond, Recover, Reposition](#)
- [Torbay Local Plan 2012 – 2030](#)
- [Torbay Heritage Strategy 2021 to 2026 Part 1](#)
- [Torbay Housing Strategy 2020 - 2025](#)
- [Tor Bay Harbour - Port Masterplan](#)
- [Energy and Climate Change Strategy](#)
- [Torbay Local Development Scheme 2017](#)
- Torbay Council Highway Asset Management Strategy (Emerging)
- [Paignton Neighbourhood Plan](#)
- [Torquay Neighbourhood Plan](#)

- [Brixham Peninsula Neighbourhood Plan](#)

It will focus on the places where people live and work, maximising opportunities for inward investment and infrastructure that delivers high quality design in our buildings and public realm that increases resilience. It will allow for flexibility and growth in the local economy, ensuring any new development contributes positively to community amenities and infrastructure. The Highway network is one of the Council’s biggest asset responsibilities outside of the land and property portfolio. The Council’s emerging Highway Asset Management Strategy should be embedded with this document and contribute to the overall strategic approach to the management of the Council’s assets.

The Council’s land & property portfolio generates a significant revenue for the authority. As of 31st March 2021, it was producing an annual rental income of c.£17.5m and achieving a 96.5% occupancy level. The performance and management of the Council’s asset portfolio is a commissioned service undertaken by TDA; a company wholly owned by Torbay Council.

Land & Property Headlines – 31st March 2021



Asset Management Policy

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Asset Management Policy

The aim of the Asset Management Policy is to establish clear principles by which the Council will manage its land and buildings. It will remain in place for the next 5 years but will be reviewed annually to ensure it is still relevant to what it is trying to achieve. This policy identifies seven principles that set out the Council's approach to asset management and guide future decision making through processes that will enable delivery at pace.

Principle 1

- Embed a Corporate Landlord model, to drive the rationalisation and consolidation of the asset estate, and corporate asset decision making based on 3-5 year service requirement strategies.

Principle 2

- Consolidate operational assets to decrease the number of single-use assets, reduce revenue costs and create multi-functional property, which is fit for purpose, in the right place and supporting service improvement.

Principle 3

- Work towards creating a carbon neutral estate by 2030.

Principle 4

- Rationalise the asset base by reviewing all non-operational and surplus assets to identify opportunities to create or increase revenue income, provide investment opportunities or deliver capital receipts to stimulate development and growth.

Principle 5

- Use our land and buildings to encourage development and growth, supporting local business needs and encouraging new business to Torbay.

Principle 6

- Develop a robust asset management plan to invest properly in all retained assets, to ensure they are fit for the future in supporting excellent service delivery.

Principle 7

- To work collaboratively and promote joint working between Torbay Council, Brixham Town Council, Health and blue light authorities and other Voluntary, Community and Faith Sector organisations to identify wider opportunities to benefit the community.



Our Objective

Our objective is to be one of the leading public sector organisations for property asset management and development. To achieve this, we will adopt the seven principles set out above. The principles describe the Council's commitment to property asset management and will ensure we deliver an effective and efficient service that will allow us to manage, maintain and develop our property and land portfolio.

Applying the Principles

Embed a Corporate Landlord model, to drive the rationalisation and consolidation of the asset estate, and corporate asset decision making based on 3–5-year service property requirement strategies.

- Provide clear corporate decision making and challenge on all property matters
- Property is integrated with other resources in a clear decision-making framework
- Costs are minimised through the delivery of economies of scale and use or return from assets is maximised
- Ensure service areas are adequately accommodated with an appropriate operational estate if so required
- Assets are maintained and managed in accordance with corporate strategic priorities and relevant property and health & safety legislation

Consolidate operational assets to decrease the number of single-use assets, reduce revenue costs and create multi-functional property, which is fit for purpose, in the right place and supporting service improvement.

- Ensure retained property is suitable and sufficient for service delivery
- Ensure retained property is flexible, agile and able to respond to future need, whether cultural and all behavioural
- Work with service areas and partners to understand longer term requirements
- Engage with community groups and external stakeholders to identify improved service delivery options
- Ensure retained assets are secure, safe, and meet all statutory requirements

Work towards creating a carbon neutral estate by 2030.

- Develop actions through the Carbon Neutral Council Action Plan (ready for delivery in 2022) to understand how our operational operation estate will transition towards carbon neutral for 2030.
- Ensure that asset management remains high on the agenda for the Council's Carbon Neutral Officers' Group chaired by Assistant Director of Planning, Housing and Climate Emergency.
- Aim to reduce energy and water consumption and CO₂ emissions, through the active management of the estate and by minimising energy and water use, using low carbon heat and renewable power where appropriate and in line with the ever-tightening net zero national policy.
- Develop oven ready projects so the Council can lever in funding to support the decarbonisation of our estate.
- Review Council assets in relation to climate change and environmental implications, improving EPC ratings across the leased estate in line with government and our own carbon neutral targets.
- As soon as possible, establish robust energy and water consumption data for the Council's operational estate to contribute to the Council's carbon footprint.
- Adopt Green lease provisions

Rationalise the asset base by reviewing all non-operational and surplus assets to identify opportunities to create or increase revenue income, provide investment opportunities or deliver capital receipts to stimulate development and growth.

- We will challenge the current use of assets and identify underutilised space to maximise commercial activities
- Look to allocate funds to projects that will achieve the maximum positive impact
- We will seek efficiencies in occupation and utilisation
- Identify opportunities for direct investment in existing assets to enhance income
- Identify and create a disposal programme of under-performing assets i.e., low return, non-strategic assets which do not enhance the Council's ability to provide outstanding services or meet wider strategic objectives

Use our land and buildings to encourage development and growth, supporting local business needs and encouraging new business to Torbay.

- Work with TDA to use key assets to stimulate and support regeneration and inward investment
- Continue to utilise the Growth Fund for investment to create local employment and training opportunities
- Manage the Council's Investment Portfolio and Let Estate effectively, balancing regeneration needs, job creation and income generation
- Continue to access funding opportunities to promote and encourage the improvement in the physical environment of our three town centres

Develop a robust asset management plan to invest properly in all corporate assets, to ensure they are fit for the future in supporting excellent service delivery.

- Challenge cost of property activities to drive performance
- Work with Climate Emergency Officers to ensure that properties are as sustainable as possible in their design, construction, operation and maintenance and aligned to meeting the carbon neutral 20230 target.
- Reduce energy and water consumption and reduce carbon emissions wherever possible.
- Undertake a whole life cycle costing exercise for each corporate asset to understand the maintenance of a property over its lifetime to understand the long-term costs of projects not just the initial capital costs.
- Review asset related feasibility and options appraisals across all service departments once their business models/plans are finalised

To work collaboratively and promote joint working between Torbay Council, Brixham Town Council, Health and blue light authorities and other Voluntary, Community and Faith Sector organisations to identify wider opportunities to benefit the community within the context of asset strategy and planning.

- Work with other agencies to promote co-location and joint service delivery.
- Work to support the ongoing integration of health and social care.

- Continue partnership working through the government's One Public Estate programme, to explore options for improved service delivery for public sector bodies in Torbay and across South Devon.
- Encourage the use of assets by the Voluntary, Community and Faith Sectors through Community Asset Transfer opportunities.

Where appropriate the Council will adopt and embed the Corporate Landlord model to drive asset related decision making. Based on prepared service property strategies for the coming 3-5 years, decisions will be made on the viability and feasibility of sites guided by the above principles, and using the process and criteria set out below.

LIBRARY & INFORMATION CENTRE



Asset Management Strategy

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Asset Management Strategy

The Asset Management Strategy provides an overview of the Council's Land and property estate, together with the main priorities for managing and developing that estate over the next five years.

The Strategy will be reviewed and amended within three years to ensure the estate fully supports the Torbay Council Community and Corporate Plan 2019- 2023, by contributing to the key objectives for property asset management.



Land & Buildings

Torbay Council's property portfolio comprises of over 1,800 land and building assets, with a total gross book value of £468million, as of 31st March 2021. The total annual rental income generated from the estate is c. £17.3m. There are a wide range of assets within the corporate estate, which includes the Council's investment portfolio, offices, car parks, depots, schools and assets leased to community organisations. The book value is not necessarily the exact amount that could be realised if all the assets were sold, but it does demonstrate the extent of the Council's land and buildings and why they need to be carefully managed.

The assets deliver a mixture of front-line services and indirect service provision. Many of the assets are legacies from donations, local government reorganisations and previous acquisitions. The Council has undertaken a significant rationalisation exercise of its estate over the last 10 years resulting in the size of the operational estate particularly being reduced. However, the ongoing careful management and continuous review of assets is imperative to avoid the possibility of money being wasted by retaining assets that are past their useful life. Equally, an asset beyond its useful life will still retain a value, whether this is financial or social. Consequently, if these assets are surplus, the Council should look to dispose and release the value so the capital can be re-invested elsewhere.

Following the COVID-19 pandemic, there will be changes to the way the Council works and some services will be delivered differently. As a result, some assets will need to change as we move forward over the next 3 to 5 years. We may need to invest further in our existing assets or provide some new assets to deliver services that are fit for a new way of working. The Council equally needs to consider measures to be taken in relation to minimising energy and water use to meet its carbon neutral 2030 targets.

To assist in this process the Council will, where appropriate, fully embed the Corporate Landlord model. This will maximise value for money and make the most efficient use of our property assets, ensuring capital works, both reactive and planned are prioritised appropriately. We will obtain up to date condition data and align this information with

operational priorities. We will also adopt an Asset Challenge process which ensures a robust approach is undertaken providing confidence that any decision regarding future use of a property provides the best and most appropriate output. This Asset Management Strategy will ensure that each asset is categorised, by property type, into one of seven asset groups. The reasons for holding these assets will vary and as a result, we may need to measure performance in different ways. Nevertheless, the performance of each asset and each group must therefore be linked to the strategic purpose for holding it.

Set out below is the definition for each of the asset groups:

Community Assets

Community assets are those assets that the Council intends to hold in perpetuity which can promote social inclusion and improve the health and well-being of citizens. This includes public open spaces, memorials, parks, shelters, sports pitches and public toilets. The assets which are often legacies from donations, will have no determinable useful life and which may, in addition, have restrictions on their disposal. This asset schedule is nevertheless a significant proportion of the asset base with 670 assets and a gross book value of £9.7m. There is a significant ongoing maintenance liability with community assets.

Heritage Assets

Heritage assets are those assets that are intended to be preserved in trust for future generations because of their cultural, environmental, or historical associations/significance. The Council has 43 heritage assets, including for example Torre Abbey and Torquay Pavilion which are held by the Council in pursuit of its overall objectives in relation to the maintenance of our heritage and culture.

Heritage assets can include historical buildings, archaeological sites, military and scientific equipment of historical importance, historic motor vehicles, civic regalia, orders, and decorations (medals), museum and gallery collections and works of art. This asset schedule has a gross book value of £26.2m.

Infrastructure Assets

Infrastructure assets are long lasting tangible assets that add value and are an integral part of land and buildings. These assets tend to be part of a larger component or system for example linked to transport, communication, water, sewage, bridges, and sea defences and need to be maintained to ensure functionality in the delivery of effective and efficient delivery of services. A significant proportion of the 102 infrastructure assets relate to the harbour estate. The gross book value of this schedule is £39.8m.

Investment Assets

Investment assets are those assets held by the Council solely for the purpose to earn rental income or for capital appreciation or both. The Council's investment portfolio is divided into two groups of assets.

Portfolio A – is the schedule of 20 investment assets that have been purchased via the Investment Fund since 2018. These assets have been purchased through borrowing from the Public Works Loan Board. Any future disposal of Portfolio A assets will be subject to the criteria as defined within the borrowing agreements.

Portfolio A	Total Gross Book Value 31/3/2021 = £197.8m	Rental Income PA
Hotel	1	£313,000
Industrial	5	£5,213,000
Leisure	1	£591,000
Office	4	£3,638,000
Retail	9	£2,628,000
TOTAL	20	£12,383,000

Portfolio B – is a schedule of assets where the rental income for each asset exceeds £20,000 pa and formed part of the Council’s original let estate, prior to 2018. This schedule comprises of 24 assets with a gross book value of £32.5m. The assets comprise a range of property types including for example a golf course, caravan site, leisure facilities, restaurants, and cafes. They produce an annual rental income of £2,322,000.

Leased Estate, other Land & Buildings

The Leased Estate includes those remaining assets that generate an income but are not captured in the Investment portfolios and totals c.890 assets with a gross book value of £154m. These assets have in the past been used to perform functions / services done directly by the Authority but are now let to third parties to perform for example, beach / park cafes. Other land and buildings include a plethora of other leases and licences, such as small pieces of fringe and highway verge land, substation sites and other low value assets. The rental income is nevertheless substantial equating to £4.6m pa.

Operational Assets

Operational assets are those assets used to deliver front line services and the daily operation of the business for Torbay Council. This comprises of 20 assets with a gross book value of £5.3m and includes corporate office accommodation and service buildings. (Operational assets used to deliver the Council’s harbour authority function are included in the Infrastructure Assets group)

Surplus Assets

Surplus assets are those assets that have been declared surplus to the Council’s operational requirements. Often the assets are close to or beyond useful economic life. These assets should be open for disposal or consideration for a community asset transfer.

TDA will produce an annual Estate Dashboard recording the overall performance of the property portfolio:

[Torbay Council Estates Dashboard – 31st March 2021](#)



Council Finances

Torbay Council like many other Councils has experienced significant funding reductions over the last 5 years. Torbay Council has seen a reduction in its Revenue Support Grant from £27m in 2015/16 to £6m by 2019/20. It is still uncertain what the Council's funding will be in future years. Despite these financial challenges Torbay Council is committed to supporting growth and investment through its Capital Programme and will look to intervene where the market is failing. The Council continues to deliver its Investment and Regeneration Strategy, which is generating revenue income, as well as enhancing, and supporting the economic performance of Torbay. The Council's assets must also be worked harder to be able to contribute to the overall corporate and service objectives for example, the proposal to redevelop the old toilet blocks at Preston and Corbyn Head, the Old Toll House, Torquay and the Terrace/Harbour Car Park, Torquay.

Current and recently completed Capital Projects include:

- **Fleet Walk Shopping Centre, Torquay** – Using its Economic Growth Fund, Torbay Council purchased this asset in November 2019, as part of its plans to regenerate Torbay's town centres.



- **EPIC White Rock, Paignton** – An £8m Electronics and Photonics Innovation Centre (EPIC) opened in summer 2019 supporting tech innovation and promoting collaborative activities in an excellence cluster between businesses and research institutions. This building has now been leased on a long leasehold basis to TDA. The asset is currently 65% let and ahead of TDA business plan for the centre.



- **Harbour Light Redevelopment, Paignton Harbour** – A new bar and dining venue overlooking Paignton Harbour, opened in February 2020 after St Austell Brewery's investment. The project was a product of the Council's Port Masterplan and promoted by the Tor Bay Harbour Committee.



- **Oxen Cove Jetty, Brixham** - A £2.5m project jointly funded by Torbay Council and the European Maritime Fisheries Fund to provide additional landing capacity to support the fishing industry by easing demand at peak time and streamlining the logistics of distribution at Brixham Fish Market.



Asset Challenge

Due to the ongoing financial challenges facing the Authority and the further future reductions in Revenue Support Grants (RSG), unless there is specific approval at Full Council to the contrary, the Council will always seek to maximise revenue streams and the full market receipt whether by way of freehold disposal or leasehold interest from assets classified as Investments, Leased Estate, other Land & Buildings. Disposal of other asset groups whether by way of freehold disposal or leasehold interest will be considered alongside community aspirations and due regard to the purpose of ownership, including the operation of Council services.

It is intended that all assets that are assessed as surplus and / or not required for operational purposes should be reviewed through the Asset Challenge process. This provides confidence that any decision regarding future use of a property provides the best and most appropriate output. It should be noted that best value in terms of a capital receipt is not always the right outcome, and the Council needs a mix of revenue, capital and place shaping outputs.

The process of decision making on future asset usage, project delivery and the disposal of sites shall be determined in two parts:

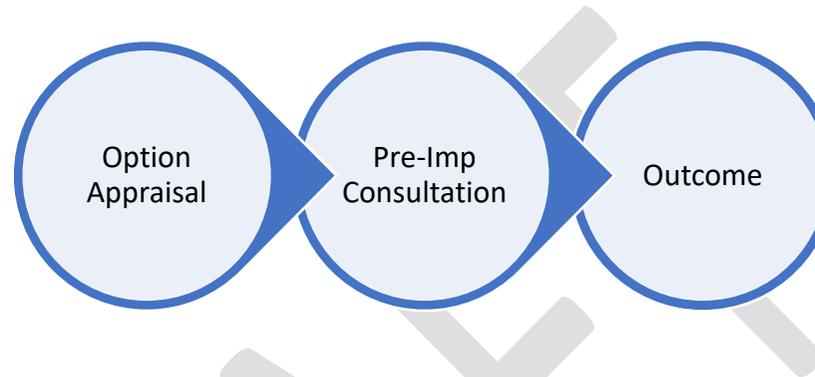
Part 1 – the Corporate Assessment:



- 1. Strategic Purpose** - This part of the process determines whether an asset has an identified use and purpose which enables service delivery in line with corporate and service strategies. For example, where there is an identified need within a specified location by multiple services, these are co-located within a multi-functional hub therefore enabling asset consolidation and reduction in running costs. Additionally, this could be identifying assets which could support service delivery, for example, extra-care sheltered housing that reduces expenditure on high-cost care, but also delivers important outcomes to residents.
- 2. Opportunities and Risk** – The second part of this assessment is understanding if there are any opportunities that could be exploited. Do we fully understand the cost and condition of a building or asset; is this a low performing/high-cost asset in poor condition that is not fit for purpose, and requires significant investment? If so, it may not be an asset to retain.
- 3. Performance Appraisal** - The Council also needs to understand what financial and non-financial outcomes are being delivered and can they be quantified. Understanding the management costs are equally important. Assets may be retained where there is a clearly defined, future strategic purpose, which has a value and can be delivered within an agreed timeframe. Cost/benefit analysis of investment, to make the asset fit for purpose, with an appropriate payback period, relevant to length of future use.

The Asset Challenge process sets out the stages of this assessment, and what happens in each case. If the asset is not suitable or not needed for either purpose, it moves to Part 2.

Part 2 – the Option Appraisal:



- 4. Option Appraisal** - This part of the process focusses on the use of the asset beyond service or operational requirements. This is a balance of performance, opportunities and risks. This might include a site that could be disposed of for a capital receipt; redeveloped for revenue income generation or held for future strategic use to maximise output or benefit. The primary process is a formal options appraisal which considers potential future uses of the site. The options appraisal will identify the preferred option and how this best aligns with the Council's Community and Corporate Plan.
- 5. Pre – Implementation Consultation** - Partnership working and shared development where opportunities will deliver quantifiable benefits. There will be a need to engage with both internal and external stakeholders and partners. A key factor is whether an asset supports economic growth and improves on the 'place'.
- 6. Outcome** - The outcome of the assessment will decide whether an asset is retained, remodelled & re-used or disposed through the open market or by way of a community asset transfer.

Future Ways of Working

Future Ways of Working is the Council's forward-looking programme, forming part of the overarching transformation programme, building on the work of the previous Office Rationalisation Programme. Fundamental to the success of the programme is not making snap decisions about individual assets, without a holistic view being taken. An example of this would be the future of Paignton Library, the Council's only forward-facing asset in Paignton.

The outbreak of the Coronavirus - COVID 19 demonstrated the resilience introduced throughout the Council's workforce with the transition of hundreds of employees to home working for a sustained period. Enabled by a conscious shift to align roles to workstyles that allow a high degree of agility, supported by ICT equipment and infrastructure and relevant policies and procedures to support a new way of working.

The key drivers for the new programme will be developed in greater detail over the next 12 months. The programme will enable more efficient home and team-working, working more flexibly within our buildings and homes, through promotion of agile working, and providing modern fit-for-purpose workplaces, supplemented with the correct tools for greater home-based working, where appropriate. Closing or repurposing buildings and space within those buildings will naturally follow as we build up intelligence of our future needs.

- Addressing the essential maintenance needs of our remaining buildings - maintaining the portfolio mechanical and electrical (M&E) systems and prolonging their operational lifespan; addressing critical structural issues.
- Complying with regulations - ensuring that actions are taken to ensure that buildings are compliant with statutory obligations for example in respect of Fire, Legionella and Asbestos.
- Optimising income - protecting existing income streams from assets and investing in buildings where additional income can be generated.
- Using less energy - improving energy efficiency in our offices and other buildings and reducing running costs.

- One Public Estate - county wide collaboration on asset management to enable Public Sector providers to collaborate on strategic planning and management of their land and buildings as a collective resource.
- Serving our customers more efficiently - focusing on what our customers want and need, using better accessible and inclusive facilities to serve them.



Climate Change: De-carbonisation

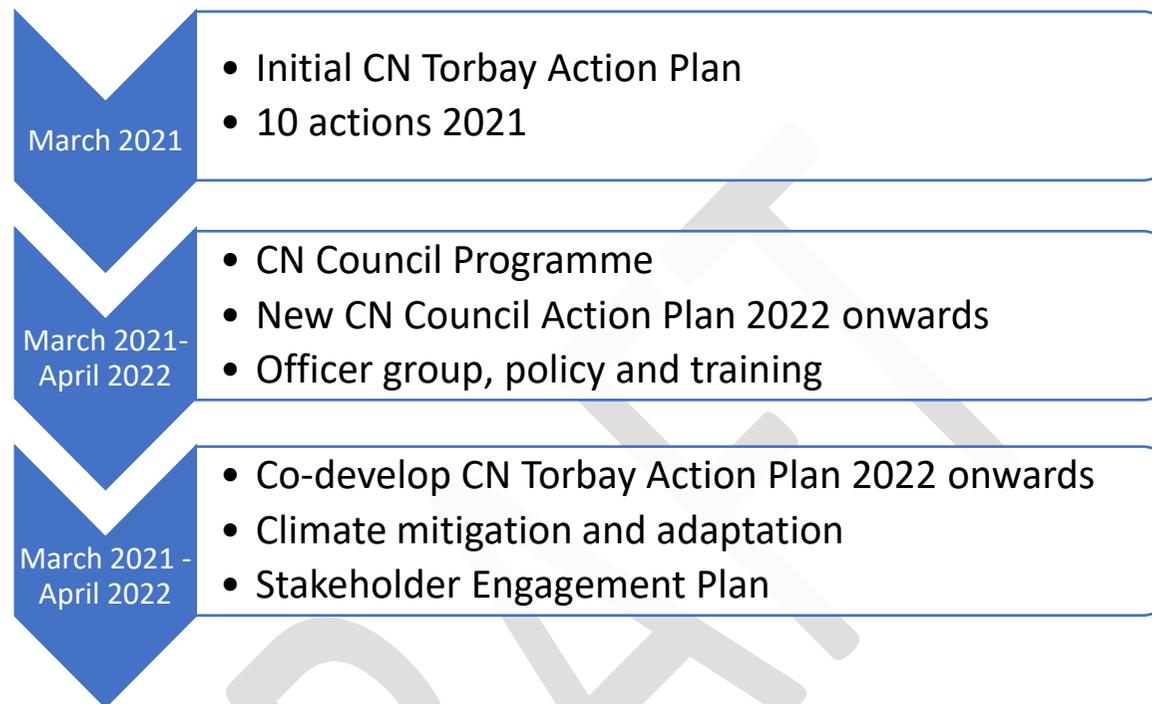
In May 2019, the UK Parliament declared an Environment and Climate Emergency, and the government amended the 2008 Climate Change Act to strengthen its climate ambition, legislating for a target to reduce the UK's emissions to Net Zero by 2050. Like many local authorities, Torbay Council recognised the scale and urgency of the situation by declaring a Climate Emergency of its own, in June 2019, and by joining the Devon Climate Emergency Response Group. This group is made up of Devon's councils, emergency services and leading business groups. Working towards the Devon Carbon Plan, Torbay Council set out its clear objective to become a Carbon Neutral Council by 2030 and work with others to create a carbon neutral community. Other measures adopted by the Council to address climate change include:

- Increase recycling rates.
- Reduce Torbay's carbon footprint.
- Encourage a sustainably developed built environment.
- Implement re-wooding and rewilding.
- Address flooding risks.
- Improve communications and transport connectivity and sustainability.
- Granting of 'green' leases.

To achieve carbon neutrality within Torbay Council's own estate requires significant resource and effort.

The Council has committed to developing its own carbon neutral action plan by April 2022. As part of this we will work with TDA to ensure a roadmap with actions on how we intend to work towards a carbon neutral estate by 2030.

The Council will also develop with partners a Torbay wide carbon neutral plan and refresh the Energy and Climate Change Strategy (2014 – 2019) by April 2022.



Torbay Council will work in reducing our environment impacts and become carbon neutral by 2030 by adhering to the following principles:

- Reduce energy & carbon emissions by the adoption of energy efficient measures, renewable energy tariffs and staff behavioural initiatives.
- Minimise waste and water consumption through waste reduction, reuse, and recycling.
- Use sustainable resources through the things we purchase and the services we commission.
- Enhance our natural environment by protecting the Council's own estate through a range of conservation practices.
- Climate resilience and the better understanding of the near-term and future risks on climate change for the Council's operations and services.
- Improve communications and transport connectivity and sustainability.
- Granting of 'green' leases.



Maintaining Our Assets & Corporate Landlord Approach

The way Torbay Council manages its assets is important. We need to ensure that, where appropriate, our land and buildings are managed as a centralised corporate resource, the right stakeholders are involved, and decisions are made in the context of the Council's priorities and objectives.

The concept of a Corporate Landlord Approach is that the ownership of an asset and the responsibility for its management and maintenance is transferred from service areas into a corporate centre. The service area then becomes a corporate tenant and their priority is to plan and deliver their service to the best of their ability. The Corporate Landlord's function is to ensure all services are adequately accommodated and to maintain and manage the associated land and property assets.

Although a Corporate Landlord 'lite' approach has been adopted this has only been completed in part. The Corporate Landlord's responsibility should extend further than the acquisition, development and disposal of land and buildings. Over the life of the strategy the Corporate Landlord will be delivered further to assume more responsibility for asset planning, review, feasibility and options appraisal accounting for the needs of most service areas, but more importantly, making decisions based on overall corporate priorities.

The overall asset maintenance strategy should be to ensure that our finite and reducing resources are prioritised to appropriate buildings, where the money is needed most. To identify these priorities a programme of condition surveys will be undertaken to understand maintenance requirements over a rolling period of 5 years. The aspiration should be to complete lifecycle condition surveys on selected assets to cover a period of 25 to 30 years. This will enable a better-informed decision-making approach and maximise efficiencies by planning over a longer time horizon, instead of reacting to maintenance emergencies as they happen.

Moving forward, the four key aims for both Corporate and Schools Building Maintenance should be:

- To ensure our buildings are safe and secure for the people who use them.
- To allocate funding to projects that will achieve the maximum positive impact for those who use them including our customers.
- To achieve an efficient balance between planned and reactive maintenance work.
- Achieving maximum efficiencies in the way we procure building maintenance work.

TDA will deliver the Corporate Landlord Model, as directed by the Council, through the use of the following activities:

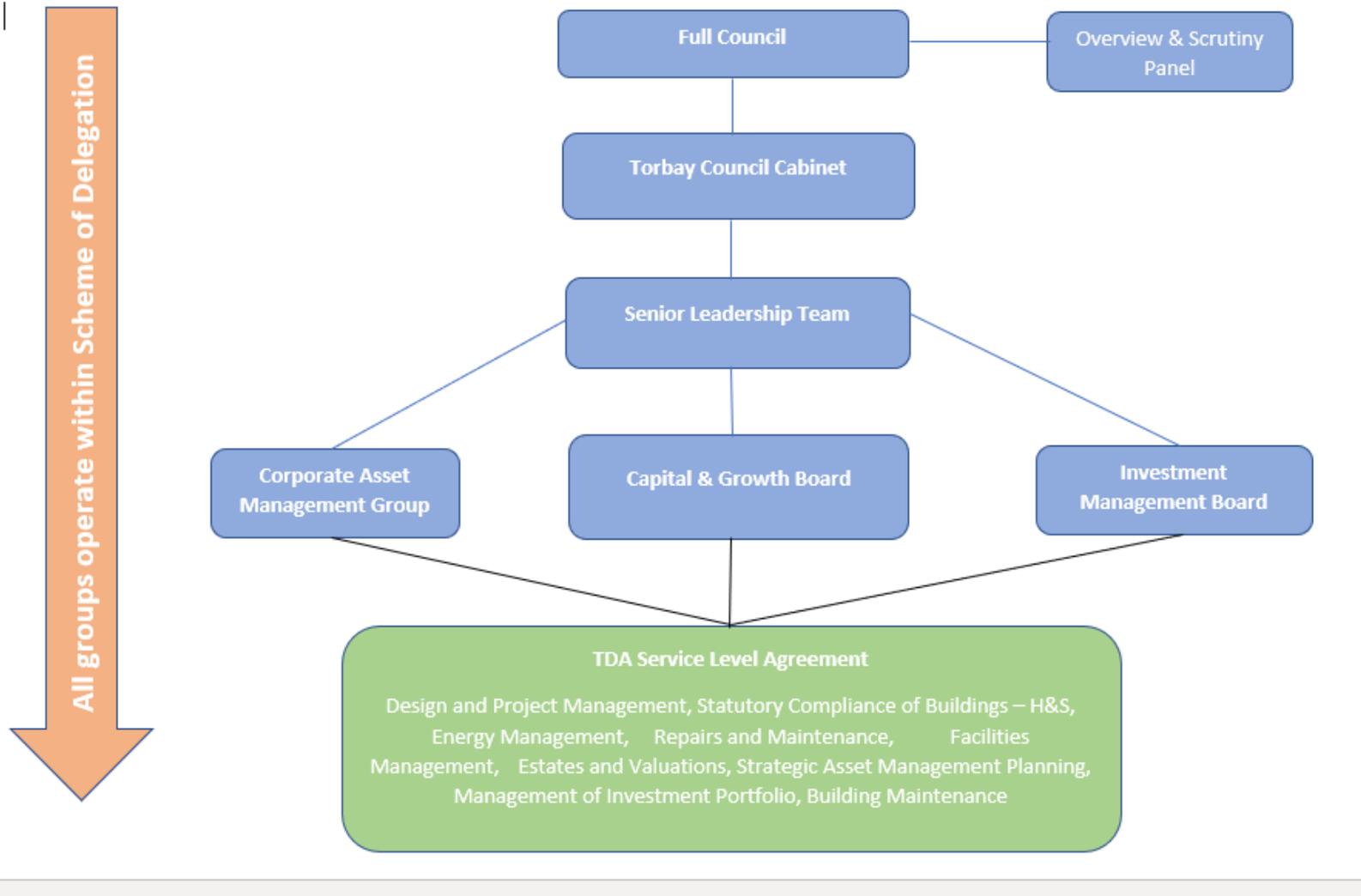
- Design and Project Management
- Statutory Compliance of Buildings – H&S
- Energy Management
- Management of Repairs and Maintenance
- Facilities Management
- Estates and Valuations
- Strategic Asset Management Planning
- Management of Investment Portfolio
- Building Maintenance

Day to day performance and management of the Council's asset portfolio is a commissioned service undertaken by TDA.

The Council shall ensure there is a robust governance structure in place providing direction and transparency of the management of the Council's estate.

The diagram below outlines the organisational structure for the governance of the Council's land and building assets.

Governance Structure



Working with Partners

Torbay Council are active members of the One Public Estate (OPE) programme, working closely with other public sector organisations across the sub-region (Devon OPE Board), exploring opportunities to reduce premises costs and make assets work better for our communities and customers. This includes working with Torbay & South Devon NHS Trust through the Integrated Care Organisation delivering community health and adult social care services for Torbay. Other partners for example include Devon and Cornwall Police, South Devon College and Libraries Unlimited.

The key aim being to work with a range of key stakeholders, exploring opportunities for shared services and how our combined assets can support this. We will also continue to be an active member of the Heart of the South West LEP Joint Committee and the Emerging Greater South West proposals.

There are many more opportunities across Torbay to explore asset-based arrangements including shared space and community / public service points which will encompass the needs of our communities.



The strategic objectives of the One Public Estate programme are set out below:





Engaging with Communities

Torbay Council lease over 44 land and property assets to voluntary, community and sports organisations, often at reduced or minimal rents. Many of these leases have been in place for a number of years. Other leases have been transferred to local organisations who run them successfully for the benefit of our local communities. These arrangements range from short term licences, sports leases for up to 40 years or granted by way of a more formal process under a 'Community Asset Transfer' (CAT).

Local people are often best placed to manage community facilities in their area. They already make excellent use of these assets with local knowledge and hands on management, often resulting in lower overheads and better value for money outcomes. Community organisations can lever in significant funding and are also able to use volunteers to run facilities.

Fundamentally, community groups can take ownership of assets and have great pride in their local area. Managing these facilities can help empower local communities and can bring opportunities for greater independence and financial sustainability. The Council are fully committed to using appropriate assets to form long term partnerships with suitable voluntary, community and sports organisations.

A number of operational Policies are in place that will be followed in relation to applications for Community Asset Transfers and Sports Leases.

[Community Asset Transfer Policy \(Link\)](#)

[Sports Lease Policy \(Link\)](#)

[Grant in Lieu of Market Rent Application \(Link\)](#)



Conclusion and Our Forward Plan

This document covers the two elements of the new Asset Management Framework - (1) the Asset Management Policy and (2) the Asset Management Strategy and together they make up the Strategic Asset Management Plan. The Strategic Asset Management Plan outlines the key strategic objectives for Torbay Council's land and buildings over the next five years and it will form part of the Council's overall Policy Framework.

Sitting outside of the Asset Management Framework is the Asset Management Action Plan, which further describes the specific activities to achieve these objectives, categorised under two thematic headings of Strategic and Operational Actions. The Action Plan is a live document and will be reviewed and monitored regularly by Cabinet. It will continually change to reflect achievements of actions and capture new priorities and initiatives as they are identified. Consequently, the Asset Management Action Plan will not be a policy document.



Meeting: Cabinet

Date: 21 September 2021

Wards Affected: All Wards

Report Title: Street Lighting Infrastructure Action Plan

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

Cabinet Member Contact Details: Cllr Mike Morey Cabinet Member for Infrastructure Environment and Culture.

Supporting Officer Contact Details: Ian Jones – Head of Highways, Fleet and Transport (SWISCo)

1. Background and Introduction

- 1.1 SWISCo currently operates the street lighting service on behalf of Torbay Council who are the client and the highway authority. The Highway Street lighting service comes under the Highway Asset Management Team based within SWISCo.
.
- 1.2 Torbay Council, as the Local Highway Authority (LHA) does not have a statutory duty to provide street lighting to its highway network, however where any such system of street lighting has been implemented, then the LHA has a statutory duty to ensure that the apparatus is maintained as part of the highway asset and for the safety of the highway user. As Torbay is a mainly urban network, street lighting is provided to the majority of its streets and is a requirement within any new residential or commercial developments.
- 1.3 Torbay Council also operates a significant number of lighting assets within non-highway areas including Parks, Gardens Promenades and Car Parks, as well as the harbour estate. Whilst these also provide an important public amenity, they are not subject to the same statutory requirements in terms of maintaining operation, as those assets upon the public highway. It is therefore a decision for Torbay Council as to whether lighting is operational in these areas. Maintenance spending in these non-statutory areas of public lighting has suffered in recent years as the Council has strived to manage a balance budget and support critical services.
- 1.4 Torbay Council has been actively replacing its street lighting lanterns with low energy LED units. This has provided significant savings in energy usage and carbon emissions but has also enabled change from a previous cost saving policy of providing 'part night lighting' in residential areas to a system of providing lighting level reductions during the early hours of each day. This replacement programme remains ongoing as part of normal replacement works.

1.4 The highway street lighting asset in Torbay has however suffered from reduced investment over many years and currently there is a significant maintenance backlog associated with the replacement of ageing lamp columns. Any future investment into the street lighting asset will therefore need to consider this as a priority as this affects the ability to upgrade older lanterns to newer LED lanterns and also, columns that have exceeded their residual lifespan are likely to become a significant public safety issue which could potentially become a legal liability issue for the authority.

2. Reason for Proposal and associated financial commitments

2.1 At a meeting of the Cabinet on 23rd March 2021 it was agreed that ***'In light of the issues arising from the murder of Sarah Everard, the Cabinet wanted to take the opportunity to review community safety within Torbay'***. The Cabinet noted the report that was circulated prior to the meeting and requested that a further report be presented to Cabinet post the Community Safety Partnership meeting on 29th April, with a clear action plan as to how the Council and the Community Safety Partnership will be progressing matters.

2.2 At the meeting of the Cabinet on 15th June 2021 the following actions were agreed:

- i) The contents of the report be noted and future updates requested to monitor progress;
- ii) The Director of Place work with Cabinet Member for Infrastructure, Environment and Culture to continue to pursue future funding opportunities to improve the street lighting infrastructure and the Director of Place to come back in September with a clear action plan to tackle any significant backlogs of works that need factoring into our future capital plans

This report has therefore been produced to advise the Cabinet of the current position with respect to street lighting in Torbay.

3. Recommendation(s) / Proposed Decision

3.1 That the Action Plan attached as Appendix 1 be noted and the Director of Place to work with the Cabinet Member for Infrastructure, Environment and Culture to continue to pursue future funding opportunities to improve the street lighting infrastructure across Torbay.

Appendices

Appendix 1 Street Lighting Infrastructure Action Plan

Background Documents

Section 1: Background Information

1.

What is the proposal / issue?

Torbay Council commission SWISCo to undertake the management of its public highway network, including the highway street lighting asset.

There are also significant elements of non-highway lighting within other Council owned areas, such as Parks, Promenades and Car Parks. These are managed by the responsible departments within SWISCo and the service managers within Torbay Council, however SWISCo's Highways Asset Management Team currently manage a street lighting contract, which may also be used for maintaining some, but not all, non-highway lighting units as well as all units on the public highway.

Maintenance

The bulk of street lighting maintenance activities are carried out by an outside contractor, SSE Contracting Ltd who are less than one year into a ten-year contract at the time of reporting. The service they provide includes an emergency call out response, regular scouting to identify street lighting outages, the fixing of said outages, replacing obsolete lighting columns (as directed by client), cleaning of assets, bulk changing of lighting units, carrying out electrical testing at specified intervals and conducting structural tests on columns to assure safety and stability of these.

The Asset - Lamps

For the purposes of this exercise, only the street lighting assets are listed below, these being the lighting columns and the lighting units affixed to them. However, there are other assets such as Belisha Beacons, illuminated bollards, illuminated traffic signposts and school crossing patrol flashers that can also come under the lighting contract.

- Street Lights – there are some 15,800 of these with the vast majority being on street lighting columns. There are a few examples of wall mounted units or lamps on telegraph poles.

The street lights come into different categories which are presented below in simplistic groupings:-

- LED streetlights with a set dimming regime – 13,396
- Non-LED lamps with a set dimming regime – 2,804
- Non-LED lamps under a part night lighting regime – 2,400

The use of LED lamps on the network was first introduced in Torbay in 2014 in order to substantially reduce the energy costs associated with lighting. By using 'Salix' funding in order to carry out two phases of LED installations there have been significant savings in both energy consumption and carbon emissions. The early start of this programme of change has put Torbay Council at the forefront of this initiative.

2.

What is the current situation?

Part Night Lighting

Some lamps will not stay on all night, which was brought in intentionally as a cost saving initiative prior to the adoption of LED lighting units. The premise being that a streetlight would be set to turn off in the early hours after midnight and turn back on an hour before dawn. Thus there would be a period of 5 hours overnight when the street would be in darkness. This was consulted on before implementation and was not universally popular with residents. The trend now is to change 'part night' to newer 'all night' LEDs as units fail or following reports of crime increases in a street.

We do receive some outage reports from residents who may not have been aware that they are in a 'part night' street or who have just moved to the area. However, most people accept the premise even if they don't necessarily always agree with this system.

All Night Lighting

There are two versions of this, one being on main roads where streetlights are set to dim by 30% after 0030 hours, the other being in residential areas where lights will dim to 50% of normal output throughout the early hours. A few residents may complain after 'all night' lighting is re-introduced but these are a minority group who are vastly outnumbered by residents preferring this system

The Asset – Columns

The table below indicates the current age of street lighting columns within the Torbay inventory. Best practice, suggests that these have a design life expectancy of 25 years with bulk changes being required as they surpass this age.

Age	Number of Columns
<10 years	2474
10 – 20 years	3369
20 – 25 years	1534
25 – 30 years	2785
30 – 35 years	2342
35>	2342

Cyclical Activities – Outages and Faults

If we are made aware of a column with a missing door or exposed wires or one that has been damaged by a vehicle, we have a 2-hour emergency response to get these made safe. Whereas a typical outage report will be attended to within 5 working days. The standard procedure now being that an older non-LED lamp will automatically be changed out for an LED unit with a dimming regime for 'all night' lighting.

If a new column is required, the contract states that this will be done within 20 working days but this is not always possible at the current time with steel and material shortages being reported. However, our contractor will always try to meet this target.

Unfortunately, not all street lighting issues fall within our immediate control. A common scenario is that a series of lights on a single street will all fail at the same time. This is invariably down to cable faults from the electricity supplier, who will be Western Power Distribution (WPD). When a supply cable fault is checked by our contractor, details will be passed to WPD who will again check for faults and change any blown fuses. If it is more than that required,

	<p>the New Roads and Street Works Act allows them 28 days to attend. If it then turns out to require a road closure, they will have to book road-space, that can then theoretically take a further 3 months. Accordingly, the continuing outage reports will come to us, but we cannot speed up the repairs in these cases, as this is outside of the authority's control.</p> <p>Outages Customer Reports We have an on-line street lighting reporting tool that allows members of the public to contact us to report streetlights being 'out'. These reports are then issued to our contractor. The current reporting system has been used for a number of years, and a replacement system is being considered for implementation in the near future which may enable reports to be automatically input at source, which will improve efficiency in the future.</p> <p>Non-Contract Lighting Repairs The current street lighting contractor can also be used by other Council departments for electrical and lighting works. Whilst standard outage repairs and some private network cables can be accommodated within contract rates, the use of different lighting units and columns will mean that separate estimates will need to be sought from the contractor prior to works. The highway streetlights are in the main being standardised to a few different types of lighting units with 6 metre columns being the default height for most residential streets. There are a few heritage lamps on the network that will be retained where possible if their location demands, this being the case for conservation areas, sea fronts and some town centre settings.</p> <p>Lighting in Parks and Open Spaces The Head of Parks and Green Infrastructure (SWISCo) advises that as part of ongoing improvements to lighting in Parks and Open Spaces, the Highway Street Lighting contractor has now been commissioned to carry out regular night scouting inspections of lighting in Parks from September 2021 and any repairs resulting from this will follow on a priority basis. In addition:</p> <ul style="list-style-type: none"> • 18 new lanterns have now been installed at Youngs Park, Goodrington. • The Parks lighting columns which were most contentious have been fixed (Paignton, Torwood Gardens, Tunnel in Victoria Park) • Preston remains an issue as we have not been able to identify the fault. SSE, Havills and Western Power all involved and is ongoing.
<p>3.</p>	<p>What options have been considered?</p> <p>Further investment to replace the older style lanterns to lower energy and dimmable LED lighting has been considered as a priority, due to the benefits in terms of lower energy costs, lower carbon emissions and the ability to provide ambient lighting levels during the early hours of the day. However simply replacing lanterns on columns, which are beyond their residual lifespan will not overcome a potentially higher risk to the authority of failing lighting columns.</p>

	<p>The levels of Structural Maintenance Capital funding invested in lighting column replacements has been increased in recent years. However, this inevitably has not been sufficient to provide a significant improvement to the overall asset condition, and also further limits any available capital funding to invest in carriageway reconstruction and resurfacing works. It is therefore recommended that additional funding sources are considered for investment into column replacement.</p>
4.	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</p> <p>Investment into the authorities Lighting infrastructure supports the principles of 'Thriving Economy' and a 'Council Fit for The Future' improving Torbay's highway network and maintaining its lighting assets to a safe standard.</p> <p>The scheme contributes to the principle of 'Tackling Climate Change' by continuing to reduce energy usage through new technology within its lighting assets.</p>
5.	<p>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</p> <p>The proposal does not directly contribute towards the Council's responsibilities as Corporate Parents.</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>The proposal does not directly tackle poverty. Deprivation and vulnerability however the provision of appropriate levels of street lighting in our residential areas will assist in providing an environment that limits opportunities for crimes against persons or properties in these areas.</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>The proposal does not directly impact on people with learning disabilities.</p>
8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>The public highway provides essential services and accessibility to all sectors of the community.</p> <p>There is no specific duty upon the authority to consult the community regarding essential maintenance, however any investment into the highway</p>

	and its associated lighting asset would be a useful opportunity to promote the benefits of improved lighting to members of the communities affected.
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Section 2: Implications and Impact Assessment

9. What are the financial and legal implications?

The replacement of overage columns will be the most important activity associated with lighting maintenance for a number of years given the current rate of investment. This is therefore a significant risk for the authority, if there was to be an incident involving injury to highway users as a result of a column failing and potentially falling on a vehicle or pedestrian.

Currently it typically would cost approximately £1,000 per unit to replace a column. It is therefore recommended that a programme of replacement of lighting columns is considered as a priority for any future investment opportunities.

In the 2020-21 financial year, in addition to conducting standard cyclical works, it was possible to replace some 210 of the eldest and most fragile columns using the 'deteriorated equipment' element of our budget together with a capital investment from the maintenance budget of £150,000.

A similar investment is expected this year which will then allow a further 200+ units to be renewed this financial year. However, this will still leave us with a legacy of almost 1,950 columns that are more than 10 years past their anticipated renewal date and 5,100 that are between 5 and 10 years past this recommended figure.

This equates to a maintenance backlog of £2m to replace the most vulnerable columns. However, a more realistic backlog figure would equate to around £4m, which takes into account replacing around 4000 of the 7000 older columns identified above.

In addition to the column replacements, a further £550k would be estimated to be required to replace the remaining no-LED lighting units and remove the existing areas affected by part night lighting.

Legal

The authority has a statutory duty under the Highways Act 1980 to maintain the highway network to a safe standard, including its street lighting asset.

A local highway authority does not have a statutory duty to provide street lighting upon its highway network, however, where provided, it does have a statutory duty to maintain its street lighting asset in accordance with the Act and to ensure public safety.

10 What are the risks?

The presence of street lighting apparatus, which is beyond its recommended residual lifespan, will increase the likelihood of structural failure and the likelihood of damage or harm to persons or property, for which the authority may be held liable.

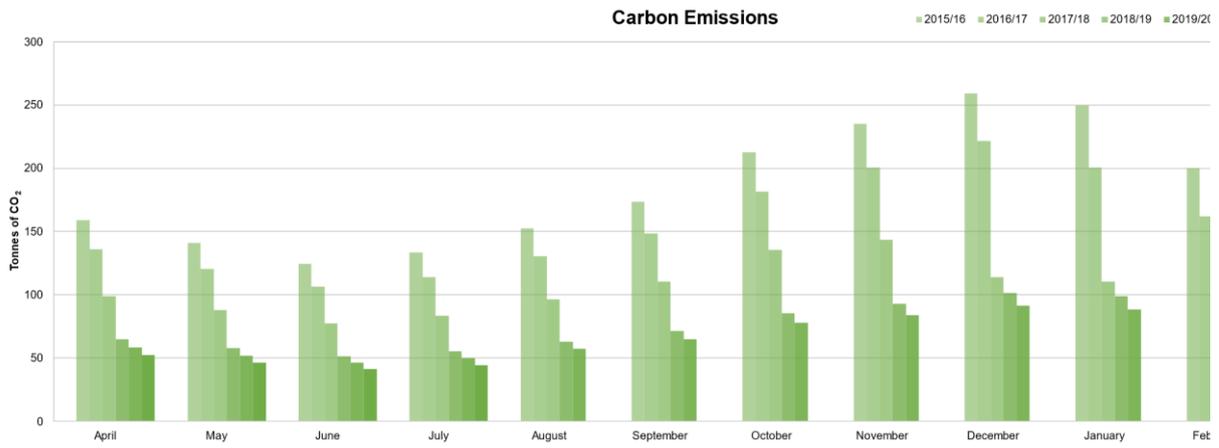
If part night lighting continues to operate in some residential areas, there is likely to be an increase to feelings of anxiety for personal safety and security in these areas during the hours of darkness.

There is a risk that any delays to the continued replacement of older street lighting lanterns to LED lanterns, may impact on the authority achieving its carbon reduction targets.

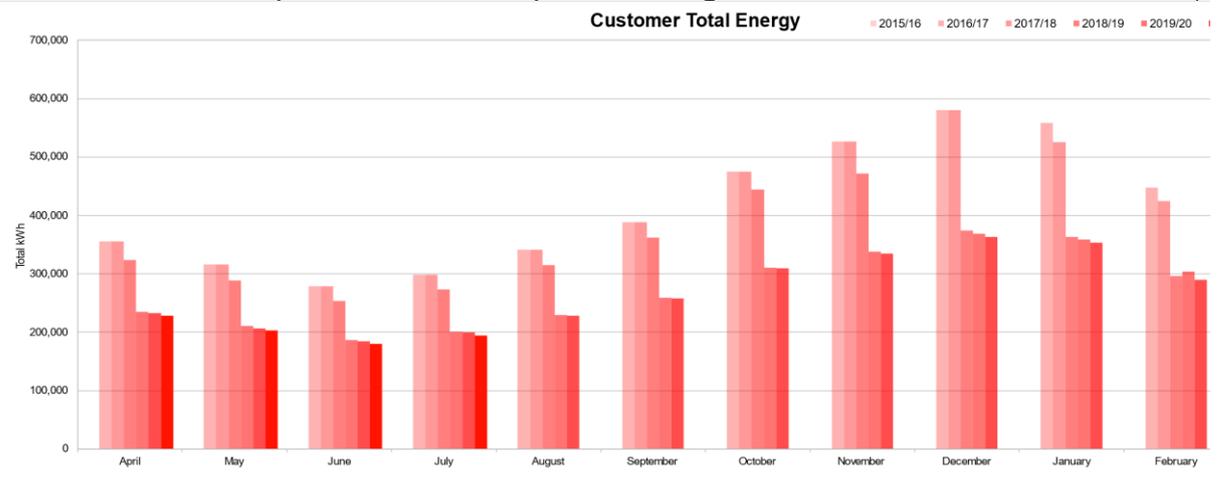
11 Public Services Value (Social Value) Act 2012

Carbon Emission & Energy Consumption Reductions

The graph below shows the downward trend of carbon emissions within streetlighting. They are mainly attributable to changing to led lighting but have had an additional boost by being served by a supplier with greener energy credentials.



The following graph shows the reduction in energy consumption following the adoption of led units. A further boost being attributable to getting the unmetered energy supply inventory fully updated and validated by Western Power Distribution. This now requires monthly reports to WPD to agree any changes to the network, as more roads are adopted or where lamps are changed out.



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

Evidence to support this report has been gathered through the use of appropriate Asset Management and associated inventories and records. Costings have been

	estimated using appropriate rates within the existing Street Lighting Maintenance Contract.
13	What are key findings from the consultation you have carried out? . No specific consultation has been carried out, however complaints and service enquiries from the community demonstrates that defective street lighting does create a significant level of concern to the community.
14	Amendments to Proposal / Mitigating Actions . No amendments have been made to the proposal.

Equality Impacts

15.	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) <i>(Please note Gypsies / Roma are within this community)</i>			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
16.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Additional investment into the street lighting asset is likely to reduce the risk of compensation claims or prosecution against the authority due to defective apparatus.	
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Additional investment into the street lighting asset is likely to improve public safety and reduce the authorities carbon footprint.	

Appendix 1

Street Lighting Infrastructure Action Plan

Action	Delivery Team	Target Date
Transfer appropriate non-highway street lighting assets into the existing street lighting contract (SSE Contracting Ltd) managed by SWISCo	Torbay Council's Heads of Service & SWISCo's Highways Asset Management Team	December 2021
Continue to change 'part night' lamps to newer 'all night' LED lamps as units fail or following reports of crime increases in a particular area.	SWISCo's Highways Asset Management Team	Ongoing and subject to funding
Identify a capital investment programme to replace lamp columns that have exceeded their design life expectancy of 25 years.	SWISCo's Highways Asset Management Team and the Capital & Growth Board	December 2021
Identify and replace the 'on-line' street lighting reporting tool	SWISCo's Highways Asset Management Team & Torbay Council's Web Team	December 2021
Commission the Highway Street Lighting contractor (SSE Contracting Ltd) to carry out regular night scouting inspections of lighting in Parks and Gardens	Head of Parks and Green Infrastructure at SWISCo	September 2021
Commission the Highway Street Lighting contractor (SSE Contracting Ltd) to carry out regular night scouting inspections of lighting on promenades and on the harbour estate	Head of Tor Bay Harbour Authority and Beach Services	December 2021
Install 18 new lanterns at Youngs Park, Goodrington.	Head of Parks and Green Infrastructure at SWISCo	August 2021
Complete street lighting repairs on Eastern Esplanade, Torwood Gardens and the tunnel in Victoria Park	Head of Parks and Green Infrastructure at SWISCo	August 2021
Complete repairs to the street lighting and illuminations on Preston seafront. SSE Contracting Ltd, Havills and Western Power are all involved to resolve the faults.	Head of Parks and Green Infrastructure at SWISCo	ASAP

Meeting: Cabinet

Date: 21 September 2021

Wards affected: All wards in Torbay

Report Title: LGA Remote Corporate Health Check Report and Action Plan

When does the decision need to be implemented? Ongoing implementation of action plan

Cabinet Member Contact Details: Councillor Steve Darling, Leader of the Council, Steve.Darling@torbay.gov.uk and Councillor Darren Cowell, Deputy Leader of the Council, Darren.Cowell@torbay.gov.uk

Lead Officer Contact Details: Anne-Marie Bond, Chief Executive, anne-marie.bond@torbay.gov.uk

1. Purpose of Report

- 1.1 This report presents the Local Government's Association (LGA) Remote Corporate Health Check Feedback Report. A resulting action plan is also presented and has been prepared based on the LGA's recommendations to ensure the Council embraces the opportunities and improvements identified by the LGA.

2. Reason for Proposal and its benefits

We want Torbay and its residents to thrive.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.

- 2.1 The proposals in this report help us to deliver this ambition by ensuring we respond to the LGA's feedback and the actions proposed enable the Council to continue to improve and strengthen its ability to deliver all of the Community and Corporate Plan themes.
- 2.2 The reasons for the decision are to make available the LGA's Remote Health Check Feedback Report and to ensure an action plan is in place to embrace the recommendations of the LGA.

3. Recommendation(s) / Proposed Decision

1. That the Local Government Association be thanked for undertaking the Remote Corporate Health Check and the resulting Remote Corporate Health Check Feedback Report (as set out at Appendix 1) be accepted.
2. That the LGA Remote Corporate Health Check Action Plan (as set out at Appendix 2) be approved.
3. That the Audit Committee be requested to monitor the implementation of the action plan.

Appendices

Appendix 1: LGA Remote Corporate Health Check Feedback Report

Appendix 2: LGA Remote Corporate Health Check Action Plan

Background Documents

None

Supporting Information

1. Introduction

- 1.1 The LGA provide councils with a variety of support through peer reviews. During the pandemic remote peer support was offered to councils to provide support and challenge to address COVID-19 related issues and broader challenges. This includes the Remote Corporate Health-Check, which provides councils with a clear framework to consider key components that typically feature as part of a full corporate peer challenge covering, priority setting, place leadership, governance and capacity to deliver.
- 1.2 During May 2021, the LGA undertook a Remote Corporate Health-Check at the request of the Chief Executive and was led by a team of officer and member peers. The LGA Peer Team comprised
- Rob Walsh, Chief Executive of North East Lincolnshire Council
 - Councillor Gerald Vernon-Jackson, Leader of Portsmouth City Council
 - Chris Bowron, LGA Peer Challenge Manager
- 1.3 The team undertook remote discussions with a wide range of officers and members. At the end of their review, the team provided feedback and made a number of recommendations. The full LGA Remote Corporate Health Check Feedback Report can be found at Appendix 1. A draft action plan has also been prepared to respond to the LGA's recommendations, to ensure the Council embraces the learning and feedback from the LGA's Corporate Health Check.

2. Options under consideration

- 2.1 Not to accept the LGA Remote Corporate Health Check Feedback Report and resulting action plan – this is not recommended as implementation of the action plan will enable the Council to continue to improve. Alternative or additional actions could be proposed.

3. Financial Opportunities and Implications

- 3.1 The action plan will be delivered within existing resources and a number of the actions support the Council's future financial planning.

4. Legal Implications

- 4.1 None.

5. Engagement and Consultation

- 5.1 The Council's Group Leaders and Overview & Scrutiny Co-ordinator, along with the Senior Leadership Team, were consulted on the LGA's draft report.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable.

7. Tackling Climate Change

- 7.1 No impact on climate change.

8. Associated Risks

- 8.1 The main risk associated with this report is the failure to respond to the recommendations of the LGA Peer Team. This may result in the Council not responding adequately to the issues and challenges it faces. The resulting action plan addresses the recommendations by the LGA Peer Team.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

- 9.1 The LGA Remote Corporate Health Check Feedback Report and resulting action plan provides indirect benefits for all its residents through the improvements identified.

10. Cumulative Council Impact

- 10.1 None.

11. Cumulative Community Impacts

- 11.1 None.

Torbay Council

LGA Remote Corporate Health Check

Feedback report

11th, 12th and 17th May 2021

Introduction

When the COVID-19 pandemic emerged and lockdown began in March 2020, the LGA suspended the physical delivery of all peer challenge work including the core offer of a corporate peer challenge.

To continue to support councils during this unprecedented period, the LGA rapidly refocused their support and adopted a new remote approach, focusing on supporting the recovery and renewal of local government and its communities. This new approach does not replace the LGA Corporate Peer Challenge offer.

On 11th, 12th and 17th May 2021 Torbay Council undertook an LGA Remote Corporate Health check (RCHC). At the council's request, in order to provide the greatest added value from a set of external peer perspectives, the team focused on issues of ambition and aspiration; governance, performance and risk; council redesign; finance; and strategic partnership and the team comprised the following participants:

- Rob Walsh, Chief Executive of North East Lincolnshire Council
- Councillor Gerald Vernon-Jackson, Leader of Portsmouth City Council
- Chris Bowron, LGA Peer Challenge Manager

Executive summary

This is a really exciting time for Torbay, with a focus on transformational changes in the council and 'a once in a lifetime opportunity' in the regeneration of Torbay as a place. The authority is undoubtedly making good progress and there is much to be proud of around this.

The ambition of the council's political and managerial leadership is huge, however there are challenges in the delivery of this with limited capacity. There therefore needs to be an absolute focus, politically and managerially, on an agreed set of real priorities for the council.

The Administration's underlying principles around engaging, enabling and empowering communities are well understood across the organisation and there is real commitment to applying them. The 'Torbay Together' local strategic partnership has been re-established as a forum that engages across Torbay and its key sectors. This comes at a key time, with many people highlighting the need for Torbay to understand better and articulate what makes it special and unique. The council is also engaging more effectively regionally and nationally.

Positive progress is being seen in relation to children's services but the rigorous attention that the service has received to date needs to be maintained.

The authority is facing a £14m funding gap across the three years to 2024/25. There are plans to develop a three-year rolling programme to address this and the council has identified eight 'big ticket items' to focus on. The crucial step that needs to be taken now is translating the intention into a clear plan and set of actions.

The Chief Executive was recently appointed on a permanent basis and this has been universally welcomed. She has been integral to a range of key 'building blocks' being put in place relating to the corporate functioning of the organisation and good progress is being made with, and through, the implementation of these. There is widespread recognition that the authority is 'on a journey' though and there is still a good way to go. The Council

Redesign Programme seeks to deliver a renewed focus on the authority's priorities and support the rethinking of services and the improvement of outcomes for local people. The council is positively taking its staff with it in relation to the changes that emanate from this.

Recommendations

The following are the recommendations made by the peer team, listed in the order that the elements they relate to appear in the main body of the report:

- That the council ensures it plays a key role as part of Torbay Together in taking forward the findings from the 'Thinking Places' work defining a vision of an ambitious and exciting future for Torbay
- That rigorous focus is maintained in order to continue the positive progress being made in relation to children's services
- That the ambitions and intentions around the 'big ticket items' identified as central to addressing the council's funding gap translate into a clear plan and set of actions
- That real focus is applied to both the 'Higher Needs Block' within the Dedicated Schools Grant and ensuring a smooth transition to a new set of contractual arrangements around the Integrated Care Organisation
- That there is dialogue across the political and managerial leadership around a focus on, and the delivery of, an agreed set of real priorities for the council
- That the council ensures the 'building blocks' being put in place, and which are integral to the effective corporate functioning of the organisation, are recognised by all managers as representing the 'day job' rather than an additional set of demands

Feedback on the core themes of the health check

This is a time of significant ambition and opportunity for Torbay. The council's stated ambitions are for Torbay and its residents to thrive and for it to be a place where the tide on poverty has been turned and inequalities have been tackled; where children and older people have high aspirations; and where there are quality jobs, good pay and affordable housing for residents.

The ambition includes the regeneration of the town centres of Torquay, Paignton and Brixham under what was described as "a once in a lifetime opportunity" for Torbay due to the significant sources of one-off funding that have been successfully bid for. The desire is to establish Torbay as the premier resort in the UK, with a vibrant arts and cultural offer for residents and visitors to enjoy; where the built and natural environment are celebrated; and a place fulfilling its part in addressing the climate change emergency.

These ambitions are encapsulated by the four visions within the Community and Corporate Plan:

- Thriving People

- Thriving Economy
- Tackling Climate Change
- Council Fit for the Future

The council is half-way through an Administrative cycle and the Administration's underlying principles around engaging, enabling and empowering communities are well understood across the organisation and there is real commitment to applying them.

The Chief Executive was recently appointed on a permanent basis and this has been universally welcomed by those people we met – with real optimism around, and tremendous goodwill towards, her. She has been integral to a range of key 'building blocks' being put in place relating to the corporate functioning of the organisation, including a revised set of informal governance arrangements that facilitate engagement across the political and managerial leadership; business plans for each service plus an overall Council Business Plan; a performance and risk strategy and framework; and the Council Redesign Programme. There are also signs of the council becoming a more responsive organisation to both citizens and councillors, with the emerging customer service standards central to this.

Good progress is being made with, and through, the implementation of these key strands of how the council operates but there is also widespread recognition that the authority is on 'a journey' with them and there is still a good way to go.

The Council Redesign Programme comprises four elements:

- 'Our Communities' – reconnecting with and enabling and empowering communities
- 'Our Organisation' – putting customers at the centre of the organisation
- 'Our People' – being an organisation that the council's people are proud of
- 'Future Ways of Working' – modernising, simplifying and standardising how the council works in order to support the communities of Torbay and build a resilient council fit for the future

The programme seeks to deliver a renewed focus on the council's priorities and support the rethinking of services and the improvement of outcomes for local people. The intention is to bring a joined-up approach to change that meets the priorities in the Community and Corporate Plan and supports the delivery of the targets in the Medium-Term Resource Plan. In relation to the changes that are being delivered, the council is positively taking its staff with it. A revised internal engagement approach has been integral to this and, having been trialled during the course of last year, this has now been formally established with an underpinning internal engagement strategy.

The council is also facing outwards more, with enhanced stakeholder engagement regionally and nationally, including regional engagement around the response to the pandemic and with the Heart of the South West partnership arrangement linked to the Local Enterprise Partnership and, nationally, with central government. This has been aided by the roll out of an influencing strategy through workshops with Cabinet and the Senior Leadership Team (SLT).

Torbay's first Community Conference was held in the latter part of 2019 and four very clear messages emerged from this engagement with local people:

- There needs to be a change of culture in the council and in communities
- Trusted relationships with communities need to be built
- Communication with communities and individuals needs to improve
- Celebration of the bay and its people need to be encouraged

The Community and Corporate Plan and a community engagement and empowerment strategy have subsequently been developed and the 'Torbay Together' local strategic partnership has been re-established as a forum that engages across Torbay and its key sectors. The council, on behalf of Torbay Together, has commissioned an organisation called 'Thinking Places' to support it in defining a vision of an ambitious and exciting future for Torbay. This comes at a key time, with many people we met highlighting the need for Torbay to understand better and articulate what makes it special and unique. The outputs from the 'Thinking Places' work will be presented over the coming weeks and Torbay Together is well-placed to take this forward.

Whilst Torbay Together exists as a non-politically led forum, it is important that the democratic mandate uniquely held by the Administration of the council, and their priorities for the place, are considered in the work of Torbay Together. The dialogue taking place now between the Chair, the council Leader and the council Chief Executive to facilitate this is constructive and to be welcomed.

Positive progress by the council is being seen in relation to children's services, as reflected in a recent Ofsted 'focused visit' but rigorous attention needs to be maintained and there can be no room for complacency. The number of children looked after by the local authority remains among the highest in England, based on population, and there is still much progress that needs to be maintained if the ambitions the council has are to be fulfilled. Amongst the improvements that have been secured is reduced expenditure in key areas including out-of-borough placements. Whilst the level of agency staff employed in children's social care remains high, initiatives such as the council's Children's Services Learning Academy and the routes it offers people into social work are helping to develop capacity and make things more financially sustainable.

Whilst the council's balance sheet is seen to be the strongest anybody can remember, reflected in the increase of reserves recently, the authority is facing a £14m funding gap across the three years to 2024/25 and the challenge of this cannot be overstated. There are plans around developing a three-year rolling programme to address this gap and, as an initial step, the council has identified eight 'big ticket items' within the revenue budget to focus on. This includes adult social care; children's services; the Collection Fund; and increased income. It also includes SWISCo, a recently established wholly owned company of the council delivering a range of street scene and public realm related services. The crucial step that needs to be taken now is translating the intentions around the rolling programme and the 'big ticket items' into a clear plan and set of actions.

Within the above, a key risk facing the authority comes in the form of the funding around the Integrated Care Organisation (ICO), which links adult social care and health. The contract for the ICO has less than two years to run and managing the expiration of this requires real focus and detailed understanding in order to ensure a smooth transition to a new set of

contractual arrangements that aid the financial sustainability of the council. Managing this situation is critical in order to provide certainty as to the council's future financial position.

Whilst the Dedicated Schools Grant and the 'Higher Needs Block' within it sit outside the council's revenue budget, this area also requires on-going focus and resolution in order, again, to safeguard the financial sustainability of the council.

The council's ambitions around both the place agenda and changing the way the organisation operates are extensive, however everyone we spoke to was aware that there is limited capacity. This is, after all, an organisation where resources have significantly diminished over the last ten years. These ambitions come on top of the council continuing to have to contend with the pandemic, including the social and economic impacts of that, and 'business as usual'. It is therefore imperative that the council ensures it manages its capacity carefully if it is to deliver to best effect in the areas of greatest importance. There are a number of considerations in relation to capacity, as follows:

- Firstly, a small proportion of elected members are absorbing a disproportionate amount of capacity amongst officers on what we understand to be ward-based and day-to-day service issues. This situation needs to be openly acknowledged as unsustainable and the emerging solutions implemented.
- Secondly, essentially something needs to change, involving either revising the council's ambitions and priorities or identifying additional capacity to deliver them – however, in the context of the future funding gap, identifying additional capacity will be challenging. The revised set of informal governance arrangements to facilitate engagement are enabling a more mature dialogue between the political and managerial leadership and this is to be welcomed but it needs to move up a level. People have been very candid with us during our work and there needs to be a similarly open and straightforward dialogue across the political and managerial leadership around a focus on, and the delivery of, an agreed set of real priorities for the council.

Central to this is how the opportunity that exists now to invest more in Torbay, due to the availability of one-off funding such as the Towns Fund and the Future High Street Fund, is taken forward. There are clear political realities and imperatives here, centred on delivering the things that will make the greatest difference in the eyes of the electorate. For some, this is seen to be about operational matters around the street scene and public realm whilst for others it is strategic in terms of demonstrating the ability of the council to make a difference and delivering what people want. The situation is more complex than a dialogue and narrative around 'operational' and 'strategic' allows for. Clarity needs to be developed around what the related proposed investment in Torbay is going to entail and when the impacts will be seen. Once this has been agreed, confidence needs to be instilled in elected members that the related priorities will be delivered and, in turn, they need to be consistent around them and provide the space for officers to focus on delivering them.

- Thirdly, there is a need for greater mutual understanding between officers and elected members of their respective challenges and considerations. Thinking is emerging around some 'Top Team' development activity and we see this as having a valuable role to play. Linked to this, we see benefit in further clarification around the revised set of informal governance arrangements in order to provide greater clarity

regarding when 'operational' matters are under discussion and when the focus is on the more 'strategic'.

In this work considering and refining aspects of the revised informal governance arrangements, we would encourage the council to ensure it is maximising opportunities for cross-party involvement given the capacity that exists there to contribute ideas, thinking and effort. Alongside this, the changed ways of working that have been brought about by the pandemic have disrupted normal ways of operating right across the elected membership of councils and, as 'normality' starts to return, so too will councillors be enabled to re-adopt more familiar approaches.

- Finally, it is also important to ensure that a strategic focus is maintained at SLT level. Crucially this requires greater devolvement, with responsibility being held further down the organisation. Those people that we met below SLT level indicated that they are up for this opportunity and challenge.

The 'building blocks' being put in place clearly represent change and a drive to secure improvement across the council. The process by which these tools, which are integral to the effective corporate functioning of the organisation, come to be adopted and embedded will be made easier, and the elements themselves will be made much more effective, if they are seen by all managers as representing the 'day job' rather than an additional set of demands. Key elements such as performance management and risk management are clearly integral to the effectiveness of any organisation and any manager.

Within this, however, it is helpful to maintain an open and constructive dialogue around barriers and blockages that people may be experiencing in relation to further change and improvement, whether that be elements that they are struggling to be convinced by or aspects that they find themselves needing support in bringing about. There is something very healthy about creating the appropriate space and scope for people to be able to constructively challenge proposed approaches; fostering discussion and agreement over the 'non-negotiables' relative to the 'nice-to-haves'; and identifying where discretion can be applied. Enabling this acts as a way of preventing initiatives that people aren't convinced about buying into being 'killed off' through other means.

Finally, there is also real benefit to be had from the council doing more in the way of 'showcasing the good'. The authority is undoubtedly making good progress and there is much for people within it to be proud of around this. Ensuring the successes and the people and approaches behind them are profiled is morale boosting for the whole organisation as well as the individuals concerned and helps the spreading of good practice.

Final thoughts and next steps

The LGA would like to thank the council for undertaking a Remote Corporate Health Check.

We appreciate that the senior managerial and political leadership will want to reflect on our findings and suggestions in order to determine how the organisation wishes to take things forward.

Under the umbrella of LGA sector-led improvement, there is an on-going offer of support to councils. The LGA is well placed to provide additional support, advice and guidance on a number of the areas identified for development and improvement and we would be happy to discuss this. Paul Clarke (Principal Adviser) is the main point of contact between the

authority and the Local Government Association (LGA). His e-mail address is paul.clarke@local.gov.uk.

LGA Remote Corporate Health Check – May 2021

Action Plan v.2

Purpose:

In May 2021 the Council undertook an LGA Remote Corporate Health Check with a team of external peers. The team focused on the Council's:

- Ambition and aspiration;
- Governance;
- Performance and Risk;
- Council Redesign;
- Finance; and
- Strategic Partnership

This action plan sets out the Council's proposed response to the LGA's recommendations along with associated considerations.

No.	Recommendation	Response/Action	Assigned to	Timescales
1.	That the Council ensures it plays a key role as part of Torbay Together in taking forward the findings from the 'Thinking Places' work defining a vision of an ambitious and exciting future for Torbay	The structure of Torbay Together is currently being reviewed to take into account the recommendations arising out of the Thinking Places work. This will ensure that the Council and Torbay Together are working together for the benefit of the bay.	Leader of the Council/ Chief Executive	October 2021
2.	That rigorous focus is maintained in order to continue the positive progress being made in relation to children's services	Strengthened governance arrangements continue for Children's Service (Children's and Young People's Overview and Scrutiny Board, Children's Continuous Improvement Board, Children's Quartet and Senior Finance Monitoring Group) to ensure progress with Children's Services is maintained, with measured performance and targets and linkage to the corporate Performance and Risk reporting. Good practice from within Children's Services to be shared and mainstreamed across the Council.	Cabinet Member for Children's/ Chief Executive/ Director of Children's Services	On-going
3.	That the ambitions and intentions around the 'big ticket items' identified as central to addressing the council's funding gap translate into a clear plan and set of actions	Establish clear plan and actions for developing three-year rolling programme and work on eight 'big ticket items' to address funding gap. Delivery of plan and actions to be driven by Directors' Overview Meeting (DOM).	Cabinet Member for Finance/ Director of Finance	November 2021 and ongoing

No.	Recommendation	Response/Action	Assigned to	Timescales
4.	Ensuring a smooth transition to a new set of contractual arrangements around the Integrated Care Organisation	Ensure robust plans are in place, which are understood by all, for the renegotiation of the ICO contract for Adult Social Care, with on-going oversight by DOM. (This will include identifying the associated risks for inclusion within the Performance and Risk report.)	Cabinet Member for Adults/ Director of Adult Social Care/ Director of Finance	October 2021 and ongoing
5.	That real focus is applied to both the 'Higher Needs Block' within the Dedicated Schools Grant	Reporting mechanisms already in place with robust monitoring via monthly Education Finance Meeting with S151 Officer. Establish new 'big ticket' item for Dedicated Schools Grant and Higher Needs Block to feed into three-year rolling plan (links to 3 above).	Cabinet Member for Children's/ Director of Children's Services/ Assistant Director for Education, Learning and Skills/ Director of Finance	Ongoing
6.	That there is dialogue across the political and managerial leadership around a focus on, and the delivery of, an agreed set of real priorities for the council	A) Ensure the Council's ambitions and key priorities are clearly articulated to officers and translated into service business plans so that capacity is identified to deliver (particularly the delivery of investment in place infrastructure for Torbay with support of one-off funding e.g. Town Deal and Future High Street Fund). B) Facilitated session arranged for October 2021, to establish clear and mutual understanding between the Cabinet and Senior Leadership Team as to the balance between operational and strategic imperatives, along with the correct	A) Leader of the Council/Chief Executive B) LGA/Cabinet SLT	A) November 2021 and ongoing B) October 2021

No.	Recommendation	Response/Action	Assigned to	Timescales
Page 121		<p>focus on limited officer capacity to ensure the key priorities are delivered.</p>		
	<p>C) Continue to roll out Performance and Risk Strategy to ensure timely and quality information and narrative is provided to reduce the need for repeat reporting and to instil confidence that the ambitions and priorities are being delivered.</p>	<p>C) Strategic Support Manager/ Senior Performance and Risk Officer</p>	<p>C) Ongoing</p>	
	<p>D) Ensure informal governance arrangements are followed by all to ensure early discussion and senior (political and officer) leadership input/steer prior to decision cycles.</p>	<p>D) Chief Executive/ Head of Governance Support</p>	<p>D) ongoing</p>	
	<p>E) Prepare Head of Paid Service's Member Support Service Level Agreement so all members are clear on the level of officer capacity available to respond to ward work and what they can expect. Provide peer support via LGA for those members who need greater understanding on the roles of members and officers.</p>	<p>E) Chief Executive/ Head of Governance Support</p>	<p>E) October 2021</p>	
<p>F) Review format of SLT and DOM work programmes to ensure sufficient time is given for strategic focus.</p>	<p>F) Chief Executive/ Head of Governance Support</p>	<p>F) October 2021</p>		

No.	Recommendation	Response/Action	Assigned to	Timescales
7.	That the council ensures the 'building blocks' being put in place, and which are integral to the effective corporate functioning of the organisation, are recognised by all managers as representing the 'day job' rather than an additional set of demands	<p>A) Deliver an internal engagement plan so that all staff understand the benefits of, and inter-relationship between, service planning, performance and risk management, workforce planning, workforce wellbeing and improving our reputation, with the aim of building a culture of open and constructive dialogue.</p> <p>B) Prepare managers' performance framework which sets out clear expectations of them in respect of areas set out above to ensure consistent approach across the Council.</p> <p>C) Develop our approach for showcasing our good work, celebrating our successes and building our reputation, both internally and externally.</p>	<p>A) Chief Executive/Internal Engagement Officer</p> <p>B) Chief Executive/ Head of Human Resources</p> <p>C) Chief Executive/ Head of Policy, Performance and Community Engagement/ Internal Engagement Officer</p>	<p>A) Plan in place by November 2021 with delivery ongoing</p> <p>November 2021 for B) to C)</p>

Endorsement by Cabinet – September 2021

Implementation monitoring by Governance Statutory Officers Meeting and Audit Committee as required

Agenda Item 11

TORBAY COUNCIL

Meeting: Overview & Scrutiny Board
Cabinet
Council

Date: 15 September 2021
21 September 2021
N/A

Wards Affected: All Wards

Report Title: Budget Monitoring 2021/22 – Period 4 (July) Revenue Outturn Forecast & Quarter 1 (June) Capital Outturn Forecast

Is the decision a key decision? No

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

Cabinet Lead Contact Details: Darren Cowell, Cabinet Member for Finance
Darren.cowell@torbay.gov.uk

Supporting Officer Contact Details: Sean Cremer, Deputy Head of Finance
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1. Purpose and Introduction

- 1.1. This report provides a high-level budget summary of the Council's revenue and capital position for the financial year 2021/22 which commenced on 1st April 2021. This report is based on revenue figures as at 31st July 2021 and Capital figures as at 30th June 2021.
- 1.2. Whilst the majority of the Covid-19 restrictions have now been lifted, the financial impact of the health pandemic remains a significant risk to the Council's finances. So far 2021/22 continues to see continued high demand for services and support.
- 1.3. As at Period 4 the Revenue budget shows a slight overspend of £0.86m which represents a variance of 0.75% against the 2021/22 budget.
- 1.4. The Capital Plan expenditure budget totals £284m for the 4 year programme, with £57m currently scheduled to be spent in 2021/22, including £24m on various Regeneration projects, £6m on Highways and transport schemes and £9m on various Education projects. To ensure a balanced capital budget over the life of the Capital Plan, £8.4m is required from capital receipts and capital contributions.

2. Recommendation (s) / Proposed Decision

- 2.1. That the Overview & Scrutiny Board notes the latest position for the Council's revenue outturn position and mitigating action identified and make any comments and/or recommendations to the Cabinet.
- 2.2. That the Overview & Scrutiny Board notes the latest position for the Council's Capital outturn position and make any comments and/or recommendations to the Cabinet.

3. 2021/22 Budget Summary Position

- 3.1. Overall Torbay is still seeing the continued impact of Covid-19. The impact is both directly and indirectly on the Council's income and expenditure in the year.
- 3.2. Despite the possible uncertainty of the Covid-19 impact the changes to the approved budget set by the Council in February appears to have effectively reallocated resources to meet the cost pressures faced. As a result, there is a forecast variance 0.75%. This demonstrates that, based on current levels of activity, additional funding for pressures such as the provision of Temporary Accommodation and the impact on Collection fund are sufficient to effectively meet the pressures and challenges anticipated for 2021/22.
- 3.3. However, officers remain focussed and closely monitoring:
 - 3.3.1. The continued costs of Covid-19 response including local test, track and trace work alongside the work to support communities and businesses in response to outbreaks.
 - 3.3.2. Income losses including car parking and collection fund where the changes to the behaviour of individuals and households affects key funding for local service delivery.
 - 3.3.3. The improvement journey within Children's Services which is crucial to the Council's medium term financial stability.
 - 3.3.4. The effective deployment of carried forward or one-off funds which are being deployed as part of the Council's recovery. In a number of areas such as Housing, the use of these funds is imperative to ensure to reduce long term costs. Effective use of the funds is crucial to providing a pathway to balance the 2022/23 budget.

Collection Fund

- 3.2. The establishment of a Collection Fund reserve formed part of the Budget 2021/22 was required in order to meet the future impact of carrying forward the shortfall from 2020/21. This reserve funds the 2020/21 impact of the shortfall for the period 2020/21 – 2023/24.
- 3.3. So far 2021/22 monitoring seems to be in line with forecast collection levels, a 2% reduction on pre Covid-19 collection rates. Revised NNDR bills incorporating the new 2021/22 reliefs were issued. A detailed review of the Collection Fund will take place for the Quarter 2 monitoring and form part of the Budget setting reports available later in the year.

4. Grant Support

- 4.1. During 2021/22 there are two key schemes which continue to provide funding to offset increased expenditure and income losses. This support has been received through un-ring-fenced grants as well as the income reimbursement scheme.
- 4.2. The un-ringfenced funding of £4.1m was included in the approved 2021/22 budget.
- 4.3. The Sales Fees & Charges reimbursement scheme which ran until the end of June 2021 will provide £0.2m of funding.
- 4.4. In addition to the un-ring fenced grants and the Income reimbursement Grant, Central Government have issued a number of other grants related to Covid-19.

5. Wholly owned companies

- 5.1. This section contains an overview of the financial position for the Council's wholly owned companies. More detailed financial reporting about the Council's Wholly owned Companies will be presented to Audit Committee on a regular basis.
- 5.2. SWISCo which has now been trading for just over a year, remains under pressure. There have been significant impacts on the ability to effectively recruit and retain suitable staff for waste collection to deliver services. This is in part due to changes to the labour market & availability of staff, most significantly impacted by the withdrawal from the EU. Day-to-day staffing levels have also been significantly impacted by the need for staff to self-isolate as a result of being "pinged" or close-contacts of someone who has tested positive for Covid-19.
- 5.3. As part of the 2021/22 budget additional financial support was approved for SWISCo. The carry forward requests include an allocation of £1.2m to support SWISCo over the next two years with the aim of achieving financial balance by 2022/23. At this time, it is expected that further financial support will be requested in 2021/22.
- 5.4. TDA group are expected to report a surplus for 2021/22, although within that position Torvista will continue to incur losses until it increases its number of properties and its rental income

6. Statement of Accounts – 2020/21

- 6.1. The Council's auditors, Grant Thornton, due to their ongoing resource issues have delayed the start of the Audit of the Councils Statement of Accounts. Grant Thornton will therefore fail to meet the statutory deadline of the 30th September 2021 to provide an opinion on the Accounts. The final reports will be presented to the Audit Committee in due course, probably the November meeting of the Committee.

7. Service Budgets

- 7.1. The table below contains the forecast spend for the financial year 2021/22. The reporting hierarchy reflects the current Senior Leadership Team (SLT) Structure.

Service	Budget £'000	Projected Outturn £'000	Outturn Variance £'000
Adult Services	44,546	44,674	129
Executive	3,154	3,408	254
Children's Services	45,493	45,343	(150)
Corporate Services	5,748	6,483	735
Finance	(9,393)	(9,773)	(380)
Investment Portfolio	(4,639)	(4,639)	0
Place	20,738	21,013	274
Public Health	9,825	9,825	0
Total	115,472	116,333	861

- 7.2. The Overall council position shows a slight overspend of £0.86m (0.75%). More information on the service variances is contained below.

7.3. **Adult Services**

- 7.4. The Director for Adults Services, now covers the three service areas shown below.

Service	Current Budget £'000	Projected Outturn £'000	Outturn Variance £'000
Adult Social Care	41,519	41,442	(76)
Community Services	2,493	2,613	120
Customer Services	534	619	85
Adult Services	44,546	44,674	129

- 7.5. Overall Adults Services directorate shows a slight overspend representing 0.29% of the budget.
- 7.6. Within Adult Social Care the majority of spend is against a fixed price financial arrangement (contract) for the delivery of services provided by the Integrated Care Organisation (ICO). There is a slight underspend in Local Authority contracted activities.
- 7.7. The current financial arrangement with the ICO is due for renewal on 1st April 2023. Collaborative work is underway between Council & NHS colleagues on the Adult Social Care Improvement Plan and following a temporary pause over the Summer due to availability of NHS colleagues, fortnightly budget oversight meetings have will resume in September with a view to mitigating current and emerging cost pressures within the service.

- 7.8. Community Services has a shortfall on income. This represents the continued impact of Covid-19 on income generating activity within the service including Licensing and the Environmental crime team.
- 7.9. Following the investment of an additional £1m to meet additional demand for Temporary Accommodation, this service is forecast to be on budget. This position is monitored fortnightly by officers to ensure progress in the provision of suitable and stable temporary accommodation options whilst individuals and family groups find permanent accommodation. This work includes the recent block-contracting of a Hotel. This intervention has been required due to the extraordinarily high demand for accommodation in Torbay & surrounding areas. This is almost a “perfect storm” of staycationers, and landlords opting to sell-up and exit the market as a result of local property prices increasing in the wake of the Stamp duty tax-relief. All of which culminates in the low availability of temporary options for individuals and family groups in need of temporary accommodation. As the Furlough and Self-employed income support schemes come to an end in September 2021 and evictions restart the team are expecting to see further increases in demand for support.
- 7.10. In order to meet demand within the contact centre, customer services has increased costs from staffing, including agency staff and print & postage costs. Upon implementation of the Councils “CRM” system in future years more self-service options will be available for customers which will help to streamline straight-forward contact.

7.11. Children's Services

Service	Budget £'000	Projected Outturn £'000	Outturn Variance £'000
Schools Services	3,677	3,670	(6)
Children's Safeguarding	41,816	41,672	(144)
Total	45,493	45,343	(150)

- 7.12. Within **Schools Services** Local Authority funded activities are expected to be on budget.
- 7.13. There remains pressure with the provision of Home to School transport as a result of rising costs as transport providers have to adapt their operating models in light of Covid-19 and as children and young people adjust & readjust to the changes to schooling and as a result, may need a different level of support to get to and from school.
- 7.14. Outside of Local Authority funded activities, the schools' higher needs block in the Dedicated Schools Grant (DSG) remains under financial pressure because of an increasing level of referrals from schools for higher needs support for children. The pace of demand is far outstripping increases in dedicated funding and has been for several years.
- 7.15. For 2021/22 the Schools Forum set a deficit budget of £2.6m for 2021/22. Based on the latest monitoring, the forecast in-year deficit is now £2.745m.
- 7.16. As a result, the DSG cumulative deficit is now forecast to exceed £8.6m by the end of 2021/22.
- 7.17. The Council does not receive any funding for schools therefore the overspend will remain in the DSG to be funded from DSG in future years. The School and Early Year Finance (England) Regulations 2020 confirm that this is not a cost that the Council must fund. However, for how long this position is sustainable is not certain. At some point the deficit will need to be funded therefore it is essential that officers and members continue to focus on this key issue.
- 7.18. In 2020/21 and the following two financial years additional legislation has been passed that, for accounting purposes, reclassifies the deficit on the Council's balance sheet. There is currently uncertainty as to what will happen after the end of the three year period.
- 7.19. Representatives from the Council and the School Forum continue to work with the Education & Skills Funding Agency (ESFA) to discuss the proposed financial

recovery plan that was submitted to the ESFA. So far, the external scrutiny and review carried out has not identified any new initiatives that are over and above the work already progressed by Torbay Council and the Schools Forum to address this position.

- 7.20. Within **Children’s Safeguarding** there is a slight underspend forecast of £0.1m (0.3%). This is as a result of reduced Legal Fees due as Children Looked After (CLA) reduces and there has been some reduction to cost of respite as it has not been possible as a result of Covid-19.
- 7.21. Overall placement numbers remain stable and the number of Children Looked After (CLA) continues to reduce gradually. This gradual reduction and continued stability indicates that the improvements seen in the last financial year were done so sustainably.
- 7.22. Agency costs are forecast of £4.64m. This is in part as a result of successful internal recruitment where Social Workers or Team Managers have secured a promotion within the Council, but in the interim, Agency cover has been required whilst permanent recruitment is undertaken.
- 7.23. Within Agency costs £1m of this is associated with the improvement journey of Children’s Services and is therefore only expected to be required for a fixed period of time. Similarly there are a number of agency posts which are supporting through managing the excess of the the newly qualified Social Workers caseload. Again, these posts are time-limited and scheduled to cease as new staff progress through the Learning Academy and increase their caseloads.
- 7.24. If current placement numbers remain stable & the new staff due to start in the Autumn of 2021 as part of the Learning Academy remains on track, this forecast position is expected to improve. However, in consultation with the Director of Children’s Services and based on the volatility within recent years at this early stage in the year this forecast represents a balance of prudence and realism.

Placement types	Aug’20	Dec’20	Apr’21	Jul’21
Residential Placement	26	23	21	21
IFA Fostering Placement	92	89	81	80
Total Children Looked After (CLA)	330	322	321	302

7.25. Corporate Services & Executive

Service	Budget £'000	Projected Outturn £'000	Outturn Variance £'000
Executive	3,154	3,408	254
Corporate Services	5,748	6,483	735

7.26. Within the 2021 Senior Leadership Team structure, Corporate Services & Executive are made up of the following services;

7.27. Corporate Services;

- IT
- Legal Services
- Library Services (Commissioned)
- Printing & Post

7.28. Executive

- Business Change & Improvement
- Governance
- Human Resources
- Policy, Performance & Community Engagement

7.29. Within Corporate Services there are significant, continued pressures within Legal Services as a result of challenges to recruit. This results in forecast Agency costs of £0.4m forecast. Reduced fee-earning work provides a further cost pressure of £0.2m on income. The Interim Assistant Director for Corporate Services is working closely with the Head of Legal to address both of these pressures. As a result of the unsuccessful tender for the Printing & Post Service, there is a further pressure of £0.2m.

7.30. Within the Executive unit there are cost pressures related to previously agreed Council wide savings targets (£0.2m) which have as yet been unachieved due to the significant resources re-directed to the Covid-19.

7.31. Finance

Service	Budget £'000	Projected Outturn £'000	Outturn Variance £'000
Finance	(9,393)	(9,773)	(380)

7.32. Within Finance, which is where a number of Central Government Grants are shown, there is a minor underspend forecast.

7.33. This is as a result of releasing a corporately held contingency set aside to offset the pressures within Printing & Post following the procurement result as well as £0.2m of income expected as part of the Governments Covid-19 response "Sales, Fees & Charges" reimbursement scheme which ran until the end of June 2021.

7.34. Investment Portfolio

Service	Budget £'000	Projected Outturn £'000	Outturn Variance £'000
Investment Portfolio	(4,639)	(4,639)	0

7.35. The Council's Investment Portfolio is forecast to be on budget after the use of the Investment Fund reserve to meet any in year shortfall. Within the portfolio there are some pressures as a result of the Covid-19 impact on Commercial tenants.

7.36. Place

Service	Budget £'000	Projected Outturn £'000	Outturn Variance £'000
Place Operations	11,978	12,252	274
Place Commissioned	3,969	3,969	0
Planning, Housing and Climate Emergency	4,792	4,792	0
Total	20,738	21,013	274

7.37. Within Place there is a £0.3m overspend which represents 1.3% of the budget.

7.38. Place Operations is made up of;

- Culture & Events
- Highways & Transport
- Tor Bay Harbour Authority
- Parking Services
- Parks & Green Infrastructure
- Waste & Recycling
- Resort Services

7.39. Place Operations has a cost pressure of £0.2m as a result of increased tonnages linked to reduced recycling rates. This may be offset by the end of the financial year when the Waste Annual Partnership Reconciliation exercise which will be undertaken later in the year.

7.40. Another Council service which has seen a significant increase in demand is Parking Services. Over the Summer the level of visitors to the area has seen the beaches and local hotspots very busy. Despite starting the Financial year in a lockdown, and Summer weather that could have been better, car parking income over the summer has remained on budget. There remains uncertainty over how the Autumn/Winter season will impact parking income, so at this stage the service is forecast to be on budget.

7.41. Place Commissioned is made up of;

- Economic Growth & Regeneration

7.42. There are no variances currently forecast within Place Commissioned Services.

7.43. Planning, Housing and Climate Emergency is made up of;

- Building Control
- Development Management
- Strategy & Project Management
- Planning Support

7.44. Last year there were a number of income pressures within Planning, however this year no shortfalls are forecast.

7.45. Within Strategy & Project Management there may be an underspend based on the level of Concessionary Fares payments required for 2021/22 as it is expected that there will be continued reduced levels of travel.

7.46. Public Health

Service	Budget £'000	Projected Outturn £'000	Outturn Variance £'000
Public Health	9,825	9,825	0

7.47. Public Health colleagues continue to lead on the Council's response to Covid-19 and co-ordinate and deliver a number of key and continuing strands of the response and recovery work.

7.48. This includes the spend of the Contain Outbreak Management Fund Grant, the delivery a number of Testing Programmes as well as the management of the Local Contract tracing work.

7.49. As the majority of this work is directly grant funded, there is no forecast variance on Local Authority funded activity within Public Health.

7. Future mitigating actions

7.1. Service pressures continue in a number of services;

7.1.1. Council Tax & Business Rates Collection

7.1.2. Demand for Council Tax Support Scheme

7.1.3. Support for individuals and families requiring Temporary Accommodation

7.1.4. Income pressures across Car Parking, Investment Properties

7.1.5. Support for the Leisure Centres & SWISCo

- 7.2. Officer groups continue to work in “Incident Management Teams” focussing on each of these issues to identify and deploy interventions to manage these pressures.
- 7.3. During 2021/22 budget focussed senior Officer groups continue to meet monthly for each Directorate. This allows the Chief Executive, Chief Finance Officer & the service Director & support staff
- 7.4. Looking ahead, the financial impact for the Council remains contingent on the level of recovery in Torbay. This recovery is in terms of both the local economic recovery and collection of Council Tax and NNDR which is vital to fund the delivery of local public services. Early signs of a very busy visitor season seem encouraging in terms of the economic recovery, albeit present enormous pressures on other services due to the influx of visitors.
- 7.5. The Chief Financial Officer and his team are closely monitoring the Council’s cash flow, although at this stage there remains no concern about cash flow. As in 2020/21 central government have advanced a number of grants.

8. Risks & Sensitivity

8.1 There are a number of financial risks facing the Council as shown below:

Risk	Impact	Mitigation
Continued loss of income	High	Recovery meetings have been convened by the Chief Finance Officer for all the Council's main areas of income. Each group is tasked with developing an action plan to influence income where possible
Collection Fund shortfall	High	Additional resources allocated to support the Revenues & Benefits team and a review of debt recovery will be undertaken.
Fair Funding Formula	Medium	Development of a robust MTRP to address the expected impact on Torbay's funding. Timing of this funding change is now 2022/23 at the earliest.
Identification, and delivery, of savings for 2022/23 to 2024/25 per Medium Term Resource Plan	High	Star Chambers for the 2022/23 Budget setting process commenced in June. Options will be reviewed by Senior Leadership Team in collaboration with Cabinet to consider options for future years.
Delivery of Children's Services cost reduction plan	Medium	Meetings continue to monitor the current rate of delivery against the identified actions from the Sufficiency Strategy.
Unable to recruit staff and need to use agency staff.	High	Recruitment & retention of Social Work staff, particularly in safeguarding is still one of the core priorities for the Senior management team within Children's Services. This pressure is also being seen across a number of front line services which are integral to the Council's "Summer Response Team" Work continues to identify solutions to these challenges which seem to be on a national scale.
Additional demand and cost pressures for services, particularly in children's social care	Low	2021/22 Budget monitoring, use of service performance data and recovery plan.
Delivery of approved savings for 2021/22	Medium	Further to regular budget monitoring for all budget holders, the Council's Senior Leadership Team receive monthly updates on the 2021/22 position.
Investment Property Income changes	High	There are ongoing discussions with tenants about recovery plans

9. Capital Plan Summary Position

9.1. The Capital Plan budgets to spend a total of **£284m** on capital projects over the 4 year programme, with **£57m** currently scheduled to be spent in 2021/22, including **£24m** on various Regeneration projects, **£6m** on Highways and transport schemes and **£9m** on various Education projects. The Capital Plan is funded from capital receipts, capital grants and contributions, reserves and revenue budget contributions, and long-term borrowing to ensure a balanced budget over the life of the Plan.

9.2. The spend and funding profile for the Capital Plan is included in Appendix 2.

9.3. Of the **£8.4m** capital receipts budgeted for in the Capital Plan, **£1.8m** has been received by the end of July 2021 albeit none of which received in the 2021/22 financial year. This leaves a balance of **£6.6m** still to be realised from both capital receipts and capital contributions. It is only after this £6.6m has been achieved that any capital receipts can be applied to new schemes, this will ensure the Capital Plan remains fully funded.

9.4. The movements in the estimate of expenditure in 2021/22 on the Capital Plan of **£125.4m** and the current approved budget for 2021/22 of **£57.1m** are shown below.

9.5. Please note the format of this table shows schemes ordered by Council's Targeted Actions, as is Appendix 2.

10. Updates to Capital Plan

Scheme	Variation in 2021/22	Change £'m	Reason
2021/22 profiled spend as at Q3 2020/21		125.4	Capital Plan Update – 2020/21 Quarter 3 (Cabinet 18th Feb 2021)
Scheme budgets brought forward from 2020/21 and minor year end adjustments.	Re profiled to 2021/22	14.8	For details see 2020/21 Capital Outturn report (Cabinet 13th July 2021).
	Total	140.2	
Thriving People and Communities			
DfE Basic Need Grant	Additional resources	0.4	Revised 2020/21 grant allocation (increase of £440,961). Compensation for the later than expected opening of the new Free Primary School in Paignton.
School Condition (Capital repairs & maintenance) 21/22	New year allocation	0.4	2021/22 Govt. grant allocation of £417,887 for major repairs and maintenance of school estates.
Devolved Formula Capital	New year allocation	0.1	2021/22 Govt. grant allocation of £83,700 (ring-fenced) – to be paid to appropriate schools as required.
High Needs Provision	New year allocation	0.5	2021/22 Govt. grant allocation of £530,150. A new allocation for 21/22 to enable schools to provide

Scheme	Variation in 2021/22	Change £'m	Reason
			improved facilities to pupils with high needs.
Disabled Facilities Grant	New year allocation	2.1	2021/22 Govt. grant allocation
	Budget allocation	(0.3)	Budget allocation to Adult Personal Social Care
	Budget allocation	(0.8)	Budget allocation to Extra Care Housing, Torre Marine
Adult Personal Social Care	Budget allocation	0.3	Budget allocation from Disabled Facilities Grant
Affordable Housing	Additional resources	0.2	Proceeds from Right to Buy Clawback receipts.
Extra Care Housing - Torre Marine	Rephased budget	(2.4)	Budget moved to 22/23
Crossways, Paignton - Regen and Extra Care Hsg	Rephased budget	(13.5)	Remaining budget transferred to future years
St Cuthbert Mayne Expansion	Rephased budget	(0.5)	Budget moved to 22/23. Project expected to complete May 2022.
	Additional resources	0.2	Additional funding from School Conditions Alloc & Diocese contribution
Education Review Projects	School Conditions Allocation	(0.1)	Allocation to St Cuthbert Maybe Project
Mayfield Expansion	Rephased budget	(0.5)	Budget moved to 22/23. Project out to tender and expected to start on site October 2021. Completion expected July 2022
Torvista - Loan	Rephased budget	(5.0)	Budget moved to 22/23. Current expectations are that the loan facility required in this financial year will be reduced.
Tor Vista Homes re Preston Down Road	Rephased budget	(3.0)	Budget moved to 22/23. Current expectations are that this project will not commence this year.
	Total	(21.9)	
Thriving Economy			
Claylands Redevelopment	Rephased budget	(0.2)	Latest review of estimated expenditure
	Additional resources	0.7	Contribution from tenant to fund additional works.
Growth Fund	Budget allocations and transfers	(0.1)	Allocation of £85,000 to TCCT Occombe Farm Development (Cabinet 23/03/21).
TCCT Occombe Farm	Budget allocation	0.1	Budget of £85,000 from Econ Growth Fund (Cabinet 23/03/21).

Scheme	Variation in 2021/22	Change £'m	Reason
Harbour View hotel	Rephased budget	(0.5)	Budget moved to 2022/23 to reflect current spend profile.
Old Toll House	Rephased budget	(0.8)	Budget moved to 2022/23. There is a revised programme due to legal delays.
Public Passenger Transport - Bus	Additional resources	0.1	Funding of £50,469 from Section 106 receipts to cover additional costs on project.
Edginswell Business Park (purchase & develop land)	Budget transfer	(1.2)	Budget moved to 2022/23 to reflect current spend profile for agreed development.
Lymington Rd Business Centre (LEP GBF/EGF)	Budget transfer	(1.4)	Budget rephased to future years
RICC Improvements re Parkwood	Rephased budget	(0.2)	Budget rephased from future years
Torbay Leisure Centre (Parkwood Loan)	Reduced budget	(0.3)	Budget no longer required due to new decarbonisation scheme.
Edginswell Station	Rephased budget	(3.5)	Budget rephased to future years
Velopark Cyclocross & Pump Tracks	New scheme	0.1	Funded from British Cycling grant and contribution from Mid Devon Cycling Club
Paignton Coastal Defence Scheme	Rephased budget	(1.5)	Budget rephased to future years
Haldon Pier - Structural Repairs Ph 1& 2	Rephased budget	(0.8)	Budget rephased to future years
Transport Highways Structural Maintenance & Bridges	Rephased budget	(0.1)	Budget rephased to future years to reflect current spend profile.
	Additional resources	0.8	21/22 Highways Maintenance Fund Allocation of £809,000.
	Additional resources	0.2	21/22 Highways Maintenance Incentive Element Allocation of £202,000. This is an <u>indicative</u> amount and the maximum amount but is subject to DfT review and adjudication before being confirmed. This element of grant is paid to authorities following effective asset management and adopting efficiency and best practice principles for local highway maintenance

Scheme	Variation in 2021/22	Change £'m	Reason
	Additional resources	0.8	21/22 Pothole Fund Allocation of £809,000.
Integrated Transport Programme	Rephased budget	(0.8)	Budget rephased to future years to reflect current spend profile.
	Additional resources	1.1	21/22 grant allocation of £1,071,000.
Transport Western Corridor	Rephased budget	(0.3)	Budget rephased to future years for part 1 and noise insulation claims
Transport Schemes	Additional resources	0.1	Section 106 funding
	Total	(7.7)	
Climate Fit for the Future			
Torbay Leisure Centre Decarbonisation Scheme	New scheme	1.9	Grant funding from Dept for Business, Energy & Industrial Strategy
Solar Farm, Brokenbury	Reduced and rephased budget	(1.6)	Reduced and rephased budget
Nightingale Park Solar Farm	Rephased budget	(1.1)	Budget moved to 22/23 Note: Before Cabinet recommendation 24/8/21
	Total	(0.8)	
Council Fit for the Future			
	Total	0	
Council Approvals awaiting proposals			
Growth Fund	Rephased budget	(52.7)	Budget moved to 22/23
	Total	(52.7)	
Estimate – Quarter 1 2021/22		57.1	

10.1. Further information on variations to scheme budgets is detailed below.

Thriving People and Communities

10.2. Disabled Facilities Grants – Government has announced the 2021/22 capital allocation of **£2.129m** within the Better Care Fund. £1m will be allocated to DFGs. £850k has been allocated to the Torre Marine Project. The remaining £279k will be allocated to Adult Personal Social Care projects.

10.3. Affordable Housing – in line with previous Council decision, the proceeds derived from Right to Buy Clawback receipts arising from sales of transferred ex Council housing properties has been used to support the provision of further affordable housing. The budget has been increased by **£0.2m**.

10.4. The Next Steps Housing project was delivered by Torvista. As a result this budget will be revised for future reports to reflect that change.

10.5. Extra Care Housing (Torre Marine) - a decision is required by the NHS for July to commit to placing clients in Torre Marine to secure the revenue arrangements in the

model. TDA estimate planning application in the autumn so work on site could be 2022/23. In line with this, **£2.4m** has been moved to 22/23.

10.6. Crossways – the project is around 9 months / one year behind. There is a compulsory purchase order (CPO) procedure underway that may result in a public enquiry in the autumn. In line with this, **£13.5m** has been transferred to future years however depending on the results of the CPO some spend maybe incurred in 2021/22.

Thriving Economy

10.7. Claylands Redevelopment - likely spend pattern has been reviewed allowing **£0.2m** to be rephased to future years. In addition to this, a contribution from Castings (tenant) has been agreed to cover additional works. **£0.7m** has been added to the budget in respect of this.

10.8. Lymington Rd Business Centre (LEP GBF/EGF) - The Environment Agency have imposed greater restrictions on the location being substantially in Flood Zone 3 and the revised Torbay Critical drainage area. The TDA have had to undertake new flood risk modelling and the on-going dialogue has caused delays. The project is not expected to start on site until January 2022. **£1.5m** has been rephased to 2022/23 accordingly.

10.9. RICC Improvements (Parkwood) - revised expenditure profile – project is underway following shutdown. **£1.3m** has been rephased to 2021/22 from future years to reflect current spend profile.

10.10. Torbay Leisure Centre (Parkwood Loan) - remaining loan no longer required due to new decarbonisation scheme at the Leisure Centre. The remaining **£0.3m** has been removed from the Capital Plan.

10.11. Edginswell Station – there is a revised programme. **£3.5m** has been rephased to future years. Future years budget now includes £3m Town Deal funding (approved by MHCLG) and £116k section 106 funding in addition to the £7.9m DfT New Stations Fund. £1.5m of Local Transport Block funding will be allocated to this project.

10.12. Velopark Cyclocross & Pump Tracks - new project following a successful Places to Ride application to deliver a pump track and cyclocross facility at Torbay Velopark. **£60k** scheme funded by British Cycling grant (£34k) and Mid Devon Cycling Club contributions (£26k).

10.13. Paignton Coastal Defence Scheme - detailed design works and preparation of planning application has been undertaken however, due to objections from local businesses, the Council have taken the decision to put the scheme on hold and undertake a review of the options before a planning application is submitted. As a result, it is unlikely that the planning application will be submitted until 2022, therefore the construction phase of the scheme will not commence until 2022/23. **£1.5m** has been rephased to future years accordingly.

10.14. Haldon Pier - Structural Repairs Ph 1& 2 - all works to the superstructure at Princess Pier have been completed. The business case is being prepared to complete the

structural rehabilitation works at both Haldon and Princess Piers. The business case will be submitted to the EA for grant in aid funding later this financial year. **£0.8m** has been rephased to 2022/23 accordingly.

Climate fit for the Future

10.15. Torbay Leisure Centre Decarbonisation Scheme – **£1.8m** new scheme.

Comprehensive decarbonisation scheme involving replacement of boilers with ASHPs and solar panels, replacement management systems and controls, lighting upgrade, battery storage, metering and upgrade to electrical system. Funded by Dept for Business, Energy & Industrial Strategy. Grant has been received.

10.16. Solar Farm, Brokenbury - budget was set according to maximum approval. The revised project estimate is lower than this budget. The borrowing requirement has been reduced by **£1m** accordingly and **£0.6m** budget has been rephased to 22/23.

10.17. Nightingale Park Solar Farm - phasing of spend reviewed with 50/50 split between 21/22 and 22/23 - **£1.1m** has been rephased to 22/23 accordingly. Total project cost currently being reviewed. Note figures in this report are prior to Cabinet 24/8/21.

Council Approvals with No Plans

10.18. Growth Fund – remaining budget of **£52.7m** moved to future years, pending development of proposals.

11. Receipts & Funding

11.1. The funding identified for the latest Capital Plan budget is shown in Annex 1. This is based on the latest prediction of capital resources available to fund the budgeted expenditure over the next 4 years. A summary of the funding of the Capital Plan is shown in the Table below:

Funding	2021/22 £m	2022/23 £m	2023/24 £m	2024/25 £m	Totals @ Q1 21/22 (£m)
Unsupported Borrowing	29	102	60	0	191
Grants	23	30	28	0	81
Contributions	2	1	0	0	3
Revenue	0	0	0	0	0
Reserves	1	0	0	0	1
Capital Receipts	2	2	4	0	8
Total	57	135	92	0	284

12. Capital Receipts

12.1. The approved Plan relies upon the generation of a total of £8.4m capital receipts from asset sales by the end of 2024/25. At 1 April 2021 the Council held a balance of £1.8m with nothing significant added by the end of July 2021, leaving a target of £6.6m still to be achieved. This target is primarily linked to the funding of the Crossways Development and the disposal or use of sites at Preston Down Road and Collation St Mary for housing.

13. Capital Grants

13.1. Ministry of Housing Communities and Local Government – Disabled Facilities grants 2021/22 of £2,128,689. This grant allocation is used to support our DFG expenditure but also includes the former Adult Social Care capital grant. In recent years £1m has been allocated to DFGs with the balance to Adult Social Care some of which £850k will be used to support the proposed Torre Marine (Extra Care Housing) redevelopment.

14. Capital Contributions – S106 & Community Infrastructure Levy

14.1. The Council's Capital Strategy states that capital contributions are applied to support schemes already approved as part of Capital Plan and are not allocated to new schemes unless the agreement with the developer is specific to a particular scheme outside the Capital plan.

14.2. No Section106 capital contributions have been received in 2021/22 to date.

14.3. The Council's Community Infrastructure Levy (CIL) scheme came into effect from 1 June 2017. The main capital project identified for funding from CIL receipts is the South Devon Highway. Some CIL funds are now being received and a percentage of these receipts are required to be allocated to local neighbourhood planning areas as the "neighbourhood proportion". £0.1m CIL has been received so far in 2021/22.

15. Borrowing and Prudential Indicators

15.1. The Council has continued its policy of using internal cash resources to temporarily fund capital spending and as such, no new borrowing was undertaken during the quarter. As at 30th June 2021 the Council's total borrowing was £391m. The Operational Boundary has not been breached being set at £590m in the approved Treasury Management Strategy. This limit is based on the expected maximum borrowing the Council would undertake in order to meet its Capital Financing Requirement.

15.2. The Treasury Management Strategy for 2021/22 was presented to Council on 11th February 2021 and contains more information on the Council's current and future borrowing requirements

16. Appendices:

16.1. Appendix 1 - Capital Plan summary – Quarter 1 2021/22

CAPITAL PLAN - QUARTER 1 2021/22 - EXPENDITURE

Appendix 1

		Revised 4-year Plan						
		Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Total 2021/22 Revised	2022/23	2023/24	2024/25	Total for Plan Period
PB	= Approved Prudential Borrowing schemes	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Thriving People and Communities								
	Barton Academy - Nursery provision	527	422	105				105
	Brunel Academy Ph 2 Vocational Classrooms	1,134	917	217				217
	Capital Repairs & Maintenance 2019/20	269	255	14				14
	Capital Repairs & Maintenance 2020/21 & 2021/22	1,010	129	881				881
	Devolved Formula Capital			260				260
	Education Review Projects			1,885	1,829			3,714
	High Needs Capital Provision	530	0	530				530
	Mayfield Expansion	1,500	53	947	500			1,447
	Medical Tuition Service - relocation	601	533	68				68
	New Paignton Primary school sites (St Michaels & Windmill)	1,208	621	587				587
	Pgn CS Academy Expansion	1,924	1,734	190				190
	Roselands Primary - additional classroom	599	468	131				131
	Sixth Day Provision	250	133	117				117
	Special Provision Fund (SEND)	848	484	364				364
	St Cuthbert Mayne Expansion	3,790	249	3,041	500			3,541
	Torbay School Relocation (Expansion Burton Acad Hillside site)	1,238	1,202	36				36
	Foster Homes Adaptations	300	0	100	100	100		300
	IT replacement - Childrens Case Management System	1,000	808	192				192
	Adult Social Care			520				520
PB	Crossways, Paignton - Regen and Extra Care Hsg	22,360	111	0	13,527	8,722		22,249
	Extra Care Housing (Torre Marine)	3,700	1,315	0	2,385			2,385
	Disabled Facilities Grants			1,833				1,833
	Affordable Housing	900	1	899				899
	Housing Rental Company - Aff Hsg Developments	100	10	90				90
PB	Tor Vista Homes re Preston Down Road	23,000	0	0	13,000	10,000		23,000
PB	Next Steps Accommodation Programme	2,171	373	1,798				1,798
		68,959	9,818	14,805	31,841	18,822		65,468

CAPITAL PLAN - QUARTER 1 2021/22 - EXPENDITURE

Appendix 1

		Revised 4-year Plan						
		Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Total 2021/22 Revised	2022/23	2023/24	2024/25	Total for Plan Period
		£'000	£'000	£'000	£'000	£'000	£'000	£'000
PB	= Approved Prudential Borrowing schemes							
Thriving Economy								
PB	Claylands Redevelopment	11,150	8,538	2,365	247			2,612
	DfT Better Bus Areas	1,197	1,095	102				102
PB	Edginswell Business Park	6,620	3,094	2,300	1,226			3,526
	Edginswell Station	11,517	518	500	4,000	6,499		10,999
PB	Innovation Centre Ph 3 (EPIC)	7,649	7,558	91				91
PB	South Devon Highway - Council contribution	20,227	18,764	1,463				1,463
PB	TEDC Capital Loans/Grant	4,040	3,465	575				575
	Transport Highways Structural Maintenance			2,241	100			2,341
	Transport Integrated Transport Schemes			725	500	347		1,572
	Transport - Torquay Gateway Road Improvements	2,969	2,259	630	80			710
	Transport - Western Corridor	12,293	11,662	181	225	225		631
	Babbacombe Beach Road	530	280	250				250
	Brixham Harbour - CCTV upgrade	86	79	7				7
	Brixham Harbour - Infrastructure Repairs	214	159	55				55
PB	CCTV equipment	518	518	0				0
	Clennon Valley Sport Improvements	70	33	37				37
	Flood Alleviation - Cockington	328	87	241				241
	Flood Alleviation - Monksbridge	412	56	356				356
	Paignton Coastal Defence Scheme	3,142	135	200	1,705	1,102		3,007
PB	Paignton Harbour Light Redevelopment	799	718	81				81
	Princess Pier - Structural repair (with Env Agency)	1,665	819	80	766			846
PB	Public Toilets Modernisation Programme	1,780	1,672	108				108
	Recreation Ground Drainage Network	33	24	9				9
PB	RICC Improvements (re Parkwood)	2,699	157	1,967	575	0		2,542
PB	Torbay Leisure Centre (Parkwood Loan)	1,700	1,700	0				0
	Pgn Velopark Cyclocross & Pump Tracks	60	0	60				60
PB	Regeneration Programme-Harbour View Hotel Developmt	14,017	3,502	9,750	765			10,515
PB	Old Toll House (Econ Growth Fund)	1,200	128	244	800			1,044
PB	TCCT Ocombe Farm Development (EGF)	1,285	108	1,177				1,177
	Torquay Towns Fund - Accelerated Funds	761	529	232				232
	Torquay Towns Fund	18,900	0	0	10,000	8,900		18,900
	Paignton Future High Streets Fund (Provisional)	13,363	0	1,000	6,000	6,363		13,363
PB	Lymington Rd Business Centre (LEP GBF/EGF)	2,810	16	1,335	1,459			2,794
	Edginswell Enabling Works (LEP GBF)	1,960	73	1,887				1,887
	EPIC and SD College (LEP GBF)	1,180	412	768				768
		147,174	68,158	31,017	28,448	23,436		82,901
Tackling Climate Change								
PB	Council Fleet Vehicles	4,771	4,441	330				330
PB	Solar Farm, Brokenbury (EGF)	1,724	33	1,075	616			1,691
PB	Solar Farm, Nightingale Park (EGF)	2,200	18	1,091	1,091			2,182
	Torbay Leisure Centre - Decarbonisation Scheme	1,850	0	1,850				1,850
		10,545	4,492	4,346	1,707	0		6,053
A Council fit for the future								
PB	Corporate IT Developments	1,883	1,876	7				7
	IT Equipment - TOR2	150	103	47				47
PB	Essential Capital repair works	875	196	679				679
	Enhancement of Development sites	329	129	200				200
	General Capital Contingency	689	0	689				689

CAPITAL PLAN - QUARTER 1 2021/22 - EXPENDITURE

Appendix 1

		Revised 4-year Plan						
		Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Total 2021/22 Revised	2022/23	2023/24	2024/25	Total for Plan Period
		£'000	£'000	£'000	£'000	£'000	£'000	£'000
PB	= Approved Prudential Borrowing schemes							
		3,926	2,304	1,622	0	0	0	1,622
Council Approvals awaiting proposals								
PB	Torre Abbey Renovation - Phase 3 (TC contrib)	1,700	0	0	1,700			1,700
PB	Regeneration Programme and Economic Growth Fund	102,715		0	52,715	50,000		102,715
PB	Housing Rental Company - Loan	24,068	778	5,290	18,000			23,290
		128,483	778	5,290	72,415	50,000	0	127,705
TOTALS			85,550	57,080	134,411	92,258	0	283,749
CAPITAL PLAN - QUARTER 1 2021/22 - FUNDING								
	Unsupported Borrowing			28,644	101,503	60,000		190,147
	Grants			23,436	30,295	27,576		81,306
	Contributions			1,658	673	116		2,447
	Revenue			120	100	100		320
	Reserves			930	206	22		1,158
	Capital Receipts			2,293	1,635	4,444		8,371
	Total			57,080	134,411	92,258	0	283,749

Title: **Armed Forces Member Champion – Annual Report 2021**

To: **Cabinet** On: **21st September 2021**

Councillor Nicole Amil

Email: nicole.amil@torbay.gov.uk

1. Details of progress made against targets for 2021

- 1.1 Regular 6 weekly meetings have been set up to drive the development of the Armed Forces Covenant and the new Duty coming into force under the Armed Forces Bill.
- 1.2 A review has been undertaken in relation to what is needed to ensure that Torbay Council can meet the requirements under the new Duty and an Emerging Issues Paper is being prepared for presentation.
- 1.3 Torbay Council are now an engaged member of the Southwest Armed Forces Covenant Group and is represented there by Victoria McGeough (Safer Communities Partnership Manager).
- 1.4 Torbay Council is in the process of re-joining Forces Connect Southwest. This will support us to develop our local responses and support to the Armed Forces Community and will also open up funding opportunities.
- 1.5 Torbay Council has now gained the Bronze Defence Employer Recognition Scheme Award. This is being processed and a certificate of recognition will be received within the next 6 weeks.
- 1.6 Work has started to review the training modules available in relation to the Armed Forces Covenant on i-Learn, to support more effective workforce development in this area.
- 1.7 The webpage is also in the process of being reviewed for update.

2. Review of job description

- 2.1 There are no proposed changes to the Job Description for the Armed Forces Member Champion for 2021.

3. Targets for (enter year)

- 3.1 To put in place a clear delivery plan that works towards ensuring that the requirements of the new Duty are met.
- 3.2 To ensure the delivery plan goes beyond the remit of the Duty and supports the wider needs of the Armed Forces Community in key areas such as employment and benefits.
- 3.3 For Torbay Council to work towards and be on the way to achieving (if not achieved) the Silver Defence Employer Recognition Scheme Award.
- 3.4 For funding opportunities to be explored.
- 3.5 For the work outlined above in relation to workforce development and the website development to be completed.

V1.1

4. Other matters

4.1 There are no other matters at this time.

5. Recommendations

5.1 That the targets for the Armed Forces Member Champion set out in paragraph 3 be approved.

Title: **Community Champion for Domestic Abuse and Sexual Violence – Annual Report (2020-2021)**

To: **Cabinet** On: **24 August 2021**

Name of Champion: **Councillor Hazel Foster**

E.mail: **hazel.foster@torbay.gov.uk**

1. Details of progress made against targets for 2020-2021

- 1.1 Domestic Abuse Champions involvement had been put on hold during the Covid 19 pandemic, as a number are Community base staff, NHS staff and volunteers where Covid regulations resulted in many being furloughed or on restricted duties.
- 1.2 Many organisations that Support Domestic Abuse victims have during covid only been able to provide minimal support or by appointment only. Most are planning to be fully open during August.
- 1.3 I Have attended a Zoom half day training on “Reducing the Risk”. And attended a Zoom Domestic violence forum.

2. Review of job description

- 2.1 There are no proposed changes to the job description of the Champion for Domestic Abuse and Sexual Violence for 2021-22.

3. Targets for (2021-2022)

- 3.1 Now Covid restrictions are lifted, visits to partner charities and organisations that provide support to domestic abuse and sexual violence victims are planned over the coming months.
- 3.2 To continue to attend training sessions on Domestic Violence and Abuse.
- 3.3 To attend, support and assist with promoting new programmes and initiatives as lockdown restrictions are lifted, enabling Domestic Violence organising to be active in the community to support those in need.

4. Other matters

- 4.1 In Torbay the overall level of reported Domestic Abuse in the last year has decreased from 3,712 to 3,645 this year a 2% fall. This includes Domestic Abuse Incidents & Domestic Abuse related to crimes.

- 4.2 Torbay Council has received Government funding for a new post of an Independent Domestic Violence Sexual Abuse Advisor, to be based in the Health Clinic in Castle Circus.
- 4.3 Domestic Abuse Act (Royal Assent in April 2021) brings in a new criminal offence of ‘Controlling and Coercive behaviour’.
- 4.4 Schemes are currently being set up to give extra support to enable victims of Domestic Violence and Abuse get back into work.

5. Recommendations

- 5.1 That the targets for the Domestic Violence and Abuse Champion set out in paragraph 3 be approved.**