

Monday, 14 September 2020

CABINET

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

Tuesday, 22 September 2020

commencing at **5.30 pm**

The meeting will be held remotely via Zoom (the links to the meeting are set out below)

<https://us02web.zoom.us/j/83505868396?pwd=UVMwdFZ2RHRTQTVubGRLNFIkQVkyQT09>

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Members of the Committee

Councillor Steve Darling (Chairman)

Councillor Long

Councillor Stockman

Councillor Morey

Councillor Law

Councillor Carter

Councillor Cowell

A prosperous and healthy Torbay

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Lisa Antrobus, 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. 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.)

3. Communications

To receive any communications or announcements from the Leader of the Council.

4. Urgent Items

To consider any other items the Chairman decides are urgent.

5. Matters for Consideration

6. Adult Care Strategic Agreement between Torbay Council, Devon Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust

(Pages 5 - 46)

To consider and recommend to Council the approval of the Adult Care Strategic Agreement between Torbay Council, Devon Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust.

7. Draft Community Engagement and Empowerment Strategy

(Pages 47 - 66)

To consider a report that seeks the endorsement and agreement for the Draft Community Engagement and Empowerment Strategy to be shared with the community and our partners for consultation and

feedback.

8. **Waste Management Strategy for consultation** (Pages 67 - 220)
To consider a report that seeks agreement for the revised Waste Management Strategy to be released for public consultation.
9. **Introduction of Permit Scheme for Street Works in Torbay** (Pages 221 - 252)
To consider a report on the above.
10. **Anti-Poverty Task and Finish Group - Report of the Overview and Scrutiny Board** (Pages 253 - 261)
To consider formally respond to the recommendations of the Overview and Scrutiny Board in relation to Anti-Poverty.
11. **Proposed disposal of Council owned land at Hatchcombe** (Pages 262 - 271)
To consider a report and recommend to Council the disposal of Council owned land at Hatchcombe.
12. **Exclusion of Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.
13. **Transfer of Council Services to SWISCo Ltd** (Pages 272 - 282)
To consider an exempt report on the above.
14. **Adjournment**
At this juncture the meeting will adjourn until 5.30 pm on 29 September 2020. The items and reports for the meeting on 29 September 2020 have been published under a separate cover.

Instructions for the Press and Public for joining the meeting

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a meeting

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want to see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Meeting Etiquette - things to consider when attending a virtual meeting

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.



Meeting: Cabinet and Council **Date:** 22 and 24 September 2020

Wards Affected: All

Report Title: Adult Care Strategic Agreement between Torbay Council, Devon Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust

Is the decision a key decision? Yes

When does the decision need to be implemented? 01 October 2020

Executive Lead Contact Details: Councillor Stockman, Cabinet Member for Adult Services and Public Health
jackie.stockman@torbay.gov.uk 01803 851255

Supporting Officer Contact Details: Joanna Williams, Director of Adult Social Services, 01803 207175, joanna.williams@torbay.gov.uk

1. Proposal and Introduction

- 1.1 This is the Adult Care Strategic Agreement (ACSA) which sets out the way in which Torbay Council and Devon Clinical Commissioning Group (the CCG) will commission services from Torbay and South Devon NHS Foundation Trust (the Trust). The present agreement covers a three year period starting April 2020.
- 1.2 This replaces the Annual Strategic Agreement (ASA) and is in line with the Risk Share Agreement that has been signed by the parties in [1.1] covering the same period.
- 1.3 As noted in the report an improvement plan is in place and will be monitored whilst in the light of the Covid-19 pandemic previously used performance indicators will be kept under review with targets set for 2021/22 as a base-line for activity is established.
- 1.4 The in-situ agreement has been used as the basis for the three year agreement and remains familiar in its approach and content. It has fully been reviewed and refreshed and significant changes are recorded below.

2. Reason for Proposal

- 2.1 The Adult Care Strategic Agreement sets out the strategic direction for services that is designed to maximise choice and independence for those requiring adult social care and support. It sets out the objectives which the Council and the CCG require

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

the Trust to meet and forms the basis on which performance can be monitored and managed.

- 2.2 The Risk Share Agreement which has been signed by all three parties named in the Adult Care Strategic Agreement sets out the financial commitments and liabilities of the partners. This underpins the ACSA and ensures a focus on improvement and delivery of the commitments made within it.
- 2.3 The agreement has been produced to reflect the ongoing work and delivery in respect of commitments such as Making Safeguarding Personal, Learning Disabilities Peer Review, Carers' Strategy whilst incorporating the further improvements along with transformational changes through the Improvement Plan which forms part of this agreement and a key focus for monitoring and performance delivery in the first year.
- 2.4 The governance structure under which this agreement will operate was approved by Cabinet on the 11th August 2020 and is incorporated in section 8 of the agreement
- 2.5 Attention is brought to those section of significant change listed below:

Section	Section Name	Changes to 2020 – 2023 Agreement
2.1	New Models of Care	In addition to the ongoing commitment to the further development to our vibrant community and voluntary sector a focus is being brought to additional early intervention and prevention initiatives, the upskilling of staff and increased use of digital technologies to enable them and clients/patients
2.3	Learning Disabilities	Section 2.3 has been updated to reflect the ongoing joint working that is taking place between Devon system partners in the delivery of the joint strategy for adults with a learning disability.
2.4	Mental Health	Section 2.4 has been updated to provide increased detail on the Mental Health priorities being focused upon and the joint working arrangements to deliver them.
3.1	Activity Baseline and Planning Assumptions	Section 3.1 recognises the impact of Covid-19 on the activity and demand numbers resulting in baseline numbers not being available for the first year of the agreement
3.3	Operational Delivery, Monitoring and Oversight	Section 3.3 highlights the governance and use of the Adult Social Care Improvement Plan to monitor in the first year of the agreement in recognition of one of the challenges of Covid-19 skewing activity data and subsequent target setting.
3.4	Adult Social Care Workforce	Section 3.4 details the approach being taken to improvement initiatives in Adult Social Care
4.8	Reviews	Section 4.8 highlights the activity in respect of reviewing packages of care optimising the work that has been done on strengths based and community led support development

3. Recommendation(s) / Proposed Decision

That the Cabinet recommend to the Council:

- 3.1 that the Adult Care Strategic Agreement between Torbay Council, Devon Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust set out at Appendix 1 to the submitted report be approved.
- 3.2 that in the event there are minor changes requested by the Board of the Torbay and South Devon NHS Foundation Trust which meets subsequent to the decision of the Council, the agreement or negotiation of the minor changes be delegated to the Director of Adult Social Services, in consultation with the Cabinet Member for Adults and Public Health.

4. Supporting Information

- 4.1 The Overview and Scrutiny Board meeting of the 16 September 2020 will have considered the document and their comments will be presented to the Cabinet meeting

Appendices

Appendix 1: Adult Care Strategic Agreement 2020_23

Adult Care Strategic Agreement

Between:

**Torbay Council
and
Torbay and South Devon NHS Foundation
Trust**

For the delivery of:

Adult Social Care April 2020 to March 2023

Final

DRAFTING NOTE:

- THIS DOCUMENT REMAINS DRAFT UNTIL APPROVED BY BOTH PARTIES.
IT IS BEING CONSIDERED BY BOTH THE TRUST AND THE COUNCIL
THROUGH STANDARD GOVERNANCE PROCEDURES

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Introduction

The Strategic Agreement is the working document between Torbay Council (the Council) and Torbay and South Devon NHS Foundation Trust (the Trust) which supports the Partnership Agreement between the organisations for the delivery of Adult Social Care within Torbay. The Adult Care Strategic Agreement (ACSA) is set in the context of the Risk Share Agreement established between the Council, the Trust and Devon Clinical Commissioning Group (the CCG). The ACSA is aligned with the Council's Community and Corporate Plan and the Trust's Operational Plan.

The organisations have a history of working collaboratively within Torbay and are part of the Devon-wide Sustainability and Transformation Partnership. The organisations continue to evidence their strong partnership role in working on both local and Devon-system-wide solutions to use resources to best effect.

This close working is being further developed with the ambition for the formation of a Local Care Partnership within the term of this agreement which will create further links and alignment with the Devon health and cares system.

1.1 Scope of the Agreement

The scope of this agreement is Adult Social Care (ASC) services provided for the population for which Torbay Council is accountable. This will include the statutory duties and obligations in respect of the delivery of ASC services for people who are resident in Torbay but will also include people placed in accommodation in other areas of the country where national policy dictates that the Council remains the accountable authority.

In addition to the services described in this Agreement, the Trust provides other services, including those commissioned by the CCG, NHS England specialist, dental, and screening teams.

Torbay Council also commissions additional services from the Trust including, the Drug and Alcohol Service and the Lifestyles, Health Visiting, and School Nursing service which are commissioned by the Council's Public Health team.

Within the integrated approach of the Torbay care system the parties work jointly to ensure effective and efficient delivery of services. The Trust holds the budget for areas such as Autism, Learning Disabilities and Mental Health. Aspects of these are delivered through other organisations such as Devon Partnership Trust. The system partners will collaborate to ensure a continuous improvement approach to the delivery of care. Roles and responsibilities continue to be reviewed to ensure best use of resources and optimised outcomes.

1.2 Summary of services to be provided

The services provided under this agreement will include:

- Provision of information and advice to people enquiring about ASC services;
- Assessment of need for social care services, including the provision of rehabilitation and reablement services, and an Emergency Duty Service;
- Commissioning and monitoring individual packages of care, including case management assessments under the Mental Capacity Act, Liberty Protection Safeguards (formerly Deprivation of Liberty safeguarding) and engagement in

Court proceedings;

- Monitoring of the quality, performance, and cost of services provided by Trust staff and other providers;
- Safeguarding the needs of adults and older people living in Torbay. This includes delivery of Torbay Council's operational safeguarding responsibilities, servicing the Torbay Adult Safeguarding Board, investigations of individual safeguarding concerns and whole homes investigations;
- Voluntary and Community Sector development and coordination in support of independence, self-care, enablement and improved quality of life;
- Ensuring that services are provided in a cost effective way whilst still offering choice where people are entitled;
- Collection of income for chargeable services, including and assessment of an individuals' financial circumstances and ensuring that people are receiving any welfare benefits to which they are entitled;
- The collection, collation and submission of activity information and performance returns as required operationally, by the Council and to meet local, regional and national requirements and statistical returns;
- The collection, collation and submission of financial returns and budget reports as required operationally, by the Council and to meet local, regional and national requirements and statistical returns;
- Benchmarking Torbay Council's performance and cost against similar Local Authority areas, England and the South West;
- Input to the Joint Strategic Needs Assessment (JSNA) and housing needs assessment as required to ensure strategic commissioning plans and market management is based on relevant, accurate, quality and timely data;
- Procurement and monitoring and management of the local market to ensure sustainable, good quality and affordable services within the strategic approach set by the Council's Adult Social Care and Partnership Commissioning Team in conjunction with Devon Clinical Commissioning Group through decision making structures as recorded in the governance within this document
- Delivery of agreed plans including Adult Social Care-Improvement Plans and those agreed through the Better Care Fund including the commitments to optimise the application of the Disabled Facilities Grant.

2 Adult Social Care Commissioning Priorities

The Council's Community and Corporate Plan One Torbay: Working for all Torbay (2019-2023) includes the ambition

'We want Torbay and its residents to thrive' and the mission

'To be a Council that supports, enables and empowers its residents, our communities and our partnerships.'

The Adult Care Strategic Agreement is designed to support the delivery of the plan. It is the Trust's responsibility to ensure the underpinning commissioning activities and associated delivery are supported by timely and accurate data collection and information provision including, finance and performance management information on independent and community voluntary sector contracts and Service Level Agreements held by the Trust. Key areas for development during the period of this contract include:

2.1 New Models of Care

- Wellbeing and independence and supporting people to lead the most fulfilling lives that they are able to are at the heart of the approach to care along with using strengths based approaches and community assets to achieve this with those being supported.
- Living Well@Home development programme being a market wide programme in support of the new model of care;
- Support the development of a vibrant voluntary and community sector within the context set by commissioners
- Reducing demand through prevention and early intervention and asset based approaches
- Accelerated innovation particularly in relation to digital offers to support the delivery of timely and proportionate interventions, upskilling of care staff to support the workforce to work to the top of its license, and to provide holistic, multidisciplinary interactions with clients and patients
- A focus on co-design with the community and voluntary sector and Torbay residents.
- A focus on improving independence and reducing demand via a redesign of community services with the community and voluntary sector, including a 'front door' via the community and voluntary sector.
- Council investment in high quality options to support the local care market. This will support independence and the most vulnerable, including projects in extra care housing and residential/nursing for those with dementia.
- A focus on One Public Estate, to maximise the use of statutory sector estate and funds for the benefit of people in Torbay
- Refreshed governance and performance, to hold all organisations to account and within the Council Governance processes.

These will be supported by the development of a detailed approach to Information and Advice provision (in relation to ASC services), a strategic plan for the support of enablement of individuals by the use assistive technology alongside a refreshed strategy for the development of the Voluntary and Community Sector.

2.2 Autism Spectrum Conditions

- During 20/21, provide Autism awareness training for social care staff who come into contact with people with autism and ensure compliance with the

Core Capabilities Framework commissioned by Health Education England, which is a key objectives for workforce development in delivering the Autism Strategy.

- During 20/21, ensure that staff of organisations and agencies commissioned by the Trust who come into contact with people with autism have appropriate knowledge and skills, through the provision of Autism Spectrum Conditions awareness training, positive behaviour support and crisis planning;
- Provide specialist training for key staff in the trust who come into contact with people with Autism Spectrum Conditions, including reasonable adjustments.
- To actively contribute towards the reduction in people admitted to hospital under the Mental Health Act by improving understanding, skills, knowledge and support in community services, responses from specialist Approved Mental Health Practitioners (AMHPs), access to community treatment reviews and the Blue Light Protocol
- Provide training and support to social care staff on completing Care Act assessments for people with Autism Spectrum Conditions ;
- Improve the offer of Peer Support for people with Autism Spectrum Conditions through seed funding of small peer support groups
- Key partner and in the development and delivery of the Joint Learning Disability and Autism Strategy and action plan, following the Association of Directors of Adult Social Services (ADASS) Peer Review.
- Develop and sustain an Autism Spectrum Conditions Programme Board (during 2020) being mandatory requirement.
- Strengthen and improve the quality of the supported living market for people with Autism Spectrum Conditions diagnosis through procurement of Supported Living Shared Hours and Supported Living 1:1 Hours contract.
- Improve access to employment, education and welfare benefits through the provision of accessible information and advice services.
- Assessments for people with Autism Spectrum Conditions;

2.3 Learning Disabilities

Torbay Council, along with Plymouth City Council, Devon County Council and Devon CCG is signed up to a joint strategy 'Living Well with a learning disability 2018-2021' for adults with a learning disability, including young people who are approaching adulthood.

<https://democracy.devon.gov.uk/documents/s21597/Joint%20Strategy%20for%20Adults%20with%20Learning%20Disability%20FINAL.pdf>

The refreshed strategy (2018-2022) sets out what we will do together across Devon, Plymouth and Torbay that is best enabled by working at scale. This currently includes:

- Working more closely together to have more appropriate housing that meets the range of needs of people with learning disabilities.
- Working together with local communities, Housing Authorities, District Councils to understand how people are currently supported, and also where they want to live and how they want to be supported. This joint understanding of what is needed in the future to help people achieve what matters to them, will enable us to produce a market development plan.
- Supporting more people with a learning disability in Torbay to develop their skills and find and keep a job, and also increasing the number of opportunities for employment across Devon, Plymouth and Torbay.
- Working together to improve access to healthcare for people with learning disabilities, so that they have improved physical and mental health outcomes

and live longer as a result. The Learning Disability Treat Me Well work and the new Quality Checkers have been looking at accessibility of treatment for people with learning disabilities across Devon and including Torbay hospital.

- Increasing the opportunities in communities for people to live as independently as possible, which means that a wide range of services which are easy to use for people with a learning disability.
- Supporting young people with learning disabilities to develop independent life skills, so that they can lead fulfilling lives as adults.
- Ensuring people with learning disabilities are safe in their communities
- Making sure that we always listen to people with learning disabilities and their families/carers about what matters to them, and include them in decisions about their lives and also the development of services and strategies. The development of the Torbay Learning Disability Partnership Board will support and be a vehicle for this.
- Supporting carers to be able to care throughout the different stages of their lives.
- Developing a diverse and sustainable supported living market for people with learning disabilities

2.4 Mental Health

Torbay Council has statutory responsibilities for providing services to eligible people with poor mental health under the Mental Health Act 1983, NHS and Community Act 1990, and the Care Act 2014, which are delegated to the Torbay & South Devon NHS Foundation Trust. These include:

- Approval and provision of 'sufficient' numbers of Approved Mental Health Practitioners (AMHP);
- Guardianship under section 7;
- Financial and Budgetary responsibilities for the whole Mental Health budget, including activity below assigned to DPT.

Mental Health services will be delivered by the Trust in partnership specialist providers as appropriate, for example Devon Partnership Trust. This is in compliance with Torbay Council's statutory duties under the Care Act, Mental Health Act and other relevant legislation, including:

- Aftercare under section 117;
- Care management services, including operational brokerage of social care packages.
- Implementation of the Community mental health framework

The priorities for the commissioned service in 2020/23 are outlined in the Adult Mental Health, Joint Delivery Plan between the Council, Torbay & South Devon NHS Foundation Trust (TSDFT) and its partners. Close working with other commissioners such as the CCG will see this developed and monitored through Adult Social Care Performance Committee as recorded in the governance structure.

- Trust finance team support for improvement plan and development and implementation of cost improvement projects. Torbay Council Commissioners to agree improvement plan and development of cost improvement projects with partners
- Support for integrated personal care planning and brokerage including implementing and embedding systems plans.

- Review and redesign of all current assigned staff roles within the Adult Mental Health contract to ensure value for money and focused approach to delivering better outcomes for people with mental ill health.
- A sustainable supported living market for people with a Mental Health diagnosis through procurement of Supported Living Shared Hours and Supported Living 1:1 Hours contract
- A review of under 65s MH services, including focus on asset and community based wellbeing and prevention

2.5 Social Care Workforce

- Ensure sufficient professional leadership and support to changes to the workforce and implementation of new ways of working;
- Develop capacity within the workforce to deliver the services and provide contingency working and engagement in co-producing new approaches to care work e.g. Trusted Assessor models.
- The opportunity for continued development of the potential for shared arrangements across the Devon Integrated Care System is kept under review not only in respect of commissioning but for aligned service provision to support further enhancements to effective and efficient service delivery. Local initiatives include:
- Continued development of working arrangements for clarity of roles and responsibilities with the growing independent and voluntary sector;
- Supporting engagement with independent and voluntary sector providers through the multi-provider forum and associated groups.

2.6 Safeguarding Adults

The Trust will deliver the operational safeguarding duty on behalf of Torbay to:

- Prevent abuse and neglect wherever possible, understand the causes of abuse and neglect, and learn from experience;
- Ensure all organisations embed learning from incidents and case reviews;
- Improve multi-agency practice and processes to improve individual safety planning as part of care and support plans and safeguard adults in a way that supports choice and control and improves their lives;
- Provide information and promote public awareness to enable people in the community to be informed so that they know when, and how to report suspected abuse.
- Work with strategic commissioners and in partnership with independent and community voluntary sector organisations to identify and address issues early preventing escalation through focused service improvement planning to reduce and streamline the number of current safeguarding processes.

2.7 Carers

In line with the priorities established through the redesign of Carers' services the Trust will continue to deliver operational duties to support carers on behalf of Torbay to:

- Provide Carers' Assessments / Health and Wellbeing Checks for Carers of Adults
- Provide support to maintain Carers' health and wellbeing
- Provide Carers' advocacy;

- Promote identification and support of Carers across the wider health/social care community;
- Provide support to commissioners about market development to meet the needs of Carers and those of the people they care for
- Ensure Carers' performance indicators are met.
- Take steps to address reduced performance in the Personal Social Services Survey of Adult Carers in England 2018-19;
- Fulfil the Carers' Strategy 2018-21
- Implement NICE 'Supporting Adult Carers' guidance

In late 2020, consultation will take place with all registered Carers in Torbay about the priorities for the multi-agency Carers' Strategy 2021-24.

3 Current Services

3.1 Activity Baseline and Planning Assumptions

Under the terms of this agreement the Trust will be providing, long term packages of care to adults and older people with social needs. In the tables below, this activity (initial business planning baseline) is broken down across age groups and expenditure type. The impact of Covid-19 is still being assessed and the baseline assumptions will be kept under review and updated appropriately in discussion between the signatories to this agreement.

ASC - Long Stay Clients Aged Under 65 (snapshot March 2020)

Expenditure Type	Cost per week	Clients'**'	Ave Client Cost
Daycare	£22,039	141	£156
Direct Payments	£98,309	285	£345
Dom Care	£51,504	362	£142
Nursing Long Stay	£6,185	6	£1,031
Residential Long Stay	£137,346	139	£988
Residential Long Stay (Full cost)	£750	1	£750
Supported Living	£110,283	224	£492
Total	£426,416	995	£429

ASC - Long Stay Clients Aged Over 65 (snapshot March 2020)

Expenditure Type	Cost per week	Clients'**'	Ave Client Cost
Daycare	£6,410	71	£90
Direct Payments	£34,691	119	£292
Dom Care	£124,610	627	£199
Nursing Long Stay	£51,354	73	£703
Nursing Long Stay (Full cost)	£4,547	7	£650
Residential Long Stay	£279,092	403	£693
Residential Long Stay (Full cost)	£43,528	64	£680
Supported Living	£17,205	27	£637
Total	£561,436	1,311	£428

'**' Please note that some clients have more than one expenditure type and therefore, total client numbers will be lower than the sum of the individual types.

3.2 Projected activity

As part of the Trusts' business planning process, the Trust's Torbay Locality (System) will formulate plans to deliver the capacity required in 2020/21 and annually thereafter within the parameters of the Trust's business planning process and the associated

savings requirements. The service development and saving plan work streams developed through this process will report and be agreed through both the Trust's Transformation & Assurance Group and the Adult Social Care Improvement Board with ongoing monitoring and performance through the Adult Social Care (ASC) Performance Committee.

3.3 Operational Delivery, Monitoring & Oversight

Delivery will be monitored through local operational meetings to include the Performance Committee and the Integrated Governance Meeting, the Trust Board, Adult Social Care (ASC) Improvement Board with committees for strategy, delivery and performance reporting in with their roles including financial run-rates and performance targets both activity and financial.

The Trust will operate autonomously to take any management action that is necessary to correct performance and which can be taken within the parameters of this Agreement. However, should exceptional circumstances arise, through excess demand or other external factors not taken into account when the budget allocations underpinning this agreement were made, the impact and any corrective actions will be discussed through the Adult Social Care Improvement Board.

The performance indicators and targets associated with this agreement have previously been set having considered the outturn figures of the previous year. With the exceptional situation in respect of the Covid-19 pandemic it is not possible to set an operational baseline for the first year of the agreement due to the distortion of activity and redirection of resources to manage the presenting demand. However, the Adult Social Care Improvement Plan has clear targets attached to it. Therefore the performance of this agreement will be monitored in the first year against the delivery of the Adult Social Care Improvement Plan. It is acknowledged there will be significant system changes, service development and pathway redesign; this along with the modelling of the Covid-altered system will enable the metrics and measures associated with this agreement to be reviewed and reset appropriately in readiness for year two.

This approach is further supported by the fact that the contract has always included and worked to the Adult Social Care Outcomes Framework (ASCOF) measures. The Department of Health and Social Care commissioned a review of the measures in January 2020. The output of that review is still awaited along with the associated measures for the 2020/21 which have been disrupted by the Covid-19 pandemic.

Impact on Quality, Activity and Cost Including Cost Improvement programme of improvement and savings plans developed by the partners is attached as Annex 2.

3.4 Adult Social Care Workforce

The provision of integrated health and social care services through local multidisciplinary teams has proved to be an effective model for delivery, able to respond to customer needs swiftly, facilitate rehabilitation, and avoid admissions to residential care and hospital where ever possible. However, the existing model relies on a level of staff resources which will not be sustainable in future given the additional demands. An alternative model is being designed which will have an impact on how staff are deployed.

The new care model will be built on a strengths-based approach, aligning entirely to the model in use within the voluntary sector and Integrated Personal Commissioning.

Adopting this approach across social care, health services, and the private, voluntary and independent sectors will bring a synergy of approach not previously seen. For social care this is building upon the previous 'Personalisation Strategy'. This is being developed with initiatives e.g. Strengths Based Working and Making Every Contact Count (MECC) and will underpin a move from time based and care based provision to outcomes based commissioning. Independent Service Funds (ISF) are a key tool in developing the 'no decision without me' and National Voices 'I-statements'.

3.5 Safeguarding

The Trust will continue to deliver the delegated responsibilities of Torbay Council regarding Safeguarding Adults. The Care Act 2014 put Safeguarding Adults into a statutory framework for the first time from April 2015. This placed a range of responsibilities and duties on the Local Authority with which the Trust will need to comply. This includes requirements in the following areas:

- Duty to carry out enquiries;
- Co-operation with key partner agencies;
- Safeguarding Adults Boards;
- Safeguarding Adult Reviews;
- Information Sharing;
- Supervision and training for staff.

Accountability for this will sit with the Torbay Safeguarding Adults Board (TSAB). This is a well-established group that will provide a sound basis for delivering the new legislative requirements. The Board will incorporate the requirements into its Terms of Reference and Business Plan for the life of this agreement, ensuring that all relevant operational and policy changes are in place.

Regular performance analysis from all partner agencies will be reported to the TSAB to give a clear picture of performance across the agencies. The Council will ensure high level representation on the Board by the Director of Adult Social Services and Executive Lead for Adult Social Care.

In order to maximise capacity Torbay SAB will work closely with the Devon SAB with an increased number of joint sub-committees and shared business support. In addition to this, to provide internal assurance that the Trust is fulfilling its Safeguarding Adult requirements, the Board will have a sub-committee which will oversee performance. This will have a particular focus on training and performance activity.

The Council is fully committed to the national 'Making Safeguarding Personal' agenda. This is designed to measure Safeguarding Adult performance by outcomes for the individual, rather than reliance on quantitative measurement of timescales for safeguarding meetings.

The Trust also has delegated responsibility as a provider of Adult Social Care services to ensure that it participates as a full partner in the TSAB and meet all regulatory requirements in safeguarding adults and children.

3.6 Delivery and Performance Management: Adult Social Care Services

The present arrangements for ASC delivery through an integrated health arrangement delivered by the Torbay & South Devon NHS Trust have been benchmarked against similar authorities in its family group (comparator group). The results show in 2018/19 Torbay spends around £405 per head of adult population, compared to an average of £363 for our comparator group¹ (this is the net current expenditure from 2018/19 Adult Social Care Finance Return (ASC-FR) - per head of adult population).

It is to be noted that the integrated nature of the Torbay's system whilst delivering better outcomes for people does mean that direct comparisons do not always provide an unambiguous picture. With this in mind a series of additional measures are included within the performance indicators attached as Annex 1.

Torbay benchmarks very well in the following areas:

- Service user reported quality of life
- Service user reported social contact
- Service user reported control over daily life
- Service user reported satisfaction with care & support
- Carer reported ease of finding information

Torbay has opportunities for improvement in the following areas:

- Adults in contact with secondary mental health services in paid employment
- Permanent admissions to residential and nursing care aged 18-64
- Service users receiving direct payments
- Adults with a learning disability living in their own home or with their family

Audit South West's January 2017 audit report looking at the Trust's care assessment process has confirmed that "the Trust's arrangements for the assessment of the care needs of referred individuals, and determination of eligibility to receive publicly funded care and support is in line with the Care Act 2014 and are appropriate. Staff are able to access a range of training and operational support mechanisms to help them discharge these key responsibilities."

Opportunities for improvement are as follows
<ul style="list-style-type: none">• Permanent admissions to residential and nursing care for 18-64 years old's• Adults with a learning disability in paid employment

¹ Torbay's family group of comparator authorities are groups of authorities that central government consider have similar patterns of deprivation and age profiles etc.

N.B. It should be noted that the ASA applies to the delegation of authority and activity in respect of ASC and does not include Children's services. The ICO's use of funds to deliver these services should therefore focus on ASC when comparisons are made with other authorities.

[Torbay and South Devon NHS Foundation Trust Final Internal Audit Report: Care Assessment Process Report Reference: TSD08/17 January 2017. Source Page 34 CIPFA Local Authority budget comparator profile Torbay Comparator Report November 2016

4 Service developments

Key developments in the way ASC services are provided, and any changes in what services will be provided, are outlined in the following paragraphs. Where appropriate the planning and implementation of these changes will involve internal and external consultation with key stakeholders as set out in the Adult Social Care Improvement Plan which will drive service improvements and is managed through the ASCPB. Where appropriate the Decision Tracker will also clarify accountability for decision making in these developments.

The new care model will target resources to those in greatest need and provide a universal service to allow people to be as independent as possible and be connected with their local community. The new care model will require significant change and we will need to ensure that we support and engage staff and managers through the required change.

To support the resilience and sustainability of services, we will work closely with the independent and voluntary sector in relation to co-production of new ways of working that provide solutions for 'what matters to me'.

The Ageing Well Programme has piloted a number of initiatives and the evaluation of these will offer additional input for the further development of services that provide alternatives to traditional social care services, increase the independence of people and encourage preventative measures and behaviours. Areas that will be addressed include Information and Advice, Assistive Technology and Community Building.

4.1 Social Care Workforce Plan

The Trust will ensure that Registered Social Worker's comply with national standards under the oversight of the regulatory board Social work England and delivery of Care Act compliance is a key deliverable for our social care staff. We will develop and implement a workforce plan for social care services which focuses on:

- Working in partnership with our community, addressing the issues faced by our most vulnerable members;
- Revisiting our approach to ensure we are inclusive with users, carers and community organisations – using strengths-based approaches as our principal theoretical approach and operating model;
- Promoting the reputation of social work in Torbay through engagement with users and the co-design of our approach;
- Supporting staff to reach their potential using a capability framework; responding to the Social Work health check and by providing support to improve resilience;
- Delivering a high quality, safe and well-respected service through use of quality, safety and governance processes.

TSDFT have arrangements in place for structures such as flexible working, staff welfare services and exit interviews. Despite increasing allocation lists, Social Workers do not report unmanageable caseloads or sickness due to stress. Although Social Workers do find time to attend training, and they find it useful, they feel it needs improvement in terms of specialist areas and opportunities for professional development. This is a specific area for attention in the Adult Social Care Improvement plan.

4.2 Strengths Based Approach

The Care Act 2014 requires local authorities to consider the person's own strengths and capabilities to help achieve their desired outcomes. This includes exploring what support might be available from their wider support network or within the community to help in the provision of care and support. In practice, this means operationalising strengths-based approaches into the care model.

A strengths-based approach continues to be embedded and scaled up within the new Health and Wellbeing Teams. It will become the golden thread which runs through all our interactions with people, both in terms of how we approach care and support in our teams and how our teams in turn approach care and support with the people they serve. To support the deployment of a strengths-based approach we have developed the following principles for the implementation:

- We will empower staff to use their skills and experience;
- We will let go of care management approaches;
- We will focus on community involvement;
- We will concentrate on the assets and strengths of the people who use our services, our staff and our partners.

4.3 New Approaches to Person Centred support Planning

During the course of this agreement the Trust will continue to explore new approaches to undertaking support planning. This will include furthering existing schemes for people with learning disabilities and undertaking wider proof of concept work in partnership with independent, voluntary and third sector organisations.

4.4 Self-Directed support – including Individual Service Funds and Direct Payments

Self-directed support using initiatives such as Individual Service Funds alongside Direct Payments will be encouraged. The infrastructure will be developed and embedded further as part of the ASC Improvement Plan to enable people to identify their options, make informed decisions and have mechanisms that make the right thing to do the easy thing to do.

The opportunities to explore and develop Individual Service Funds will be addressed within the term of this agreement. This refresh will be managed through the Adult Social Care Transformation Group and its reporting to the Adult Social Care Improvement Board.

4.5 Integrated Care Model (ICM) Implementation

The Integrated Care Model is being developed in line with the areas in its blueprint listed below. The Health and Wellbeing teams referred to in the Operational Plan will be providing a range of functions details of which are below:

1. Connect people with things that help them live healthy lives in their community.

2. Support people to stay well and independent at home with a focus on targeting frailty much earlier. Maximise a person's wellbeing and independence for as long as possible and support people to self-care.
3. Work together to proactively avoid dependency and escalation of illness with a focus on supporting people with highest needs.
4. Connect people with expert knowledge and clinical investigation to maximise outcomes and cost effectiveness of care. Move away from hospital based services using technology to access advice and guidance. Invest expertise in supporting resilience and quality in care homes.
5. Access to urgent and crisis services should be made as easy as possible where it is required.
6. End of Life Care (EoLC) will be embedded into all core elements of this model.

Improved Health and Wellbeing

Improved health of population
 Improved quality of life
 Reduction in health inequalities

Enhanced Quality of Care

Improved experience of care
 People feel more empowered
 Care is personal and joined up
 People receive better quality care

Value and Sustainability

Cost-effective service model
 Care provided in the right place at the right time
 Demand is well managed
 Sustainable fit between needs and resources

The Health and Wellbeing teams referred to in the Operational Plan will be providing a range of functions as part of the ICM which will include:

- Encourage self-care, healthy lifestyles and maintain independence
- Help to grow community assets/develop resilience;
- Assessment, support planning and professional social work support;
- Provide rehabilitation;
- Provide nursing care;
- Integrated medical management of people with complex co-morbidities;
- Reactive care co-ordination of people with deteriorating complex health issues and frail elderly;
- Continue to embed and mainstream Learning Disabilities and working with the voluntary sector to support the delivery of this
- Proactive care co-ordination of people with complex needs and frail elderly;
- Proactive integrated long term conditions support;
- High quality discharge support from hospital to home, integrated planning and seamless handover of care;
- Development of a fully integrated out of hospital care system for Torbay and South Devon, providing onward care which is focused on improving independence.
- Provide falls prevention services;
- Provide palliative care as part of end of life care pathway.

In addition to the Torbay & South Devon NHS Foundation Trust's internal governance structures the impact of these changes on community based care roll-out will be monitored and assured through the Adult Social Care Improvement Board in respect of the community activity

4.6 Services for people with learning disabilities including Autism

In October 2017, Torbay Council and the Trust took part in a Learning Disability Peer Challenge Review; which was an opportunity for all partners to understand what we do well, areas for improvement and will support us together in setting our strategic aims and delivery for Autism and Learning Disability services for the next three years.

As part of the next stage of the process, an action plan was developed with the participation of key partners. The Plan focussed on the 5 key areas that emerged from the Peer Review Team visit:

- Information and Needs Assessment
- Training and Employment
- Engagement and Partnership Board
- Commissioning and Market for the Future
- Working in Partnership

The success and work to date under these 5 key areas, outlined in Sections 2.2 and 2.3, will be consolidated and embedded going forwards, with the Trust as a key partner in the delivery of this plan.

4.7 Residential and Day Services for Older People

This area of work will be led by Council commissioners under the umbrella of the ASC Improvement Plan and will incorporate:

- Engagement with / implementation of the market management blueprint to support the long-term reshaping of the local market for ASC;
- Council led development of new residential care resources with nursing capability to deliver highly capable complex care within projected banded rates;
- Managed reduction of low-capability residential care beds as more people are supported through new models of care to live well at home for longer;
- Increase in day time / night time replacement care options for people with dementia;
- Planned engagement and support to increase capability / quality within all care homes for older people in order to meet complex needs of older people
- Targeted engagement to support the delivery of residential / nursing beds within local authority banded rates
- Targeted engagement to support market resilience and understand / mitigate market risks in order to maintain supply in line with demand.

4.8 Reviews

In 2017/18 the Quality Assurance and Improvement Team (QAIT) was formed by The Trust. This team monitors the quality of care, offering support to care home providers to improve their services and in 2019 the scope was extended to supported living and domiciliary care services. It incorporates both nursing and occupational therapy input. QAIT will develop further as part of the 3-year adult social care improvement plan in

order to develop and implement a system-wide quality improvement approach for all commissioned and directly-provided adult care and support services.

4.9 Key Milestones

The Adult Social Care Improvement Plan and the associated Improvement Programme Management Office hold the key milestones for the work being undertaken. Additionally, further milestones will be set in line with the performance indicators developed once the existing and ongoing impact of Covid-19 is established. These will be collectively monitored through governance structure in annex 8.

4.10 National: CQC (Care Quality Commission)

The Commission make sure health and social care service providers provide people with safe, effective, and compassionate high-quality care and encourage care services to improve. They monitor, inspect, and regulate services to make sure they meet fundamental standards of quality and safety and publish what they find, including performance ratings to help people choose care.

4.11 Local: Torbay and South Devon NHS Foundation Trust

The Trust will provide quality assurance of both its own integrated business activity and the services it commissions including those covered by the Partnership Agreement for Adult Social Care. A quality and safety report to the Trust's Board will include all social care quality, safety, and performance metrics quarterly. Interim performance monitoring is via the Adult Social Care Performance Committee; which will receive performance reports and updates on ad hoc issues.

A Quality Assurance Framework has been developed and is now in use with independent and voluntary sector providers to provide assurance in regard to the quality of care provided to people in their own homes and in care homes

5 Finance and Risks

5.1 Financial Risk Share

The Risk Share Agreement (RSA) (Annex 6) was developed as part of the transaction creating the ICO, and took effect from its inception on 1st October 2015. The Risk Share has been updated for further periods and the in-situ agreement covers the term 2020-23 which this Adult Care Strategic Agreement aligns with.

The share of financial risk going forward is a function of the wider performance of the Trust rather than specifically in relation to Adult Social Care. The financial baseline from the Council and the CCG, the commissioning funders of the ICO, are set out in the revised Risk Share Agreement 2020_23 which includes the Better Care Fund and the Improved Better Care Fund. The RSA 2020_23 is monitored through the Adult Social Care Improvement Board which includes all parties to the RSA and the Adult Care Strategic Agreement.

5.2 Efficiency Risks

- Delayed delivery of financial benefits arising from the Covid delayed implementation of the revised care model / Adult Social Care Improvement Plan
- Rate of expenditure in both ASC and Placed People
- Levels of agency and temporary staff costs
- Increasing complexity of care needs for people being cared for in community settings whilst achieving care closer to home

5.3 Risks pertinent to Adult Social Care expenditure include

- Scale of required savings
- (insufficient) Capacity and quality in the domiciliary care market
- Sufficiency and pricing in the care home market
- Community support for change
- Impact of case law re Deprivation of Liberty Safeguards and imminent transfer to Liberty Protection Safeguards in April 2022
- Increasing complexity of presentations linked to an ageing population and known areas of increased deprivation within Torbay. The recent CV19 pandemic has also impacted on service related expenditure via fast track discharges from hospital and increased cost relating to staff and PPE within provider settings.
- Increasing referral rates due to the increasing age of the population

6 Client Charges

6.1 Power to Charge

With the introduction of the Care Act, the Council now has a 'power to charge for services' whereas previously, there was a 'duty to charge' for long term residential/nursing care and a 'power to charge' for non-residential care.

The Council has made the decision to utilise the 'power to charge' for both residential and non-residential services. The Trust will discharge this power on behalf of the Council and in doing so will apply sections 14 and 17 of the Care Act 2014 and the Care and Support (charging and assessment of resources) regulations 2014.

6.2 Residential and Non Residential Charges

Charges for residential services will be amended each April as directed by the Department of Health and Social Care updated rates. In addition to this charges can also be amended in light of increases to the cost of care.

Charges per unit of care for non-residential care services will be set in accordance with the Council's charging policy.

Client contributions are based on the level of care a person requires and an assessment of their financial circumstances, including capital and income. The Trust will ensure that individual financial assessments are updated at least annually (but more frequently where the financial circumstances of an individual service user are known to have changed during the course of the year).

Consequently, the charges made to an individual may change in the course of a year if there are changes in their financial circumstance or the level of care they require. The Trust will ensure that all clients in receipt of a chargeable service receive a full welfare benefit check from the Finance and Benefits team and an individual financial assessment in person for new assessments where possible.

There is no charge for Intermediate Care or Continuing Health Care services.

6.3 Carers

The Trust will continue to deliver their legal requirements for Carers of Adults in Torbay and the priorities agreed in the Carers' Strategy 2018-21:

- Carers' Assessments / Health and Wellbeing Checks for Carers of Adults. 2019-20 targets have been met, but 2020-21 will undoubtedly have been affected by the coronavirus pandemic.
- Support to maintain Carers' health and wellbeing
- Carers' advocacy;
- Promoting identification and support of Carers across the wider health/social care community, with national recognition of our work in our local hospitals
- Support to commissioners about market development to meet the needs of Carers and those of the people they care for, particularly around replacement Care
- Ensuring Carers' performance indicators are met.
- Implementing NICE 'Supporting Adult Carers' guidance

We are working with our STP partner organisations to embed the 'Commitment to Carers', where each organisation commits to having an action plan to address the following seven principles:

- 1: Identifying Carers and supporting them
- 2: Effective Support for Carers
- 3: Enabling Carers to make informed choices about their caring role
- 4: Staff awareness
- 5: Information-sharing
- 6: Respecting Carers as expert partners in care
- 7: Awareness of Carers whose roles are changing or who are more vulnerable

In late 2020, consultation will take place with all registered Carers in Torbay about the priorities for the multi-agency Carers' Strategy 2021-24.

Torbay Carers' Strategy Action Plan 2018 – 2021:

<https://www.torbayandsouthdevon.nhs.uk/uploads/torbay-carers-strategy-action-plan-2018-2021.pdf>

6.4 Universal Deferred Payments

The Care Act 2014 established a requirement for a universal deferred payments scheme which means that people should not be forced to sell their homes in their lifetime to pay for the cost of their care.

A deferred payment is, in effect, a loan against the value of the property which has to be repaid either from disposal of the property at some point in the future or from other sources. The scheme has now been running since April 2015 as all councils in England are required to provide a deferred payment scheme for local residents who move to live in residential or nursing care, own a property and have other assets with a value below a pre-determined amount (currently £23,250). They must also have assessed care needs for residential or nursing care.

The Council's deferred payments policy is now fully implemented as part of the policy the Trust has the ability to recover any reasonable costs it may incur in setting up and reviewing a Deferred Payment Arrangement in addition to the cost of any services provided. These management costs may be included in the deferred payment total or be paid as and when they are incurred.

The interest rate payable on deferred payments is advised by the Department of Health and Social Care and reviewed every six months. Interest will be added to the balance outstanding on the deferred arrangement on a compound daily basis, in accordance with the regulations.

7 Governance

The Torbay Adult Social Care Governance structure is set out in Annex 7

7.1 Adult Social Care Governance

A revised governance structure has been adopted reflecting the additional focus on performance and delivery of the ASC Improvement Plan and the transformation sought by the partners. The ASC Performance Committee's Terms of Reference include:

- To assist the development of the strategic direction of ASC services supporting the new context faced by the Council and Trust in terms of public sector reform, reducing public resources and potential devolution;
- To receive reports and review performance against indicators and outcomes included in the ACSA providing and/or participating in regular benchmarking activities;
- To monitor action plans against any in-year areas of concern, raising awareness to a wider audience, as appropriate;
- To discuss and determine the impact of national directives translating requirements into commissioning decisions for further discussion and approval within the appropriate forums.
- To discuss and develop future ACSAs; co- ordinate the production of the Local Account.
- To escalate issues of concern or delivery to the Adult Social Care Improvement Board

7.2 Consultation, engagement and involvement process

As the Accountable Authority the Council will lead consultation processes where the need for change is being driven by the needs and requirements of the Council beyond those of delegated activities to the Trust. The Trust is committed to supporting the consultation and engagement processes the Council undertakes in relation to service changes recognising the Council's statutory duty and good practice.

As a provider the Trust will engage all stakeholders in service redesign and quality assurance including, playing an active role with Torbay Council Health Overview and Scrutiny Board. Additionally the Trust will be engaged with the CCG Locality Teams where the primary focus will be on consultation in regard to NHS services.

Where service changes will result in variation in the level or type of service received by individual service users, the Trust will comply with statutory guidance on the review/reassessment of care needs and ensure that those service users affected are given appropriate notice of any changes.

The Council, the Trust, and the CCG will continue to support the role of Healthwatch and the community voluntary sector in involving people who use services in key decisions as well as service improvement and design. The Council also expects the Trust to engage actively with service users and the voluntary sector in Torbay in developing new service solutions. This will apply irrespective of whether the service changes are driven by the necessities of the current financial environment or the need to ensure the continual evolution and development of services.

7.3 Programme Management

Oversight of delivery and programme management for the programmes of work set out in this Agreement will be provided through the Adult Social Care Improvement Programme Management Office. Delivery will be monitored through the governance arrangements set out above.

7.4 Key Decisions

Whilst this agreement places accountabilities on the Trust for the delivery and development of ASC Services, the Trust may not act unilaterally to make or enact decisions if they meet the criteria of a 'key decision' as described in the standing orders of the Council or are included in a list of 'Reserved Items' shared between the parties as part of the agreement.

This requirement reiterates section 22.3 of the Partnership Agreement under which services were originally transferred from the Council to Torbay Care Trust. Key decisions must be made by the Council in accordance with its constitution. In Schedule 8 of the Partnership Agreement a key decision is defined as a decision in relation to the exercise of council functions, which is likely to:

- Result in incurring additional expenditure or making of savings which are more than £250,000;
- Result in an existing service being reduced by more than 10% or may cease altogether;
- Affect a service which is currently provided in-house which may be outsourced or vice versa and other criteria stated within schedule 8 of the Partnership Agreement.

In addition when determining what constitutes a key decision consideration should be given to the possible level of public interest in the decision. The higher the level of interest the more appropriate it is that the decision should be considered to be a 'key decision'.

7.5 Governance of Placed People

Placed people (those funded via Health or joint Health and Social Care) have their care arrangements managed via Torbay and South Devon NHS Trust. Placed People activity sits within the Torquay Integrated Service Unit (ISU) and the governance arrangements within the ISU. Monthly performance reports are submitted to the CCG.

7.6 Individual Roles and Responsibilities

7.6.1 Torbay Council Executive Lead Adults

The role of Executive Lead is held by an elected Member of Torbay Council. As part of their duties they will sit as the Council's representative on the Trust Board to provide oversight, challenge, and liaison.

7.6.2 Director of Adult Social Services

The role of Director of Adult Social Services (DASS) is a statutory function, and is fulfilled by a senior officer of the Council who is accountable for all seven responsibilities of the role set out in statutory guidance dated May 2006. However responsibility for Professional Practice and Safeguarding are delegated to the Deputy DASS employed within the professional practice directorate of the Trust.

7.6.3 Deputy Director of Adult Social Services

The role will provide professional leadership for social care services and lead on workforce planning, implementing standards of care, safeguarding, and will chair the Adult Social Care Performance Committee. The role also oversees the Deprivation of Liberty Safeguards (soon to be the Liberty Protection Safeguards) and Guardianship arrangements in Torbay.

7.6.4 Systems Director

The role will provide provider executive input and oversight as part of the governance structure for the contract.

7.6.5 Organisational Roles and Responsibilities

The partnership working inherent within the Torbay model is supported by further clarification of the organizational roles pertaining to the local authority as the commissioning partner of the contract and the Trust as the providing partner including commissioning responsibilities within its delegated activities. A range of activities for reference is included in Annex 3 – Strategic and Micro-commissioning functions.

7.7 Emergency cascade

Please see Annex 4 for details of Torbay Council's Emergency Planning Roles in Council's Emergency cascade. The Trust will be expected, through best endeavours, to identify social care senior officers to be part of emergency cascade, to coordinate delivery of ASC in an emergency situation.

7.8 Annual Audit Programme

Audit South West (ASW) as the Internal Audit provider to Torbay and South Devon NHS Foundation Trust will undertake the following actions and requirements:-

- Consult with the Director of Adults Social Services (DASS) of Torbay council on proposed internal audit coverage;
- Provide to the DASS copies of assignment reports that relate to control arrangements for Adult Services;
- Provide an annual report to the DASS on the adequacy and effectiveness of the overall system of internal control for the Trust, and in particular, those areas directly affecting Adult Services.

Detail is included in Annex 5.

Annex 1: Performance Measures:

The 2018/19 Performance Description column gives a basic verbal comparison with the benchmarking figures (England, SW Comparator Group) which are currently only available to 2018/19

- Adult Social Care Outcomes Framework (ASCOF)
- Better Care Fund
- Local Measures

Domain & KPI	Frame work / Source	2016/17 Outturn	2017/18 Outturn	2018/19 Outturn	2019/20 Outturn draft	2016/17 Target	2017/18 Target	2018/19 Target	2019/20 Target	2016/17 England Average	2017/18 England Average	2018/19 England Average	2016/17 SW Average	2017/18 SW Average	2018/19 SW Average	2016/17 CG Average	2017/18 CG Average	2018/19 CG Average	2016/17 Rank	2017/18 Rank	2018/19 Rank	2016/17 Quartile	2017/18 Quartile	2018/19 Quartile	2018/19 Performance Description
Domain 1: Enhancing quality of life for people with care and support needs																									
ASC 1A: Social care-related quality of life	ASCOF ASCS Survey	19.9	19.4	19.4	19.8	19.4	19.7	19.7	19.7	19.1	19.1	19.1	19.2	19.3	19.3	19.4	19.3	19.2	4/151	45/150	35/151	Q1	Q2	Q1	Within agreed tolerance of target Same as previous outturn Better than Eng ave Better than SW ave Better than CG ave Better than previous ranking Moved from 2nd best to best quartile
ASC 1B: The proportion of people who use services who have control over their daily life	ASCOF ASCS Survey	82.7%	80.6%	80.2%	83.6%	79.0%	81.5%	81.5%	82.0%	77.7%	77.7%	77.6%	79.8%	79.3%	79.7%	79.8%	79.0%	78.4%	9/151	37/150	36/151	Q1	Q1	Q1	Within agreed tolerance of target Similar to previous outturn Better than Eng ave Better than SW ave Better than CG ave Slightly better than previous ranking Remain in best quartile
ASC 1C part 1A: The proportion of people using social care who receive self-directed support (adults aged over 18 receiving self-directed support)	ASCOF SALT	92.4%	93.5%	92.6%	88.2%	90.0%	92.0%	94.0%	94.0%	89.4%	89.7%	89.0%	84.2%	89.6%	91.6%	91.9%	95.1%	89.9%	87/152	88/151	94/152	Q3	Q3	Q3	Within agreed tolerance of target Worse than previous outturn Better than Eng ave Better than SW ave Better than CG ave Worse than previous ranking Remain in 3rd best quartile
ASC 1C part 1B: The proportion of people using social care who receive self-directed support (carers receiving self-directed support)	ASCOF SALT	90.7%	84.3%	88.5%	92.5%	83.0%	85.0%	85.0%	85.0%	83.1%	83.4%	83.3%	80.5%	83.3%	58.3%	78.1%	82.3%	80.6%	104/150	116/150	120/150	Q3	Q4	Q4	Achieved target Better than previous outturn Better than Eng ave Better than SW ave Better than CG ave Slightly worse than previous ranking Remain in 3rd best quartile
ASC 1C part 2A: The proportion of people using social care who receive direct payments (adults receiving direct payments)	ASCOF SALT	24.9%	26.7%	26.6%	25.5%	26.0%	28.0%	28.0%	28.0%	28.3%	28.5%	28.3%	29.2%	29.9%	27.9%	27.4%	28.0%	28.0%	89/152	84/151	87/152	Q3	Q3	Q3	Within agreed tolerance of target Similar to previous outturn Worse than Eng ave Worse than SW ave Worse than CG ave Slightly worse than previous ranking Remain in 3rd best quartile
ASC 1C part 2B: The proportion of people using social care who receive direct payments (carers receiving direct payments for support direct to carer)	ASCOF SALT	90.7%	84.3%	88.5%	92.5%	83.0%	85.0%	85.0%	85.0%	74.3%	74.1%	73.4%	55.1%	52.7%	47.2%	64.6%	64.4%	62.7%	78/150	93/150	95/152	Q3	Q3	Q3	Achieved target Better than previous outturn Better than Eng ave Better than SW ave Better than CG ave Slightly worse than previous ranking Remain in 3rd best quartile
ASC 1D: Carer-reported quality of life	ASCOF SACE Survey	7.8	n/a	7.5	n/a	9.0	n/a	9.0	n/a	7.7	n/a	7.5	7.8	n/a	7.3	7.9	n/a	7.7	46/151	n/a	58/151	Q2	n/a	Q2	Did not achieve target Worse than previous outturn Same as Eng ave Better than SW ave Worse than CG ave Worse than previous ranking Remain in 2nd best quartile
ASC 1E: Proportion of adults with a learning disability in paid employment	ASCOF C-Corp SALT	3.7%	3.8%	7.0%	8.3%	4.0%	4.0%	6.4%	7.0%	5.7%	6.0%	5.9%	5.8%	5.9%	6.0%	6.4%	6.2%	6.3%	103/152	103/151	94/152	Q3	Q3	Q2	Achieved target Better than previous outturn Better than Eng ave Better than SW ave Better than CG ave Better than previous ranking Moved from 2nd best to 2nd best quartile
ASC 1F: Proportion of adults in contact with secondary mental health services in paid employment (commissioned outside ICO)	ASCOF MHSDS	n/a	1.0%	4.0%	1.7%	6.0%	6.0%	6.4%	6.4%	n/a	7.0%	8.0%	n/a	11.0%	10.0%	n/a	7.2%	8.4%	n/a	146/148	128/151	n/a	Q4	Q4	Did not achieve target Better than previous outturn Worse than Eng ave Worse than SW ave Worse than CG ave Better than previous ranking Remain in 4th best quartile

Domain & KPI	Frame work / Source	2016/17 Outturn	2017/18 Outturn	2018/19 Outturn	2019/20 Outturn draft	2016/17 Target	2017/18 Target	2018/19 Target	2019/20 Target	2016/17 England Average	2017/18 England Average	2018/19 England Average	2016/17 SW Average	2017/18 SW Average	2018/19 SW Average	2016/17 CG Average	2017/18 CG Average	2018/19 CG Average	2016/17 Rank	2017/18 Rank	2018/19 Rank	2016/17 Quartile	2017/18 Quartile	2018/19 Quartile	2018/19 Performance Description	
ASC 10: Proportion of adults with a learning disability who live in their own home or with their family	ASCOF SALT	77.1%	76.0%	76.6%	78.8%	75.0%	75.0%	76.0%	80.0%	76.2%	77.2%	77.4%	73.7%	75.5%	77.2%	76.1%	81.9%	81.0%	78/152	94/152	96/152	Q3	Q3	Q3	Achieved target Worse than previous outturn Worse than Eng ave Worse than SW ave Worse than CG ave Slightly worse than previous ranking Remain in 3rd best quartile	
ASC 11a: Proportion of adults in contact with secondary mental health services who live independently, with or without support (commissioned outside ICD)	ASCOF C-Corp MHSDS	n/a	50.0%	55.0%	49.2%	68.0%	68.0%	68.0%	60.0%	n/a	57.0%	58.0%	n/a	62.0%	57.0%	n/a	57.6%	54.3%	n/a	104/152	94/152	n/a	Q3	Q3	Did not achieve target Better than previous outturn Worse than Eng ave Worse than SW ave Better than CG ave Better than previous ranking Remain in 3rd best quartile	
ASC 11 part 1: Proportion of people who use services who reported that they had as much social contact as they would like	ASCOF ASCS Survey	52.2%	43.1%	51.8%	50.8%	50.0%	50.0%	50.0%	50.0%	45.4%	46.0%	45.9%	46.1%	46.0%	46.6%	47.0%	47.1%	46.7%	4/151	108/150	14/151	Q1	Q3	Q1	Achieved target Better than previous outturn Better than Eng ave Better than SW ave Better than CG ave Better than previous ranking Moved from 3rd best to best quartile	
ASC 11 part 2: Proportion of carers who reported that they had as much social contact as they would like	ASCOF SACE Survey	34.4%	n/a	32.4%	n/a	41.5%	n/a	41.5%	n/a	35.5%	n/a	32.5%	32.3%	n/a	28.1%	38.8%	n/a	34.8%	75/151	n/a	61/151	Q2	n/a	Q2	Did not achieve target Worse than previous outturn Similar to Eng ave Better than SW ave Similar to CG ave Better than previous ranking	
D40b: % clients receiving a review within 18 months	Local	90.0%	87.4%	88.7%	90.3%	n/a	93.0%	93.0%	93.0%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Remain in 2nd best quartile Within agreed tolerance of target Better than previous outturn
SC007b: Number of OOA placements reviews overdue by more than 3 months (snap shot)	Local C-Corp	1	0	3	0	0	0	0	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Low value is better Did not achieve target Worse than previous outturn
D39: % clients receiving a Statement of Needs	Local	86.2%	83.5%	84.1%	93.0%	90.0%	90.0%	90.0%	90.0%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Not achieving target Better than previous outturn
N132: Timeliness of social care assessment	Local	71.2%	79.0%	76.1%	70.7%	70.0%	70.0%	80.0%	80.0%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Within agreed tolerance of target Worse than previous outturn
Domain 2: Delaying and reducing the need for care and support																										
ASC 2A p1: Permanent admissions to residential and nursing care homes, per 100,000 population. Part 1 - younger adults	ASCOF SALT	20.4	22.8	18.8	24.2	no tgt	25.0	14.0	14.0	12.8	14.0	13.9	14.5	16.8	14.0	16.6	17.2	16.3	131/152	141/151	120/152	Q4	Q4	Q4	Low value is better Did not achieve target Better than previous outturn Worse than Eng ave Worse than SW ave Worse than CG ave Better than previous ranking Remain in 4th best quartile	
ASC 2A p2: Permanent admissions to residential and nursing care homes, per 100,000 population. Part 2 - older people	ASCOF / BCF SALT	493.7	446.9	490.2	526.4	563.2	599.0	450.0	450.0	610.7	585.6	579.4	581.0	545.8	513.0	683.5	705.4	694.0	42/152	36/152	48/152	Q2	Q1	Q2	Low value is better Did not achieve target Worse than previous outturn Better than Eng ave Better than SW ave Better than CG ave Worse than previous ranking Moved from best to 2nd best quartile	
ASC 2B p1: Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services. Part 1 - effectiveness	ASCOF / BCF SALT	76.5%	70.7%	76.7%	80.1%	88.7%	no tgt	76.5%	76.5%	82.5%	82.9%	82.4%	83.8%	80.2%	80.8%	83.3%	82.4%	81.0%	123/152	142/152	122/152	Q4	Q4	Q4	Achieved target Better than previous outturn Worse than Eng ave Worse than SW ave Worse than CG ave Better than previous ranking Remain in 4th best quartile	

Domain & KPI	Frame work / Source	2016/17 Outturn	2017/18 Outturn	2018/19 Outturn	2019/20 Outturn draft	2016/17 Target	2017/18 Target	2018/19 Target	2019/20 Target	2016/17 England Average	2017/18 England Average	2018/19 England Average	2016/17 SW Average	2017/18 SW Average	2018/19 SW Average	2016/17 CG Average	2017/18 CG Average	2018/19 CG Average	2016/17 Rank	2017/18 Rank	2018/19 Rank	2016/17 Quartile	2017/18 Quartile	2018/19 Quartile	2018/19 Performance Description	
ASC 2B p2: Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services. Part 2 - coverage	ASCOF SALT	4.3%	6.5%	6.2%	6.3%	no tgt	5.0%	5.0%	5.0%	2.7%	2.9%	2.8%	2.7%	2.6%	2.8%	2.9%	3.2%	3.2%	21/152	12/152	12/152	Q1	Q1	Q1	Achieved target Worse than previous outturn Better than Eng ave Better than SW ave Better than CG ave Same as previous ranking Remain in best quartile	
ASC 2D: The outcomes of short-term support % reablement episodes not followed by long term SC support	ASCOF SALT	86.7%	85.1%	87.5%	85.9%	85.0%	85.0%	83.0%	83.0%	77.8%	77.8%	79.6%	86.5%	84.6%	82.0%	79.5%	78.8%	78.9%	33/152	45/152	31/152	Q1	Q2	Q1	Achieved target Better than previous outturn Better than Eng ave Better than SW ave Better than CG ave Better than previous ranking Moved from 2nd best to best quartile	
LI-404: No. of permanent care home placements at end of period	Local C-Corp	642	604	605	632	617	617	600	600	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Low value is better Within agreed target threshold Similar to previous outturn
LI-431: % of social care service users receiving 5 hours or less of dom care per week only	Local PIB C-Corp	n/a	10.4%	10.1%	10.3%	n/a	n/a	8.0%	10.0%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Low value is better Did not achieve target Better than previous outturn
LI-432: % Intermediate Care placements not resulting in short or long term placement	Local PIB	n/a	84.9%	85.3%	83.6%	n/a	n/a	75.0%	85.0%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Achieved target Better than previous outturn
Domain 3: Ensuring that people have a positive experience of care and support																										
ASC 3A: Overall satisfaction of people who use services with their care and support	ASCOF ASCS Survey	68.4%	69.2%	69.7%	68.5%	68.0%	70.0%	70.0%	70.0%	64.7%	65.0%	64.3%	67.4%	67.3%	67.1%	66.6%	65.8%	65.3%	33/151	29/150	17/151	Q1	Q1	Q1	Within agreed target threshold Better than previous outturn Better than Eng ave Better than SW ave Better than CG ave Better than previous ranking Remain in best quartile	
ASC 3B: Overall satisfaction of carers with social services	ASCOF SACE Survey	37.9%	n/a	41.2%	n/a	46.4%	n/a	46.4%	n/a	39.0%	n/a	38.6%	38.8%	n/a	38.5%	41.0%	n/a	41.8%	80/151	n/a	48/151	Q3	n/a	Q2	Did not achieve target Better than previous outturn Better than Eng ave Better than SW ave Worse than CG ave Better than previous ranking Moved from 3rd best to 2nd best quartile	

Domain & KPI	Frame work / Source	2016/17 Outturn	2017/18 Outturn	2018/19 Outturn	2019/20 Outturn draft	2016/17 Target	2017/18 Target	2018/19 Target	2019/20 Target	2016/17 England Average	2017/18 England Average	2018/19 England Average	2016/17 SW Average	2017/18 SW Average	2018/19 SW Average	2016/17 CG Average	2017/18 CG Average	2018/19 CG Average	2016/17 Rank	2017/18 Rank	2018/19 Rank	2016/17 Quartile	2017/18 Quartile	2018/19 Quartile	2018/19 Performance Description	
ASC 3C: The proportion of carers who report that they have been included or consulted in discussions about the person they care for	ASCOF SACE Survey	71.7%	n/a	70.4%	n/a	75.7%	n/a	75.7%	n/a	70.6%	n/a	69.7%	71.4%	n/a	69.2%	73.5%	n/a	72.8%	39/151	n/a	68/151	Q2	n/a	Q2	Did not achieve target Worse than previous outturn Better than Eng ave Better than SW ave Worse than CG ave Worse than previous ranking Remain in 2nd best quartile	
ASC 3D part 1: The proportion of people who use services who find it easy to find information about services	ASCOF ASCS Survey	77.3%	75.4%	72.2%	72.5%	81.3%	85.0%	80.0%	80.0%	73.5%	73.3%	69.7%	74.7%	72.8%	70.5%	75.7%	77.3%	71.9%	33/151	44/150	47/151	Q1	Q2	Q2	Did not achieve target Worse than previous outturn Better than Eng ave Better than SW ave Better than CG ave Worse than previous ranking Remain in 2nd best quartile	
ASC 3D part 2: The proportion of carers who find it easy to find information about services	ASCOF SACE Survey	79.6%	n/a	72.2%	n/a	75.0%	n/a	75.0%	n/a	64.2%	n/a	62.3%	66.5%	n/a	64.0%	67.9%	n/a	67.2%	12/151	n/a	16/151	Q1	n/a	Q1	Within agreed target threshold Worse than previous outturn Better than Eng ave Better than SW ave Better than CG ave Slightly worse than previous ranking Remain in best quartile	
NI135: Carers receiving needs assessment, review, information, advice, etc.	Local C-Corp	38.3%	42.2%	29.3%	39.6%	40.0%	43.0%	36.0%	36.0%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Did not achieve target Worse than previous outturn	
Domain 4: Safeguarding adults who circumstances make them vulnerable and protecting from avoidable harm																										
ASC 4A: The proportion of people who use services who feel safe	ASCOF ASCS Survey	71.0%	70.6%	68.0%	70.8%	72.3%	72.3%	72.3%	72.3%	70.1%	69.9%	70.0%	70.0%	70.3%	70.1%	71.2%	71.9%	71.1%	63/151	72/150	103/151	Q2	Q2	Q3	Did not achieve target Worse than previous outturn Worse than Eng ave Worse than SW ave Worse than CG ave Worse than previous ranking Moved from 2nd best to 3rd best quartile	
ASC 4B: The proportion of people who use services who say that those services have made them feel safe and secure	ASCOF ASCS Survey	82.4%	83.9%	83.1%	84.0%	85.2%	88.0%	85.0%	85.0%	86.4%	86.3%	86.9%	86.6%	86.7%	87.7%	87.9%	88.5%	87.6%	111/151	106/150	119/151	Q3	Q3	Q4	Within agreed target threshold Slightly worse than previous outturn Worse than Eng ave Worse than SW ave Worse than CG ave Worse than previous ranking Moved from 3rd best to 4th best quartile	
QL-018: Proportion of high risk Adult Safeguarding Concerns where immediate action was taken to safeguard the individual	Local	100%	100%	100%	100%	100%	100%	100%	100.0%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Achieved target Same as previous outturn	
TCT14b: % repeat safeguarding referrals in last 12 months	Local C-Corp	7.0%	7.1%	8.3%	7.8%	8.0%	8.0%	8.0%	8.0%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Low value is better Within agreed target threshold Worse than previous outturn	

Annex 2: Adult Social Care Improvement Programme oversight

Plan reinstatement	Project Name	Desired Outcome
Amended	PoC Review & Insight	All PoCs reviewed under Care Act 2014; CLS & strength-based; post-COVID-19 reinstatement
New	Data	Accessible data for ASC System leadership and operational measurement
New	Training	Transfer of CLS to business as usual; project insights for ongoing dynamic training
Amended	Voluntary & Community Development	Understanding the sector; supporting the sector; developing the sector
Amended	Information, Advice & Guidance	Provide comprehensive information and advice about care and support services in Torbay
No change	Technology, Aids & Adaptions	Effective use of TEC, aids and adaptions at ASC Front Door and reviewed packages of care
Amended	ASC Front Door	Redesign the front door creating effective mechanisms for finding solutions for people and their problems which can then demonstrate impact in terms of diversions from formal care, delivering good outcomes and avoiding adult social care costs
No change	Arranging Support Team (2)	An operational function to allow for arranging all care and the efficient discharge of patients to their arranged care, negotiated by the AST, and will include an assurance function for timely and effective reviews.
No change	Future Quality & Assurance	Market oversight and provider failure, including undertaking improvement work with regulated provider sector and assurance activities that the sector is effective.
No change	Extra Care & Housing	Capital Development activities (project specific)
No change	Market Shaping	Understand the strengths and fragility of the care home market, and to link with the homecare market which is equally under pressure. Create ability to be bolder and do things differently in to shape the market.
Amended	Effective Social Work Practice	Increase the number of staff supervisions; Reduce the time between supervisions taking place; Variance within the staff supervision process eliminated; Increase number of staff working in a strengths based way; Reduce the length of time a case has been open: review the way staff performance is currently measured and reported including the governance

Plan reinstatement	Project Name	Desired Outcome
		structure.
No change	Digital & IT Infrastructure: Strata	Understand current business process; strength business process, managed and then optimise process using technology; integrating with Care Management Systems and national capacity tracker.
No change	Digital & IT Infrastructure: ASC Case Management System & Beyond	IT system implementation – replacement of PARIS.
No change	MH Review	Develop a MH approach to provide efficient and effective mental health services for Torbay.
New	Innovation Hub	Work with local health and care teams in Torbay, AHSNs, national commissioners (NHS England & Improvement, NHSX, Office for Life Sciences) and industry to make sure Torbay benefits from innovations and to learn about what works from project insights.

Annex 3: Strategic and Micro-commissioning functions – review at ASC Leadership group

Function/role lead	Torbay Council Strategic Commissioning function	Torbay and South Devon Trust ASC function
MICRO COMMISSIONING OF PROVIDERS, PROCUREMENT AND BROKERAGE		
Develop and implement operational commissioning plans		✓
STRATEGIC COMMISSIONING FUNCTION		
Market shaping and developing new providers to fill gaps in provision and oversight of decommissioning plans	✓	✓
Market Position statement and Joint Strategic Needs Assessment	✓	
Market mapping	✓	
Gap analysis	✓	
Analysis of sufficiency of supply	✓	
Manage provider failures and market exits	✓	✓
Strategic Commissioning Strategy	✓	
Proactive strategy to develop the market as a whole	✓	
Market engagement with provider market as a whole	✓	
Run Multi Provider Forum for all providers with strategic themes	✓	
Joint commissioning arrangements with partner organisations and other areas	✓	
Lead on co-design of new service models with providers and stakeholders	✓	✓
Develop population outcome based commissioning approach for market	✓	
Develop and co-produce Payment by Results mechanisms that encourage sound outcomes	✓	
Co-ordinate user and carer engagement and consultation	✓	
Contract review and performance management of ASC	✓	✓
Review budget for ASC and sign-off cost improvement plans related to ASC	✓	✓

Function/role lead	Torbay Council Strategic Commissioning function	Torbay and South Devon Trust ASC function
Overarching sub contracts between Trust and other ASC providers, e.g. Care homes, community care		✓
Prepare and agree individual service specifications		✓
Develop and monitor outcome based commissioning approach for each provider at service level	✓	✓
Develop personal outcome based commissioning for each service user		✓
Contract management & performance review of independent & voluntary sector including, grant funding		✓
Proactive quality assurance of individual providers including, develop/implement service improvement plans		✓
Achieving value for money from providers including, cost improvement planning		✓
Procurement of ASC providers		✓
Manage provider failures and market exits including, for service users and relatives/carers involved		✓
Individual contracts for care packages		✓
Brokerage/purchasing processes and brokerage of individual care packages		✓
Direct payments and personal budgets		✓
Lead and manage safeguarding processes including, Whole Provider/Provider of concern/quality concerns		✓
Resolution of Safeguarding incidents and implementation of lessons learned		✓
Run and co-ordinate forums for specific provider areas with operational focus e.g. forums for care homes		✓
Collection, collation and regular reporting of data on need, demand, supply, cost, workforce and performance (Trust and sub-contractors) with interpretation and presentation		✓
Benchmarking of cost/performance of services – own and sub-contracted		✓
Management of pooled budget to achieve value for money and cost improvement		✓

Annex 4: Emergency Cascade

Adult Services Primary Contacts		
Name/Title	Emergency Role	
Steve Honeywill Head of Partnerships and People	Communication with contracted providers of Care and Support for vulnerable people. Availability and co-ordination of needs assessment.	
John Bryant Head of Integration and Development	Safeguarding vulnerable adults and serious case review	
Sharon O'Reilly , Deputy Director of Adult Social Services	The role will provide professional leadership for social care services and lead on workforce planning, implementing standards of care, safeguarding and and will chair the Adult Social Care Performance Committee. The role also oversees the Deprivation of Liberty Safeguards and Guardianship arrangements in Torbay including authorisation of deprivation of liberty under Mental Capacity Act.	
Adults Services Secondary Contacts		
Sam Hoskins, Lead AMHP	Assessment and placement, access to services, medication and packages of care and place of safety for older people with poor mental health.	
Adrian Gaunt, Manager Older Person Mental Health Team	Assessment and placement, access to services, medication and packages of care and place of safety for people under 65 with poor mental health.	

Annex 5: Annual Audit Programme

Background

For Torbay Council, Internal Audit is a statutory service in the context of The Accounts and Audit (England) Regulations 2015.

From April 2013, organisations in the UK public sector are required to adhere to the Public Sector Internal Audit Standards (the Standards). Internal Audit for Torbay & South Devon NHS Foundation Trust is delivered by Audit South West.

Internal Audit Plans

When preparing the internal audit plan for Torbay and South Devon NHS Foundation Trust it is expected that Audit South West will:

- Consider the risks identified in Torbay Council's strategic and operational risk registers that relate to Adult Services;
- Discuss and liaise with Directors and Senior Officers of Torbay Council regarding the risks which threaten the achievement of the Council's corporate or service objectives that relate to Adult Services, including changes and / or the introduction of new systems, operations, programs, and corporate initiatives;
- Take account of requirements to support a "collaborative audit" approach with the external auditors of Torbay Council;
- Consider counter-fraud arrangements and assist in the protection of public funds and accountability;
- Support national requirements, such as the National Fraud Initiative (NFI) which is run every two years.

Draft plans, showing proposed audits covering Adult Services should be shared and agreed with Torbay Council's Director of Adult Social Services (DASS). The DASS should also be made aware of planned audit reviews that will provide overall assurance that control mechanisms operated by the Trust, but that are key to the workings of Adult Services, are working effectively (e.g. audits of key financial systems (payroll, payments, income collection etc.), and corporate arrangements (e.g. procurement, information governance etc.)).

The Audit Plan will not be a "tablet of stone" and changes may be required or advised during the year.

Internal Audit work

Internal audit work should be completed in accordance with the Public Sector Internal Audit Standards. Proposed briefs for work covering ASC should be shared with the DASS prior to fieldwork commencing.

Reporting – Assignments

The DASS will be provided of copies of all final reports that specifically relate to Adult Services. The DASS will also be provided with early sight of draft reports for which the audit opinion is "fundamental weaknesses" or similar. The Director of ASC will also be provided with copied of final audit reports for wider subject areas (e.g. payroll) where the audit opinion is "fundamental weaknesses" or similar.

Reporting – Annual Report

Audit South West will provide the Council with an annual assurance report on the adequacy and effectiveness of the overall system of internal control for the Trust, and in particular, those areas directly affecting Adult Services. It is noted that this assurance can never be absolute. The most that the internal audit service can do is to provide reasonable assurance, based on risk-based reviews and sample testing, that there are no major weaknesses in the system of control.

The report should provide:

- A comparison of internal audit activity during the year with that planned, placed in the context of Adult Services;
- A summary of significant fraud and irregularity investigations carried out during the year and anti-fraud arrangements; and
- A statement on the effectiveness of the system of internal control in meeting the Council's objectives.

Together with a summary of the performance indicators set for internal audit and performance against these targets.

Annex 6: Risk Share Agreement (2020-23)

09 March 2020 Record of Decision

Decision Taken:

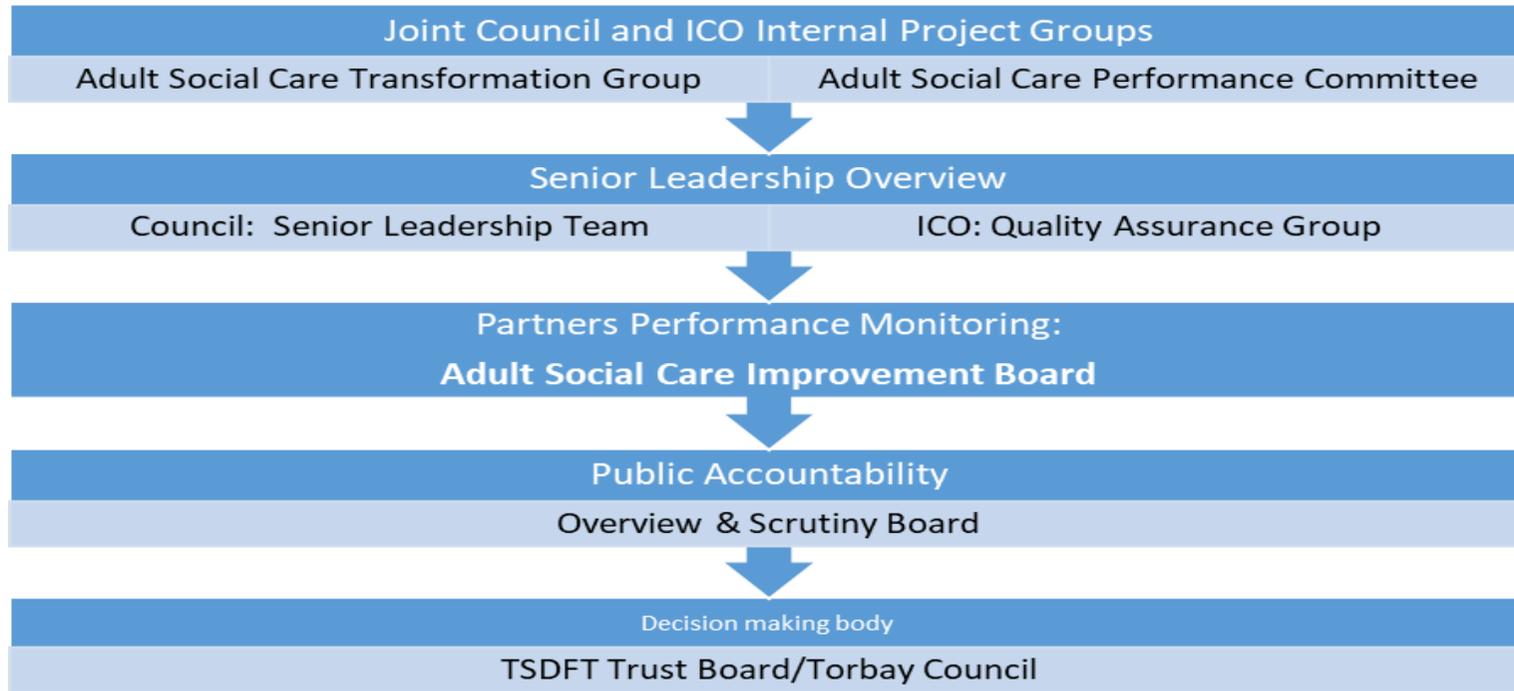
The Torbay Adult Social Care Risk Share 2020 to 2023 agreement will be under the powers outlined in S.75 NHS Act 2006. Under these arrangements, the Council retains legal responsibilities for the provision of Adult Social Care in accordance with the Care Act 2014, the Mental Capacity Act 2005 and the Mental Health Act 1983, but these be delegated to Torbay and South Devon NHS Foundation Trust; and the agreement to be based upon the following conditions:

- **A capped financial commitment from Torbay Council per year of £45 million for core spend, plus £2 million additional funding to acknowledge the spend is currently unacceptably over this level for the period of the agreement;**
- **A non-recurrent additional payment of £1 million in 2020/2021;**
- **An acknowledgement that all parties need to work together to deliver savings of £2 million per year in respect of the costs of Adult Social Care; and**
- **That the Adult Social Care Improvement Plan is incorporated into a Strategic Agreement, overseen by senior officers from all partners, with governance arrangements which ensure the Council's appropriate involvement, and includes a joint approach to maximising estates and economic development opportunities in Torbay.**

Summary of Reason(s) for Decision Taken:

To continue integrated appropriate and well managed arrangements for Adult Social Care in Torbay.

Annex 7: Adult Social Care Governance in Torbay



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ASC RECOVERY AND TRANSFORMATION WORKSTREAM	ASC PERFORMANCE COMMITTEE
<ul style="list-style-type: none"> Oversight of SBA Strategy for ASC Training and Development programme for SBA Monitoring population health and demand data Operating Model redesign program Delivery of key market projects Market Strategy, co-design and delivery Oversight of ASC Delivery Plan 	<ul style="list-style-type: none"> ASCOF performance Locally agreed targets MH Act compliance Routine financial reporting LPS Implementation Routine Contract Management report (LW@H) Audit of key functions QAIT & Safeguarding

Annex 8: Glossary of Terms

Term	Acronym	Definition
Adult Care Strategic Agreement	ACSA	Strategic Agreement between Torbay Council and Torbay & South Devon NHS Foundation Trust for the delivery of Adult Social Care.
Adult Social Care	ASC	Care and support provided to adults who need help to live as well as possible with any illness or disability they may have.
Devon Clinical Commissioning Group	CCG	The clinical commission group party to the Risk Share Agreement
Devon Partnership Trust	DPT	DPT provide specialist mental health and learning disability services for the people of Devon, the wider South West region and nationally.
Integrated Care Model	ICM	Providing Integrated Care helps patients and their providers. It blends the expertise of mental health, substance use, and primary care clinicians, with feedback from patients and their caregivers. This creates a team-based approach where mental health care and general medical care are offered in the same setting.
Integrated Governance Group	IGG	The governance body of Torbay and South Devon NHS Trust overseeing Adult Social Care delegation and delivery
Integrated Care Organisation	ICO	Integrated care happens when NHS organisations work together to meet the needs of their local population. They bring together NHS providers, commissioners and local authorities to work in partnership in improving health and care in their area. In Torbay this refers to Torbay and South Devon NHS Foundation Trust
Local Care Partnership	LCP	The purpose of a Local Care Partnership is to enable commissioners and providers of health and care to work together to better meet the health, care and wellbeing needs of the populations they serve within the resources available. The emphasis is on “Local” with an absolute focus on supporting what is important to local communities.

Meeting: Cabinet **Date:** 22 September 2020

Wards Affected: All

Report Title: Draft Community Engagement and Empowerment Strategy

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Cabinet Member Contact Details: Councillor Christine Carter, Cabinet Member for Corporate and Community Services, christine.carter@torbay.gov.uk

Supporting Officer Contact Details: Kate Spencer, Head of Policy, Performance and Community Engagement, kate.spencer@torbay.gov.uk

1. Proposal and Introduction

1.1 The purpose of this report is to seek the endorsement and agreement for the Draft Community Engagement and Empowerment Strategy to be shared with the community and our partners for consultation and feedback before the final strategy is put forward to Council for approval and implementation.

2. Reason for Proposal and associated financial commitments

2.1 The Council's current Consultation, Engagement and Communication Strategy is out of date. We made a commitment at the first Community Conference that the Strategy would be reviewed, based on the feedback we received at the Conference.

2.2 As part of the Council's ongoing commitment to engage with our residents and communities, feedback needs to be sought as the Strategy develops. The Strategy also forms part of the Council's Policy Framework and therefore a period of consultation is also required by the Constitution.

2.3 There are no significant financial commitments as a result of the recommendations within this report.

3. Recommendation(s) / Proposed Decision

(i) That the draft Community Engagement and Empowerment Strategy be published and that the views of the community be sought on how the Council can best engage with and empower its communities.

Appendices

Appendix 1: Draft Community Engagement and Empowerment Strategy

Background Documents

None

Report Clearance

Report clearance:	This report has been reviewed and approved by:	Date:
Chief Executive	Anne-Marie Bond	
Monitoring Officer	Anne-Marie Bond	
Chief Finance Officer	Martin Phillips	
Relevant Director/Assistant Director	Anne-Marie Bond	

Section 1: Background Information

1.

What is the proposal / issue?

The Council has made a strong commitment to improving partnership working and community based action within Torbay. At the Community Conference in September 2019 conversations began about how and what this might look like in Torbay. Four key overarching messages emerged from the conference discussions:

- There needs to be a change of culture in the Council and communities.
- Trusted relationships with communities need to be built.
- Communication with communities and individuals needs to improve.
- Celebration of the Bay's assets and civic pride need to be encouraged

The Council recognises and values the importance of a strong and vibrant voluntary sector in developing and maintaining a thriving Torbay. We value that people and communities want to be more involved, work together, improve our relationships, and have better on-going conversations with us. We agree that the private sector are also a vital part of our community and need to be part of these conversations.

2.

What is the current situation?

The report from the Community Conference recommended that one of the elements required to translate the Council's determination to engage with communities more effectively into real change "on the ground" was a community engagement strategy that could become embedded in the work of all the Council's directorates and departments. It was felt that this (alongside other recommendations) would support the strong desire voiced by conference participants for a change in culture and mind-set within the Council.

The draft strategy sets out to our members, staff and community not only our plan of how we will address some of the key themes emerging from the conference but also clear statements about what our offers, commitments and actions will be. It also makes clear what we are asking the community to support this improvement and build more positive, trusted relationships.

The strategy outlines how the Council intends to meet its mission to be a Council that works in partnership with its residents, communities and partnerships.

The Strategy is split into 6 key domains that outline how we propose to improve our community engagement and how we want to work alongside and empower the community in Torbay. The proposed domains are:

	<ul style="list-style-type: none"> ▪ Working differently ▪ Keep you informed ▪ Ask what you think ▪ Decide together ▪ Act together ▪ Support independent community initiatives <p>The first domain outlines what our offers are to the community to facilitate this approach and what we ask of the community to support. It provides a narrative to explain the Council's new approach and proposals about how a partnership framework would look in Torbay.</p> <p>The subsequent domains make clear statements about what our commitments are and what our planned actions are to meet these. Many of these commitments and planned actions were identified at the Community Conference in September 2019.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>The draft Strategy has been developed based on good practice in other local authorities and through using the feedback gathered during the Community Conference in September 2020.</p> <p>However, we want to make sure that the learning from across the community from the last twelve months, especially during the response to Covid-19, is captured within the Strategy. Hence the need to ensure that effective engagement takes place over the coming weeks.</p>
<p>4.</p>	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</p> <p>Once adopted, the Strategy will be key to ensuring that the Council works differently with its communities. This is central to the Community and Corporate Plan.</p>
<p>5.</p>	<p>How does this proposal/issue contribute towards the Council’s responsibilities as corporate parents?</p> <p>Our engagement and empowerment approach will include involving children and young people, including those who we look after.</p>
<p>6.</p>	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>We want to work with our communities to ensure that together we tackle poverty, deprivation and vulnerability.</p>

7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>Our engagement and empowerment approach will include involving 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>Before the Council approves and implement this Strategy it is absolutely essential that the draft is socialised and consulted with our community - the Strategy is at the heart of our commitment to improve this so it is essential that we commit to our intentions by using both traditional and new ways of seeking the inputs and opinions to ensure we are working towards our intended goal.</p> <p>We plan to consult with the community on the Strategy through the following actions/activities:</p> <ul style="list-style-type: none"> ▪ Annual Community Conference - the format this year will be different this year due to Covid-19. In some ways this provides us with an opportunity to try a range of engagement approaches. ▪ Sharing with our network of community groups and partnerships to invite their feedback and also to ask them to seek the feedback of their members and participants. ▪ Use of our Web and Social Media channels to promote and invite feedback from both organisations and individuals in the Bay. <p>In order to truly engage with our communities, we need to:</p> <ul style="list-style-type: none"> ▪ be clear that the draft Strategy is based on the outcomes from the last Community Conference ▪ recognise that there has been lots of positive work undertaken by communities and the wider community and voluntary sector during the Covid-19 pandemic ▪ test whether our high level intentions still work for our community ▪ test how our communities think those intentions would work for them and how they would want to get (and stay) involved. <p>Prior to consultation being undertaken we plan to adapt the strategy into some infographics to engage with people in both written and visual formats.</p>

Section 2: Implications and Impact Assessment	
9.	What are the financial and legal implications?

	In agreeing to consult on the draft Community Engagement and Enablement Strategy, there are no legal implications and limited financial implications. The cost of the engagement will be met from the existing budget.
10.	<p>What are the risks?</p> <p>There is a risk to the Council of not have an appropriate Community Engagement and Enablement Strategy in that our commitment to better community engagement (within the Community and Corporate Plan) will not be met effectively.</p> <p>The risk of not engaging during the development of the Community Engagement and Enablement Strategy is that our commitment to better community engagement is not demonstrated with actions.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable.</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The results from the Community Conference in September 2019 have been used to inform the development of the draft Strategy.</p>
13.	<p>What are key findings from the consultation you have carried out?</p> <p>To be completed once the consultation is completed.</p>
14.	<p>Amendments to Proposal / Mitigating Actions</p> <p>To be completed once the consultation is completed.</p>

DRAFT

Community Engagement and Empowerment Strategy



Together Torbay will thrive

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1 Working Differently

Torbay Council's mission is to be a Council that works with its residents, communities and partnerships - a council that supports, enables and empowers.

Alongside our partners in the public sector, we recognise and value the importance of a strong and vibrant voluntary sector in developing and maintaining a thriving Torbay. We also value that people and communities want to be more involved, work together, improve our relationships, and have better on-going conversations with us. In talking about Torbay's communities, we agree that the private sector are also a vital part of our community.

In order to strengthen and deepen our relationships with everyone, we commit to working differently:

- We will embrace a spirit of cooperation and partnership with the people, businesses and organisations in Torbay and those outside Torbay which affect our lives.
- We will build trusted relationships with our communities
 - The Cabinet will talk and listen to anyone and everyone
 - Ward councillors will be community champions
 - We will facilitate and work with our communities to design and deliver services and to support one another.
- We will have continuing conversations and relationships with our communities.
- We will celebrate Torbay together.

We recognise that we have a lot of work to do but we are committed to changing how we work – moving up Torbay's ladder of participation.



In all of our work we will ensure that our approach reflects our principles:

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

Using Torbay's Existing Networks

Torbay's Community Partnerships

Torbay has a network of successful Community Partnerships which enable local people to be involved in local decision-making. The Community Partnerships provide an opportunity for people who live or work in the different parts of Torbay to discuss issues of common concern, influence the way in which services are provided and improve their local area. There are Community Partnerships for every ward in Torbay, some working in partnership with the adjacent ward, and others with more than one per ward.

The aim of the Community Partnerships is to get local people together to decide what is important to them and what needs improving in their area. They are a one-stop shop for local people to ask questions of their local Councillors, find out what is going on in their neighbourhood, or just to link up with other residents.

Torbay's Strategic Partnership

Torbay Together is the strategic partnership for Torbay ensuring unified political, business and community leadership. Its aims are to advocate and lobby for the area, build local pride and optimism, secure infrastructure investment and position Torbay locally, nationally and internationally.

Other Partnerships

There are a range of other partnerships already operating in Torbay, including but not limited to:

- **Safer Communities Torbay** – Torbay's Community Safety Partnership (CSP) which brings together local agencies to deliver multi-agency solutions to tackle issues such as crime, re-offending, anti-social behaviour, and substance misuse in a coordinated and collective way.
- **Children and Young People's Strategic Partnership Board** – which aims to deliver better, integrated services that maximise outcomes for all children and young people, and their families. It works to narrow the outcome gap between children who are vulnerable and/or from disadvantaged backgrounds and their peers; on addressing the causes and effects of child poverty; and on promoting effective prevention and early intervention.
- **Local Education Board** – provides a coordinated approach to improving education outcomes within our diverse education system; enabling cultures for partnerships and alliances.
- **Destination Management Group** – ensuring a joined-up approach for tourism, working in partnership for the destination with the shared vision to develop the English Riviera's visitor economy.
- **Torbay Culture** – enabling the cultural and creative development of Torbay through collaboration, making our home – the English Riviera UNESCO Global Geopark – a better place in which to live, work, learn and visit.
- **Voluntary Sector Steering Group** – Torbay Council (together with Devon County Council) and our local NHS partners want to work with the community differently and this has been progressing for some time. Phase 2 of our Model of Care talks about helping people stay well, strengthening partnerships and receiving care in the right place at the right time. The voluntary and community sector can help us do this and are a key ingredient in developing the Model of Care.

Working on a prevention agenda collectively will allow us to work towards the best outcome for health and wellbeing of local people in order to develop our services and have an Asset Based Approach (building on the existing strengths and assets in our community) to the way we deliver care. We know that we must work together with the voluntary sector and the wider support network and services they provide.

The Voluntary and Community Sector Steering Group has been set up and has wider representation from across the sector including Healthwatch and Torbay Community Development Trust plus representation from public health, Torbay Council, Devon County Council and the NHS. The Group has enabled us to truly focus on the sector and developing the work we do with them by linking strategy and operations and sharing knowledge and experience.

Community and Voluntary Sector

Sitting below these partnerships, are a vast number of groups, organisations and charities all aiming to make a positive difference to life in Torbay.

Brixham Town Council

A vital link to the community in Brixham is the Town Council. Torbay Council will continue to work in partnership with the Town Council on issues within Brixham.

Torbay Council's New Approach

Taking an Asset Based Community Development approach, Torbay Council wants to see our Community Partnerships at the heart of our communities – working hand-in-hand with local councillors and supported by dedicated Ward Ambassadors from across the Council's senior leadership team.

At the centre of this approach will be the Torbay Together partnership – working to ensure that all parts of the public, private, voluntary and community sector are joined up.

Together, we need to identify creative and innovative new ways of delivering effective and efficient services and providing leadership on complex, cross-cutting issues.

Recognising Other Community Groups

Whilst Torbay has an established network of partnerships, we recognise that there is a multitude of other community and voluntary groups across the Bay that are not necessarily a formal part of that network. As they should, the way that these groups are established varies to suit their own needs. Some have been in place for many years, others have formed more recently.

The commitments and actions within this Strategy apply equally to how we work with the formal partnerships across Torbay as well as those other community and voluntary groups. They also apply to residents who are not part of any group – who want to take action on their own or to create new action groups.

Our Offers and Asks

Our Offers

We will listen to you.

We will be open about the challenges facing the Council and what we can and cannot do.

We will work together to identify the challenges within your communities – providing tools such as the Strategic Needs Assessment and the Place Standard Tool that we will balance with local knowledge and resident experience. We want to ensure that we have a strong evidence base for identifying needs, setting common priorities and responding collaboratively.

We will recognise what is strong in our communities. We will be open to ideas and always seek to understand what the community is asking for, rather than making assumptions based on existing ways of working.

We will work as One Council, and work towards One Torbay which includes all the public sector, so that communities can gain access to all public resources without duplication of effort.

We will be an organisation that our communities can trust – working together to support our communities and create a Council which is fit for the future.

Our Asks

We would like to work directly with our residents and also through our vibrant Voluntary, Community, Social Enterprise and Business Sectors. We need to establish the best way of doing this through voluntary sector partnerships, local Community Partnerships, Neighbourhood Forums, the Business Forum and Chambers of Commerce.

For each of these partnerships we would ask that you:

- Reach out into the communities that you represent
- Share information and best practice across Torbay, encouraging learning and innovation
- Help us promote community cohesion, good community relationships and foster pride in Torbay
- Help us deliver better outcomes for local people, especially the most vulnerable in Torbay
- Help us maximise the impact of our shared budgets and resources and identify the added contribution of social value
- Support us in our efforts to attract inward investment to Torbay, in order to support the local economy and safeguard local wealth where possible through public sector procurement

We would like the Voluntary, Community, Social Enterprise and Business Sectors to work with us on delivering One Torbay: Working for all Torbay (Torbay's Community and Corporate Plan), especially in relation to:

- Creating a whole community response to make Torbay a child-friendly and age-friendly place – working together so that the people in our communities thrive
- Creating a whole community response to drive forward economic growth that is clean and inclusive – working together so that our economy thrives
- Creating a whole community response to protect our environment – working together to tackle climate change

2 Keep you informed

Our Commitments

- We will be open and honest and timely in our communication.
- We will explain why we can and can't do things – encouraging others to work with us to deliver the things which matter to you. We will be clear about the decisions which are taken.
- We will explain our challenges, decisions and future changes in the most effective, inclusive and timely ways possible.
- We will use a range of communication methods and channels to provide information about council activities in order to signpost residents, visitors and others to the right services and, where appropriate and work together to ensure the Council's limited resources are spent in the right places.
- We will seek to develop improved communication mechanisms enabling people and communities to more easily access support, information and influence and keep more closely informed on the progress of key issues and decisions within the Council.
- We will ensure that residents who are unable to access social media receive the same information through traditional media and established community networks.

Our Actions

- Review and improve the Council's website to make information and resources for community action more accessible, including contact information.
- Explore with Torbay Community Development Trust and other community representatives how <https://torbaytogether.org.uk/> can be developed and expanded to take on a broader role around community engagement. Ensure that this work links to that of the Torbay Together partnership, streamlining information wherever possible.
- Maximise the effectiveness of social media – through both our own channels and through existing groups – to engage with our communities. This will include encouraging councillors and senior officers to join the conversation on social media.
- Ensure that communication between council departments is effective with a shared overall message.

3 Ask what you think

Our Commitments

- Communication will be two way. We will listen, understand, remember, evaluate and feedback to stakeholders the actions we have taken.
- We will provide clear, regular and reliable information which will provide you with the opportunity to play an active role in influencing decisions and shaping the future of services.
- We will engage with our communities and stakeholders in a timely way so they are informed and are able to have their say on local decisions and when we can't do this we will be clear and transparent as to why.
- We will ensure that our consultation is based on a genuine exchange of views, with the objective of influencing decisions, policies or programmes of action. It will involve:
 - Listening and learning from local people, communities and other stakeholders.
 - Seeking to involve local people, communities, businesses, voluntary sector organisations and other organisations in important decisions which have an impact on them.
 - Seeking opinions on options before a decision is reached.
 - Passing out information and receiving comments.
- In providing feedback to our communities, we will explain how we have taken into account community views, including if we have not been able to take everyone's views on board in the final decision.

Our Actions

- Agree a Community Engagement and Consultation Programme at the start of each Municipal Year. The programme will include targeted activity aimed at involving and connecting with those groups and geographical communities less likely to engage with the Council.
- The Cabinet will hold at least three Cabinet Conversations each year and will host an annual Community Conference. These will each feature a "You Said, We Did" session.
- There will be regular Ask Us events – either online or in venues across Torbay.

4 Decide together

Our Commitments

- We will ensure that our communities and stakeholders are involved in the decision making process and are given the opportunity to help find solutions through high quality, appropriately targeted consultation and engagement.
- We will ensure that people are given the opportunity to play an active role by shaping the future of services which may affect them and identifying any changes which may be required to local services.
- We will be realistic about our limitations and the need for the council to use reducing resources to best effect.
- We will develop and sustain a relationship with the community in order for us to understand and act together to address the needs of that the community and to work towards a common vision.

Our Actions

- Involve communities and organisations earlier in the service planning process in order to ensure that activities are based on a shared understanding of community needs and issues.
- Increase opportunities for communities and organisations to co-design services.
- Provide feedback to communities and organisations outlining how their contributions have influenced decisions made by the Council and what has changed or improved as a result.
- Encourage communities to take responsibility for outcomes themselves and help develop different models for service delivery
- Work to remove barriers to help aspiring groups and individuals.

5 Act together

Our Commitments

- We will engage, encourage and support our communities and stakeholders in order to bring about positive change for the good of the whole community.
- We will work together to give people a better sense of ownership of the services and activities available to them.
- We will use an integrated and joined up approach, both within the council and with our partners, to achieve value for money, to avoid consultation fatigue and to ensure messages are consistent.

Our Actions

- Provide support to ward councillors in their community leadership role through the appointment of Ward Ambassadors who can act as a single point of contact to help deliver local solutions.
- Work to engage young people in the work of the Council and community groups. This will be progressed through the Children and Young People's Partnership Board and the Imagine This partnership.
- Work to develop stronger relationships between schools, colleges and their local communities using the Local Education Board as a facilitator.
- Work with sports clubs and groups (including Torquay United) to further build their engagement with the community, especially young people.
- Strengthen the connections between housing providers, relevant agencies and community groups, building on the work already undertaken to ensure positive relationship with Registered Housing Providers.
- Support and encourage community weekends, festivals and other events.
- Support capacity building for key community groups, to include training. Develop a community engagement protocol/framework to use in designing and developing new projects and seeking funding – ensuring the community is involved from the start
- Develop a protocol or guidance for contractors around engagement with communities.

6 Support independent community initiatives

Our Commitments

- We will offer community-based initiatives support to become as effective as possible.
- We will minimise barriers for community service delivery whilst maintaining our duty of care and legal requirements.

Our Actions

- Work to establish a “space” – potentially as part of www.torbaytogether.org.uk – to celebrate and showcase success and good practice in community engagement, highlighting in particular good “teamwork” between the Council and communities. Use this platform to connect like-minded individuals who want to work in partnership to achieve specific outcomes in their neighbourhoods. Actively seek individuals and groups to undertake and/or participate in environmental, coastal, open space and heritage improvements.
- Empower our staff to be more flexible and responsive in engaging with the public and communities. Commission a training programme for staff and Councillors around community engagement and working with community groups and volunteers.
- Establish a Community Enablement Fund to provide seed funding for community action
- Work with the Torbay Community Development Trust (TDCT), Torbay’s Community Builders and others to enable community action and the engagement of those who do not normally participate locally.
- Lend support to partners, including the TCDT and the Integrated Care Organisation, to jointly develop and implement a volunteer strategy for Torbay.
- Explore options to expand the Council’s Leave Arrangements Policy to cover and encourage volunteering in order that Council officers can make available and share their expertise with community groups.
- Improve the awareness of support available to community groups and social enterprises.

Appendix 1: Our duties

The duty to inform, consult or involve is set out within the Local Government Act 1999 and Local Government and Public Involvement in Health Act 2007.

In exercising the general duty under the Local Government Act 1998, local authorities must 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'

In deciding how to fulfil the general duty the local authority must have 'due regard' for any guidance issued by the Secretary of State and should consult with the following:

- Any person or representatives who are liable to pay any tax, precept or levy in respect of the authority.
- Any person or representatives who are liable to pay non-domestic rates in respect of any area within which the authority carries out functions.
- Any person or representatives who use or are likely to use services provided by the authority.
- Any person or representatives appearing to the authority to have any interest in any area within which the authority carries out functions.

The Government's **Code of Recommended Practice on Local Authority Publicity** provides guidance on the content, style, distribution and cost of local authority publicity.

It states that publicity by local authorities should be based on the following seven principles:

- Lawful – It will comply with the Advertising Standards Authority's Advertising Codes.
- Cost effective – It will provide value for money.
- Objective – It will be politically impartial.
- Even-handed – It can address matters of political controversy in a fair manner, but the publicity will not affect support for a single councillor or group.
- Appropriate – refrain from retaining the services of lobbyists. The frequency of any council newsletters should be no more than quarterly.
- Have regard to equality and diversity – Publicity to positively influence public behaviour and attitudes in relation to issues such as safety and health can be used.
- Issued with care during periods of heightened sensitivity (such as elections and referendums).

Appendix 2: Principles for communication, consultation and engagement

To ensure Torbay Council meets its duties as well as the aims and objectives within this Strategy, all communication, consultation and engagement activity will be developed in line with the following guiding principles:

Clear and concise: We will use plain English and avoid jargon and acronyms in all our communications to ensure messages and purposes are clear, understandable and accessible. When consulting we will only ask questions which are necessary and easy to understand.

Purpose: All our activity will have a clear and defined purpose, linked to our Community and Corporate Plan. We will only consult or carry out marketing and public relations activity if there is an identified objective. Consultation and engagement will be used to influence local decision making.

Timely: All communication, consultation and engagement activity will, when possible, be planned in advance so consistent messages can be used at the right time, in the right way with the right people. We will openly inform, engage, discuss and consult with stakeholders at the earliest possible opportunity, ideally when proposals are being developed or when information is confirmed and becomes available. Due consideration will be given on the lead up to any elections or referendums to whether it is appropriate to launch new campaigns and consultation or engagement activity.

Proportionate timescales: The length of time for consultation and engagement activity will be judged against the nature and impact of the proposal / issue being consulted upon. We will ensure that sufficient time is given for respondents to consider any information provided and that there is sufficient time for them to provide an informed response.

Targeted: We will ensure that all our communications and consultations are targeted at the right stakeholder groups so they are effective and use resources in the best possible way. Where proposals, events or services affect specific individuals or groups, these stakeholders will be made aware of the activity so they can find out more, have their say or become involved. Consultation activity, in particular, will be tailored to meet the needs and preferences of different groups of people across Torbay, ensuring accessibility for all.

Relevant information: We will provide enough information, or signpost stakeholders to where they can obtain more information, to ensure that informed choices can be made. This could include how to access a particular service or how to resolve an issue. It could also relate to specific proposals and include information about how the options have been considered and details of any assessments of costs, benefits and impacts which have been carried out.

Feedback: We will ensure that any internal or external feedback will be conscientiously taken into account and will be considered in any final decision making. With regard to consultations, the results will be used to inform the development of relevant impact assessments. We will publish the results of consultation and engagement activity within eight weeks of the activity, stating how many responses were received and how they have been used in formulating the recommendation.

Forward thinking: We will actively explore and assess how we can best use new technology and other new communication channels to reach and engage as many people as possible.

Corporate identity and style guidelines: All communications involving the council will meet our corporate identity guidelines. This is to protect the brand identity, to maintain the council's professional image and to ensure all council activity is consistent and accountable. This includes use of the Torbay Council logo, images and our house presentation style.

Partnership agreements: As we embrace a stronger integrated and joined up approach it is important that all partners agree in advance how any partnership activity will be carried out and communicated. This is to ensure there are consistent messages and that all communication and engagement protocols and corporate identity guidelines are met.

Responsibility: We acknowledge that communication is a two way process and is the responsibility of everyone. Council employees, elected members and all stakeholders have a role to play in open, timely and effective communication, consultation and engagement with each other.

Monitoring and evaluation: Given the important emphasis on using our resources to best effect, the way in which we communicate, consult and engage should be inclusive and effective. Monitoring and evaluating activity, where possible, will identify if we have met defined goals, areas that need exploring further and activity which can be improved.



Meeting: Cabinet

Date: 22 September 2020

Wards Affected: All

Report Title: Waste Management Strategy for consultation (Policy Framework)

Is the decision a key decision? Yes/No (delete as appropriate)

When does the decision need to be implemented? December 2020

Cabinet Member Contact Details: Mike Morey, Cabinet Member for Infrastructure, mike.morey@torbay.gov.uk, Tel: 01803 853316

Supporting Officer Contact Details: Ian Hartley, Service Manager for Waste & Natural Environment, ian.Hartley@torbay.gov.uk Tel: 01803 208695

1. Proposal and Introduction

To propose to cabinet the revised Waste Management Strategy is put out to consultation from 28 September 2020 to 6 November 2020 as the current strategy is out of date.

- 1.1 To propose that the policy document name is changed from the Waste Management Strategy to the Resource management and waste strategy
- 1.2 Following the budget that was set for 2020/21 several proposals were consulted on and agreed as part of that budget to achieve yearly savings for within the Waste and recycling collection service.
- 1.3 Radical changes are needed to the current collection system, including a trial of three weekly residual collections, Charging for materials at the Household waste recycling centre used in building projects and an opt in chargeable Garden waste service.
- 1.4 By introducing these changes Torbay can achieve improved household recycling rates, which in turn will see improved income from the sale of recycled materials and a reduced disposal cost at the Energy from waste plant (EFW) in Plymouth.
- 1.5 These changes will also have a positive impact on Torbay Council achieving its targets in relation to the Climate Emergency

2. Reason for Proposal and associated financial commitments

2.1 If these changes are not made Torbay Council will struggle to increase its Household waste recycling percentage and proposed budget savings from waste and recycling will not be achievable, leaving the authority with a budget deficit.

2.2 The current recycling rate is about 40%. Every 1% improvement in the recycling rate means we capture about an extra 500 tonnes of waste so to get to 50% would be a realistic target, so a 5,000 tonne improvement over a period of probably two to three years should be achievable and this would not only give a financial benefit of £465k in disposal saving but would also have an income benefit from the sale of recycled materials.

3. Recommendation(s) / Proposed Decision

(i) That the attached Waste Management Strategy is offered for consultation by council so that it can be adopted as the document that can take Torbay forward to achieve a balanced budget, higher recycling rates and at the same time make improvements with regard to the Climate Emergency

Appendices

Appendix 1: Waste Management Strategy and associated appendices

Report clearance:	This report has been reviewed and approved by:	Date:
Chief Executive	Anne-Marie Bond	
Monitoring Officer	Amanda Barlow	
Chief Finance Officer	Martin Phillips	
Relevant Director	Kevin Mowat	

Section 1: Background Information

1. What is the proposal / issue?

Waste and recycling has been tasked to achieve budget savings for the Financial year 2020/21 and future years
This Strategy will also assist Torbay Council to achieve its Climate Emergency targets with significant Carbon gains achieved from both more efficient plant and vehicles and a reduction of the use of source materials through increased recycling.

2. What is the current situation?

At present Torbay Council has achieved a recycling rate of just over 40% which needs to be improved to attain budget savings, and a lower Carbon Impact. There are three main proposals that will take this service forward, the first is to introduce a three weekly residual collection service.

Currently residual waste is collected fortnightly and recycling is collected weekly.

Under the proposal in the strategy a trial will be undertaken to see if like other authorities, the nearest being East Devon, Torbay can implement a residual collection every three weeks for the properties that have sufficient room to accommodate this.

Weekly dry recycling and food waste collections would continue in these areas, but as has been seen so successfully elsewhere, by in effect reducing the residual capacity, residents have to find an alternative to just putting waste in the residual bin and consequently they look at what extra they can recycle.

This will of course be backed up with a comprehensive communications programme to explain to residents how they can manage their waste, and those who feel they will struggle will be given help and advice.

Secondly the introduction of charging at the Household Waste Recycling Centre (HWRC) will bring Torbay in line with the rest of Devon, will ensure there is little or no trade abuse at the Tor Park Road site, and will generate income from the construction materials that are recycled.

Torbay Council only has a legal obligation to provide recycling centre facilities for household waste – waste arising from the day to day running of a household. Items resulting from the repair or improvement of houses, for example, DIY type waste, is classified as construction waste and there is no requirement for us to provide any service for the disposal of this material or accept it free of charge. This includes garden or other renovations outside the building, but on the same piece of Land owned by the householder.

The Third proposal is to offer an opt-in charged for garden waste doorstep service. This will allow Torbay to collect more of the green waste on a

	<p>separate collection increasing the recycling rate and further reducing disposal cost. This will work by charging a fixed annual fee with regular dedicated collection days, and again a service that is already successfully employed by most of the Devon authorities as well as many others in the rest of the UK.</p> <p>Without these changes recycling tonnages will not improve, disposal costs will increase and the required budget savings will not be achieved. The Targets of the Climate Emergency will also be very unlikely to be achieved.</p>
3.	<p>What options have been considered?</p> <p>Torbay Council has already taken the decision to collect waste from the Kerbside and has invested heavily in a new state of the art fleet of collection vehicles so this can be done as efficiently as possible.</p> <p>The current collection method is unlikely to see major improvements with the current collection frequencies and the waste strategy identifies how this service can improve its performance to help to achieve budget and climate emergency targets.</p>
4.	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</p> <p>Reflecting on the principles with the Community and Corporate Plan, our approach in delivering this this Waste Strategy is described below.</p> <p>Enable our communities: We will involve and empower Torbay's residents to take positive action to reduce the amount of waste we generate and increase our recycling rates and have a positive contribution to the climate emergency.</p> <p>Use reducing resources to best effect: We will work to reduce the amount of waste that we generate in Torbay, reusing and recycling goods and materials wherever possible.</p> <p>Reduce demand through prevention and innovation: We will put in place initiatives and mechanisms which aim to reduce the amount of waste we generate, in particular reducing the amount of residual waste that we dispose of.</p>
5.	<p>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</p> <p>N/A</p>

6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>N/A</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>We will develop and deliver a new education programme to be established across the whole Bay. By improving the way that residents separate and present their recycling for collection, round efficiencies can be achieved. This will be made as easy and clear as possible for all and help will be given to those who need additional assistance for whatever reason.</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>These changes will impact on every resident across Torbay, which is why getting the communications and engagement correct is a fundamental part of this strategy.</p> <p>A consultation on this strategy will run for 6 weeks from 28 September to 6 November and once this is over the responses can be considered to help develop the strategy.</p> <p>The Community can play there part and it is hoped again like East Devon we can empower members of the public to become recycling champions who help to educate others and share their experiences, so that everyone can manage their waste to achieve high levels of recycling.</p>

Section 2: Implications and Impact Assessment

9.	<p>What are the financial and legal implications?</p> <p>Initially it is likely that there will need to be a spend to save requirement as Waste recycling assistants will be employed to assist and educate those residents who are having difficulties with any of the new services. It is proposed that these extra staff members will only be required for a period of about two years while the new services are bedding in.</p> <p>If the start of the project is managed correctly then the benefits gained later on will be maximised and the more that is recycled will see a greater saving not only on the disposal budget, but will achieve added recycling income.</p> <p>The sorts of financial gains that are possible can be seen for each recycling material in the net gain table in the Waste Strategy report.</p> <p>There are no legal implications to consider.</p>
10.	<p>What are the risks?</p> <p>The risks of not applying all the changes in the waste strategy are that Torbay Council will not make significant improvements to its recycling rate and will therefore not significantly reduce the amount of waste it disposes.</p> <p>Torbay is committed to the climate emergency and without the changes specified in the strategy it will struggle to achieve the required environmental savings and it is almost certain not to be able to meet its budget reduction targets set for the waste collection and disposal budgets.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>N/A</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The waste strategy policy document and the appendices will give all the data and evidence to back up these proposals and it is clear that many other authorities both within Devon and all around the UK have employed similar methodology very successfully to make these improvements, to their recycling rates, disposal tonnage reductions, moving closer to their climate emergency targets, all of which give significant budget improvements for the future.</p> <p>The best nearby example is East Devon District Council who have three weekly residual collections across their whole area and have a recycling rate</p>

	<p>of 62%, over 20% higher than ours in Torbay. East Devon has a very similar population size and some similar demographics in its main population areas.</p>
<p>13.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>The consultation held as part of the 2020/21 budget process had 877 respondents and asked three main questions:</p> <ul style="list-style-type: none"> • We are proposing to introduce a charge for disposal of household DIY waste (such as plasterboard, rubble and asbestos) at the Recycling Centre. This would bring Torbay in line with Devon County Council's charges. Outcome 42.9% agreed, 53.9% opposed, 3.2% no answer. • Introducing an optional kerbside green waste collection service for which we would charge a fee. Outcome 56.2% agreed, 40.3% opposed, 3.5% no answer. • Seeking to encourage more recycling and reduce the amount of recyclable waste placed in wheeled bins by moving to a three weekly residual waste collection. This will reduce the amount of waste that goes to the energy from waste plant and therefore reduces the disposal cost. Town centre areas with black sacks will continue with weekly collections as will all weekly recycling and food waste collections. • Outcome 74.5% opposed, 23.8% agreed, 1.7% no answer.
<p>14.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>The views of the respondents were taken on board and it was decided that the one that was mostly opposed, being the three weekly residual waste collection option would be trailed in a small area of Torbay. Firstly to prove that it could work and secondly to show that the council would work with the residents to help and educate them through this process.</p> <p>Again referencing our near neighbours East Devon they too did a trial and after initial opposition, with the correct education and advice residents soon realised this collection methodology was achievable for most, and they have not looked back and have one of the best recycling rates in the country at around 62%.</p> <p>If Torbay could achieve half that gain it would reduce its disposal tonnage by 5,000 tonnes saving nearly £500k as well as reducing a huge amount of natural resources being produced annually.</p> <p>If this change is not made it will be very difficult for Torbay's commitment to the Climate Emergency to be taken seriously.</p>

<p>The charging at the recycling centre was opposed, but only with a small majority. Without the introduction of these charges residents' council tax would be funding the disposal costs of those who decide to undertake large renovations. Charging for these type of materials are common place across the UK and Devon County Council have been making these charges for several years now.</p>
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<p>Finally the opt in charged for waste service was agreed on by the majority so this proposal will be taken forward once the business plan has been fully formulated in partnership with SWISCo.</p>

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)	No	
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	No	

Torbay Council's Resource and Waste Management Strategy for the Future 2020

Introduction

Torbay Council's previous waste strategy covered the period 2008 to 2025, but in this fast moving sector a refresh is long overdue.

Since the previous strategy was written Torbay Council has achieved Zero waste to Landfill with the formation of the South West Devon Waste Partnership (SWDWP), including partners Plymouth City Council (PCC) and Devon County Council (DCC). All of Torbay's residual municipal waste is treated at the Combined Heat and Power Energy from Waste facility (EFW) in Plymouth under contract with MVV Umwelt. The heat and energy produced is used at the local Ministry of Defence, Devonport Dockyard, to achieve maximum environmental benefit.

In 2019 Torbay Council declared a Climate Emergency and as of 28 August 2020 around 230 other councils have also declared a climate emergency. These Councils are taking action to reduce their own carbon emissions, working with partners and local communities to tackle the impact of climate change on their local area. If Torbay Council are committed to the Climate Emergency then its only option is to make the positive changes outlined in this strategy.

Across Torbay, specialised vehicles are used to collect weekly dry recycling in two 55 litre boxes and food waste in a 55 litre caddy. Residual waste is collected fortnightly in a 240 litre wheeled bin.

Torbay's recycling rate as at year end 2019/20 is 40.2%.

On 1 July 2020, Torbay Council formed an Arm's Length Company called SWISCo to directly manage not only the recycling and waste service, but all other services previously delivered by TOR2 (including Highways, Street Cleansing, Grounds Maintenance, and Fleet Management).

In accordance with the Council's Community and Corporate Plan, this Waste Strategy will provide the framework to

- Provide sustainable integrated waste collection and disposal services that protect human health and the environment.
- Identify efficiencies and deliver high quality, value for money in all waste management services, while achieving and exceeding government targets for waste.
- Manage materials as far as possible in accordance with the waste hierarchy, maximising the amount managed at higher levels of the hierarchy.

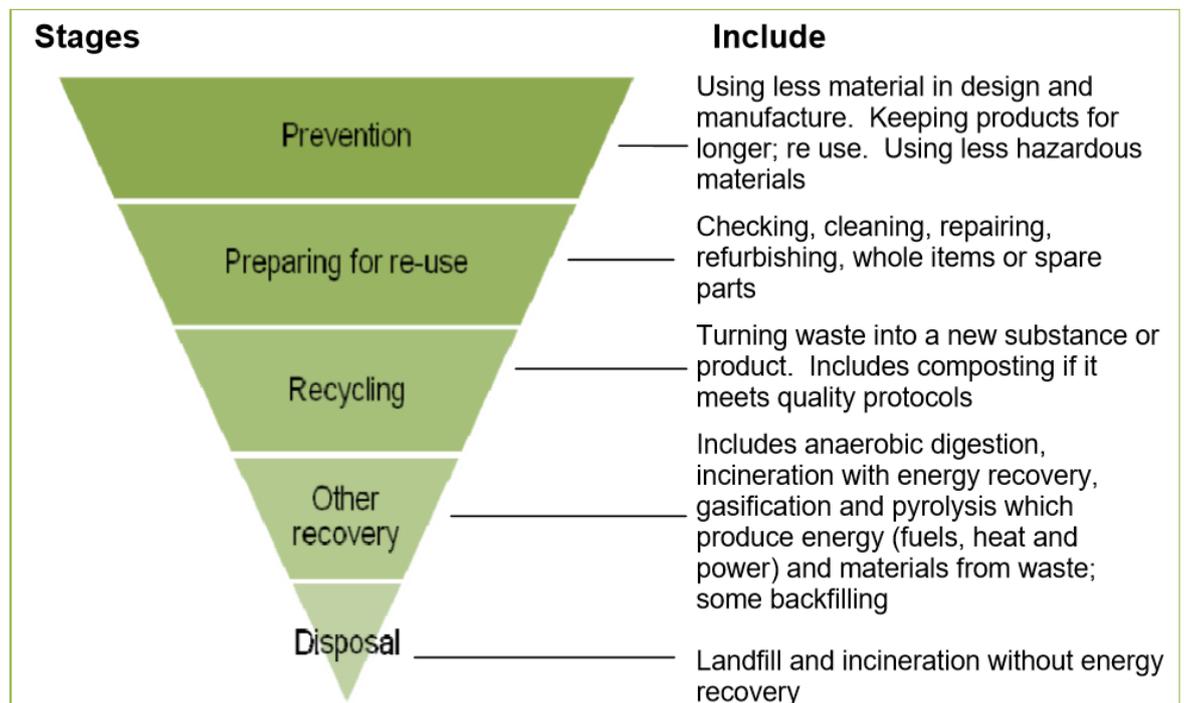
- Manage municipal waste, as far as possible, within the UK and seek to support the development of new local markets.
- Enable flexibility to allow for new technology developments and changing legislation.
- Continue to develop regional partnerships with other local authorities to achieve shared objectives, with a consistent approach.

The Waste Hierarchy

The Waste Hierarchy (Figure 1) ranks waste management options according to what is best for the environment. It gives top priority to preventing waste in the first place. When waste is created, the hierarchy gives priority to preparing it for re-use, then recycling, then recovery and last of all disposal (such as landfill).

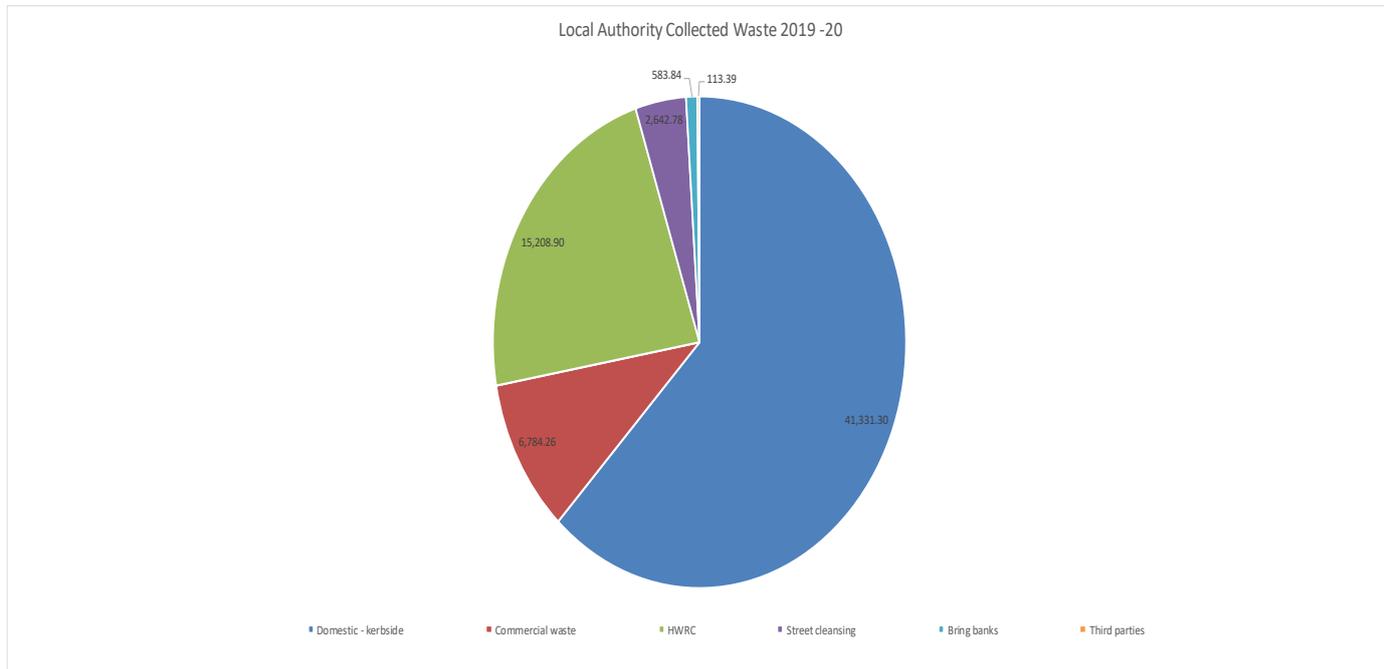
The Waste Hierarchy is central to strategies around recycling and waste management. Its application has also been established in legislation in the UK.

Figure 1



The Local Context

Figure 2 Municipal Waste Arising's 2019-20



In 2019-2020 Torbay Council managed over 65,000 tonnes of waste. 62% (over 41,000 tonnes) of this was collected directly from households using the kerbside collection services, with 23% of the waste and recycling brought to the Household Waste Recycling Centre (HWRC). 10% is waste and recycling from commercial sources; 4% generated by street cleansing and 1% from bring banks and third party sources.

The amount of residual waste each household in Torbay disposes of each year has decreased from 754 kg per household in 2006/07, to 523 kg per household in 2019/20, a decrease of nearly a third (30%).

This improvement is not unique to Torbay and can be attributed, in part, to the overall economic downturn of recent years. However, the change in recycling collection services (such as the introduction of weekly collections and expansion of materials collected for recycling) and introduction of food waste collection to households across Torbay in 2010, has also caused the amount of residual waste generated to decrease.

During this period, Torbay Council has run a variety of waste minimisation schemes, often working within partnerships. Notable successes include: The 'Watch Your Waste-line' and

'Love Food Hate Waste' food waste campaigns as well as a joint contract with DASWC (Devon Authorities Strategic Waste Committee) authorities for face to face engagement with individual households, to encourage waste reduction and increased recycling. Torbay Council has also secured funding for the following projects, with the aim of increasing recycling levels and participation: WRAP food waste, Unilever increased plastic collections, DTS WEEE collections from the kerbside, Department for Communities and Local Government (DCLG) Green Points recycling rewards, and Alupro metal recycling.

In 2018-19 the recycling rate for England was 43.5%.

The percentage of household waste being reused, recycled, and composted (NI 192) in Torbay has increased from 28.08% in 2007/08 and stands at 40.2% in 2019/20. Although this increase is significant and should be celebrated, it should be noted that the recycling performance has not increased to the level that was anticipated and predicted at the time.

The amount of municipal solid waste (MSW) being sent to landfill steadily decreased from 2006/07, until 2015/16, when a dramatic reduction in the amount of municipal waste being disposed of in landfill was experienced, due to the opening of the South West Devon Waste Partnership (SWDWP), combined heat and power, energy from waste facility at Devonport in late April.

2016/17 was the first full year of operation of the facility and a further reduction in municipal waste landfilled resulted. In 2019/20 Torbay Council achieved the accolade of 'Zero to Landfill', demonstrating a movement of Torbay's waste management up the waste hierarchy.

A recent agreement with the SWDWP means that all of Torbay's residual municipal waste (except asbestos) will be treated as part of the joint contract, which is expected to further improve Torbay's performance against this indicator. Prior to this the commercial waste was not included in the contract.

We have introduced an online appointment based booking system that gives intelligence relating to the number of residents using this site, it also allows control over vans using the site, limiting them bringing the same amount of waste that could be put into a family car. The system also allows for the monitoring of the frequency of visits to the site by any one household, acting as a deterrent for abuse of the site by commercial enterprises, helping to generate additional commercial waste income.

Housing growth within Torbay needs to be taken into account, the Torbay Local Plan 2012-2030 identifies the provision of 8,900 new dwellings. This is an average 500 properties per annum. As the number of properties increase there will be a need to expand the waste and recycling services including the purchase of new collection vehicles and employing additional staff.

SWISCo, a Torbay Council wholly owned company delivers waste and recycling services. The SWISCo business plan identifies the following strategic objectives;

- Increase the recycling rate.
- Create a performance focussed culture
- Innovate through greater use of technology
- Contribute to the climate emergency response by reducing carbon emissions.
- Empower residents, communities and partnerships to work together through community focussed educational campaigns and activity.

The Regional Context

This strategy aligns with the Devon Authorities Strategic Waste Committee (DASWC), Resource and Waste Management Strategy for Devon and Torbay, as well as the DASWC Waste Reduction and Reuse Strategy. Torbay is an active member of DASWC although Torbay's Resource and Waste Management Strategy is presented in a separate document to the rest of Devon's, as Torbay differs from the rest of the partnership as it is a Unitary Authority.

With local government reorganisation bringing the status quo into uncertainty and suggestions even being made about 'super Unitary' authorities, Torbay will continue to seek to align its waste and recycling services with neighbouring authorities, so that collection methods and materials collected are more and more consistent. Within the Resource and Waste Management Strategy for Devon and Torbay, an aligned waste and recycling collection service is mooted as an aspiration for all local authorities forming the Devon Authorities Strategic Waste Committee (DASWC).

The Figure 3 shows the most recent position regarding alignment of collections in all of the Devon district collection authorities including Torbay. If, in the future, there was to be the formation of a Super Unitary, or a combined Devon Waste Authority, having consistent recycling collections with very similar fleets of kerbside sort vehicles would help to ensure a smooth transition of services.

At the moment East Devon are the only Devon Authority to have a three weekly residual collection, but others are doing trials or planning them. Torbay propose to first undertake a trail area using lessons learnt from East Devon. They found that with the correct education and advice, residents soon realised this collection methodology was possible even though there had been some initial opposition. East Devon have not looked back and have one of the best recycling rates in the country at around 62%.

If Torbay could achieve half this gain it would reduce its disposal tonnage by 5,000 tonnes saving nearly £500k as well as reducing a huge amount of natural resources being produced annually which would be a big positive in achieving its Climate Emergency targets and budget savings.

Figure 3: DASWC Aligned Option



The National Context

The UK Government has published a number of strategies which provide the basis for Resource and Waste Management across England for the next 25 years. These include:

- 25 year Environment Plan
- Government Resource and Waste Strategy for England (RWS) and consultations on Extended Producer Responsibility, Plastic tax, Consistency of recycling services, Deposit Return Scheme
- Clean Growth Strategy
- Litter Strategy
- Rural Crime Strategy
- EU Circular Economy package
- Climate Emergency

Figure 4



The key high level UK targets emanating from these documents include:

- Eliminate avoidable waste of all kinds by 2050
- 65% recycling rate by 2035
- Work towards all plastic packaging to be recyclable, reusable or compostable by 2025
- Eliminate avoidable plastic waste over the lifetime of the 25yr plan
- Double resource productivity by 2050
- Eliminate all biodegradable waste to landfill by 2030

Figure 5, shows the Government’s road map for progress. In spring 2019 Central Government ran consultations on some of the key proposals within the strategy. A second round of consultations are expected in spring 2021.

The four proposals which are being consulted on are:

Consistent recycling collections - To help drive up household and commercial recycling levels, the government will identify a consistent set of recyclable materials for collection in England (including separate food waste collection), no matter which part of the country people live in.

Deposit Return Scheme - the government has proposed a Deposit Return Scheme that could operate for beverage containers, seeking to drive up their recycling rate as has been experienced in a variety of other countries.

Extended producer responsibility for packaging - The cost of recycling or disposal of packaging will be borne by those that produce packaging waste and place it on the market.

Plastic Packaging Tax - From April 2022 a world-leading new tax on the production and import of plastic packaging with less than 30% recycled content, will be introduced.

Responses to the consultations may change some of the detail of the proposals, but it has been made clear the cost of any new burdens for local authorities will be funded by central government.

Figure 5: Our Waste, Our Resources: A Strategy for England - roadmap



Objectives, Principles Aims and Priorities

Objective

To manage municipal waste within Torbay in accordance with the waste hierarchy to drive service improvements and efficiencies.

Principles

Reflecting on the principles with the Community and Corporate Plan, our approach in delivering this Waste Strategy is described below.

Enable our communities: We will involve and empower Torbay's residents to take positive action to reduce the amount of waste we generate and increase our recycling rates.

Use reducing resources to best effect: We will work to reduce the amount of waste that we generate in Torbay, reusing goods and materials wherever possible.

Reduce demand through prevention and innovation: We will put in place initiatives and mechanisms which aim to reduce the amount of waste we generate, in particular reducing the amount of residual waste that we dispose of.

Integrated and joined up approach: We will work to meet the Government's plans for resource and waste management and will seek to enable adoption of new legislation as and when it is introduced. We will work to ensure consistency of collections across neighbouring local authorities, aligning our Strategy with the Devon Resources and Waste Strategy and providing opportunities for partnership working towards shared objectives.

Aims

In implementing this Strategy, Torbay Council aims to:

- Encourage positive behaviour change and facilitate management of waste further up the waste hierarchy within Torbay's households.
- Increase the recycling rate and contribute towards the national targets of 55% recycling by 2025 and 60% by 2030.
- Reduce the amount of waste sent for disposal, thereby reducing carbon emissions and the associated financial costs
- Develop a resilient service which can adapt to new technology and changing legislation.

Priority Actions and Proposals

Why do we need to change what we do?

The Climate Emergency

In 2019, Torbay Council declared a 'Climate Emergency'. Torbay Council is a partner of and supports the work of the Devon Climate Emergency Response Group, which is aiming to produce a collaborative Devon-wide response to the climate emergency to help us get to net zero carbon emissions by 2050 at the latest and also prepare Devon for the necessary adaptation to infrastructure and services required to respond to climate change. This means that we have to create a truly circular economy which is more balanced, sustainable and with its main focus on a perspective that allows both humans and our planet to thrive.

The Energy and Climate Change Strategy for Torbay describes how we aim to help minimise the economic, social and environmental costs of climate change in the Bay by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate.

The Torbay Resources and Waste Strategy will seek to support a path towards carbon neutrality by 2050 and will seek to consider the amount of embedded carbon in the materials that are collected for recycling and the environmental benefit of recycling as opposed to extraction of raw materials to produce new products.

The new changes described below will enhance Torbay's position with regard to its Climate Emergency targets and already being a Zero to Landfill authority shows that have started to move in the right direction.

With the Waste Hierarchy being one of the principle drivers, we need to educate people to rethink how they use resources. Can we do without something we have always taken for granted, and if we do still need it, make sure it is reused or recycled when we no longer need to use it.

Our waste service must drive all these principles and through proper education and advice the local population should have no reason not to strive to help us to achieve these aims.

Financial benefits

Waste disposal is one of the biggest costs faced by Torbay Council. Reducing the costs of disposing of waste, whilst at the same time ensuring that the true cost of services are charged appropriately, will enable that money to be spent on other services valued by our residents. Reduction of the residual waste stream has the greatest potential for delivering savings whilst also pushing the management of waste further up the hierarchy.

Recovering more materials for recycling will immediately reduce costs, and gives a double benefit because in most cases the material is recovered as recyclate which will have an associated income.

For example for every tonne of aluminium that is diverted from residual waste to recycling a saving of approx. £95 is made and an income of £818 gained, giving a total net gain of £913. Materials prices are specific to each material type and are also subject to market forces, which can affect the price obtained. Aluminium has the highest material value, but you can see in figure 6 below, even if there is no income to be gained from the recyclate, recycling is a more cost effective option than disposal in all these material cases.

Factors such as haulage costs and additional collection resources would impact on the total cost saving that could be achieved. Plus, recycling helps to prevent the extraction of raw materials, resulting in carbon savings.

Figure 6: Cost Benefits of Recycling

Material	Disposal cost / tonne £	Recycled – income / tonne £	Total net gain £
Paper	£95	£55	£150
Cardboard	£95	£13	£108
Textiles	£95	Nil	£95
Glass	£95	£12	£107
Plastics	£95	£44	£139
Steel cans	£95	£109	£204
Aluminium cans	£95	£818	£913
Food waste	£95	-£10	£85
Green Waste	£95	-£22.5	£72.5
Waste Electrical & Electronic Equipment (WEEE)	£95	Nil	£95

With the current recycling rate of 40.2%. Every 1% improvement in the recycling rate means we capture approximately an extra 500 tonnes of waste so to get to 50% recycling rate would be a realistic target. Therefore a 5,000 tonne improvement over a period of probably two to three years should be achievable and this would not only give a financial benefit of £475k in disposal savings but would also provide an income benefit from the sale of recycled materials. The income predictions over the next few years are extremely difficult to forecast, as the markets are highly volatile, especially with the uncertainty of COVID-19.

The disposal saving is much more certain due to the disposal contract that is in place with the Energy from waste plant in Plymouth, but what is clear is that by recycling more the financial gains are significant.

Making the Changes

Action 1: Increased education, engagement and communication

We will develop and deliver a new education programme to be established across the whole Bay. By improving the way that residents separate and present their recycling for collection, collection round efficiencies can be achieved.

We will promote food waste collections more widely and work to facilitate increased uptake of the service.

New technology will identify those households who recycle very little and help and support to increase participation in recycling services will be provided in a way that is tailored to their needs.

Current high performing recyclers will be provided with more detailed information about the recycling service so that their recycling behaviour can be maximised and to encourage reduction of waste through changes to their consumer behaviour. We will work with these households to help to increase efficiency of recycling and waste services, for example by providing stickers for their recycling containers showing how materials can be separated to aid collection.

We will give confidence to our residents that the material that is presented for recycling is in the majority of cases recycled within the UK and is made into new materials, saving the production of raw materials and positively supporting the Climate Emergency.

We will work with our residents to make it as easy as possible for our collection crews who collect the recycling, thereby increasing the efficiency of the collection rounds. In turn this will increase the tonnages that can be collected on each round, meaning that the rounds will be more resilient to anticipated increases in the amount of materials that are separated for recycling by residents.

We have invested in a new recycling fleet which can collect more material in one pass, reducing the need return trips to offload, saving time, and fuel and with these efficiencies also come Carbon saving's.

We will improve engagement and communication with collection crews, helping them to understand why we are making changes and what the desired outcomes are – our crews are pivotal to the success of service changes.

We will work to make the collections as fast as they can safely be and gain further efficiencies that can only be achieved from the investment in both vehicles and technology.

Enforcement will be a method of last resort as it is hoped that with the right communications and help offered to all, that the majority of households will assist us to achieve better recycling rates. With the Climate Emergency very high on most people's agenda, together we can strive to become Carbon neutral.

Action 2: Reduced Frequency of Residual Waste Collections

By reducing the frequency of residual waste collections, we will divert material that is not being recycled from the residual bin to the recycling containers. If residents find that they do not have sufficient capacity in the recycling containers for the additional materials they present, additional containers will be supplied. We will ensure that the sorting and collection of recycling containers is as efficient as possible.

Practical advice will be given to help with containment capacity, such as squashing plastic bottles and flattening cardboard, to reduce the volume of the recycling which will then fit into less containers.

Through raising awareness of what they are wasting, households will reduce the amount of waste that they generate. This is especially true of food waste when people begin to separate it from their residual waste.

We will work in partnership, both locally with the Devon Authorities Strategy Waste Committee's (DASWC) 'Don't Let Devon Go to Waste' campaign and nationally, as part of the Waste and Resources Action Programme's 'Love Food Hate Waste' Campaign.

To support any changes to the frequency of residual waste collection, we will develop associated operational waste collection policies, including a robust side waste policy with associated reporting by collection crews, which will help to target support to the correct households. Controls over residual waste delivered to the Household Waste Recycling Centre will also be implemented.

Action 3: Changes at the Household Waste Recycling Centre (HWRC)

We will introduce charges at the HWRC for certain types of non-household waste. This will bring Torbay in line with the rest of Devon where charges are applied for the disposal of construction, demolition and other non-household materials (including plasterboard, rubble, tyres, asbestos, plastic guttering and downpipes, plastic replacement windows and bathroom and toilet fixtures and fittings, such as toilets, sinks, baths and showers).

We will also prohibit the disposal of black bags at the HWRC and instead require that all waste is separated for recycling prior to arrival at the site. Again, this will bring Torbay in line with the rest of Devon.

Action 4: Introduction of a garden waste collection service

We will introduce an opt-in, charged-for garden waste collection service which will bring about further consistency of services with neighbouring local authorities. This will reduce the amount of green waste that is put into the residual bin and will lead to an improvement in Torbay's recycling rates.

Action 5: Review collections from flats and multiple occupancy buildings

We will review the waste and recycling collections from flats and buildings of multiple occupancy. We will work with residents and landlords to overcome the barriers to recycling

which may include difficult access to storage areas, poor design of waste storage areas, bad signage to guide separation, lack of space inside the properties to store recycling separately from residual waste, social deprivation and contamination by other residents.

We will continue to provide standing advice to developers who are looking to build or convert properties into flats, helping to ensure that new developments are provided with adequate space and suitable design to encourage high levels of participation in recycling.

Action 6: Develop commercial waste services

We will work in partnership with SWISCo to develop the commercial waste and recycling customer base within Torbay.

We will work to manage commercial waste further up the waste hierarchy, making the recycling service more desirable to commercial customers, through sharing the financial incentives.

As a Unitary Authority, Torbay Council has a statutory responsibility for the collection and disposal of commercial waste from businesses who are unable to find any other collection contractor. SWISCo will review commercial waste collection charges in these circumstances to ensure that the true cost of collection and disposal is recovered from the charges made.

SWISCo will also consider the range of materials that are accepted for recycling from commercial customers at the Tor Park Road site, with a view to reducing the commercial waste disposal cost as far as possible and diverting as much commercial waste as possible for recycling.

Investment in in-cab technology for commercial waste and recycling services will provide SWISCo with more intelligent data to inform service developments and to help manage customer expectations.

We will review the charging structure to ensure that the true cost of collection and disposal is recovered from all customers. This will include identifying self-catering holiday accommodation to ensure that domestic services are not used.

Action 7: Litter and street cleansing and Fly Tipping

Street Services incorporating all these operations are also undertaken by SWISCo on behalf of Torbay Council.

We will undertake a complete review of these services and with the use of new technology and innovation will not only make this service more efficient, but more reactive to immediate emergency needs.

These services are intrinsically linked to the household waste collection service and as such each service needs to complement each other by working closer and sharing of reduced resources.

High Level Outcomes

Increase in recycling rate.

Reduction in disposal budget.

Delivery of communications campaigns to support service changes.

Community engagement with campaigns and service changes.

Maximised pass rate of collection rounds.

Maximised participation in recycling and food waste collections.

Maximised capture rate for all kerbside collected materials.

Minimised missed collections – a reliable service.

High levels of public satisfaction with waste and recycling services.

An engaged and invigorated workforce.

Reduction in residual waste per household.

Reduction in residual waste containment capacity, correlating to increased recycling capture rates.

Maintain use of landfill at less than 1% of all Local Authority Collected Waste.

Use of technology to inform communications and target interventions to increase recycling.

Alignment of services with neighbouring authorities (DASWC).

A smooth transition when new government policy is introduced, allowing Torbay to draw maximum funding from Extended Producer Responsibility regulations.

Delivery of the DASWC Waste Reduction and Reuse strategy action plan.

Strong partnerships at local, regional and national levels.

An improved recycling service for flats and multiple occupancy buildings resulting in increased participation and material capture.

A culture of continuous improvement of waste and recycling services.

APPENDICES to be added

Future targets NI 191, 192 and 193, what is the next target after 50% by 2020

Climate Change gains already achieved

Where does our Recycling get processed?

Recycling Statistics Last 10 years

Composition Analysis detail

Consultation responses both ours and external agencies

Appendix 1 – National targets

Within the last 3 years, the UK Government has published a number of strategies which provide the basis for Resource and Waste Management across England for the next 25 years. These include:

- 25 year Environment Plan
- Government Resource and Waste Strategy for England (RWS) and consultations on Extended Producer Responsibility, Plastic tax, Consistency of recycling services, Deposit Return Scheme
- Clean Growth Strategy
- Litter Strategy
- Rural Crime Strategy
- EU Circular Economy package
- Climate Emergency Declarations



The Government RWS (<https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>) was published in November 2018, its key areas of focus are:

- 1) *Sustainable Production – i.e. Extended Producer Responsibility*
- 2) *Helping consumers take more considered actions – i.e. sustainable purchasing*
- 3) *Resource recovery and waste management – i.e. recycling consistency, food, partnerships, efficient Energy Recovery Facilities*
- 4) *Tackling waste crime*
- 5) *Cutting down on food waste*
- 6) *Global Britain: international leadership*
- 7) *Research and innovation*
- 8) *Measuring progress: data, monitoring and evaluation*

The key high level UK targets emanating from these include:

- Eliminate avoidable waste of all kinds by 2050
- 65% recycling rate by 2035
- No food waste to landfill from 2030
- To work towards all plastic packaging to be recyclable, reusable or compostable by 2025
- Eliminate avoidable plastic waste over the lifetime of the 25 year plan
- Double resource productivity by 2050
- Eliminate all biodegradable waste to landfill by 2030

Agenda Item 8 Appendix 3

Material	If disposed cost per ton	Material income or (cost) per ton	Net saving per ton	Current Tonnage recycled	% of residual waste	Potential tonnage available in residual waste
Food	95	-10	£85	2880	22.12%	6098
Glass	95	12	£107	3912	1.97%	543
Paper	95	55	£150	3033	2.87%	791
Cardboard	95	13	£108	2575	2.07%	571
Steel Cans	95	109	£204	385	1.53%	422
Aluminium Cans	95	818	£913	155	0.61%	168
Plastic mixed	95	44	£139	1123	4.07%	1122
Textiles	95	0	£95	238	4.88%	1345
Garden Waste	95	-22.50	£73	5540	12.40%	3418
Waste Electricals	95	0	£95	340	0.40%	110
				20181	51.91%	14311

Kerbside residual waste tonnage 2019/20

27568

Potential Torbay recycling saving
£518,334
£58,111
£118,680
£61,631
£86,045
£153,534
£155,960
£127,805
£247,836
£10,476
£1,527,937

Impact of recycling (TCO2eq/t)	Potential Recycling Carbon Saving TCO2eq
-0.07	-426.86
-0.76	-412.75
-0.55	-435.16
-0.55	-313.86
-9.97	-4205.25
-9.97	-1676.60
-0.54	-605.89
-5.83	-7843.21
unknown	
unknown	
-8076.38	

421	385
169	155
590	540
1.53	
0.61	
2.14	

4.6 tonnes per vehicle equivalent
-1755.73 cars off the road for the year

71%
29%

Where does your recycling go?



Green Waste - Paignton

Composted and then used instead of a chemical fertiliser in agriculture.

garden waste



Aluminium Cans - Warrington, Cheshire

Melted down and used to make new cans.

aluminium cans



Paper - Kings Lynn, Norfolk

Recycled into paper for newspapers and for energy production.

mixed paper & card



Cooking Oil - Newton Abbot

Refined and processed into biodiesel fuels.

cooking oil



Glass - Kirby-in-Ashfield, Nottinghamshire

Recycled into glass bottles and jars.

mixed glass bottles & jars



Food Waste - Holsworthy, Devon

Anaerobic digestion, producing biogas used to generate power, provide heat and produce compost.

food waste



Wood - Winkleigh, Devon

Shredded and reprocessed for use in board manufacturing and animal bedding.

wood & timber



Tyres - Castle Cary, Somerset

Shredded, granulated and remade into soft surfaces for play and horse training areas.

tyres



Batteries - Lutterworth, Leicestershire

Broken down and toxic heavy metal recovered for reprocessing.

batteries



Cardboard & Tetra Pak - Caerphilly, Wales

Recycled into new cardboard packaging.

cardboard



Plastic - Manchester

Recycled into new plastic food packaging.

plastic bottles

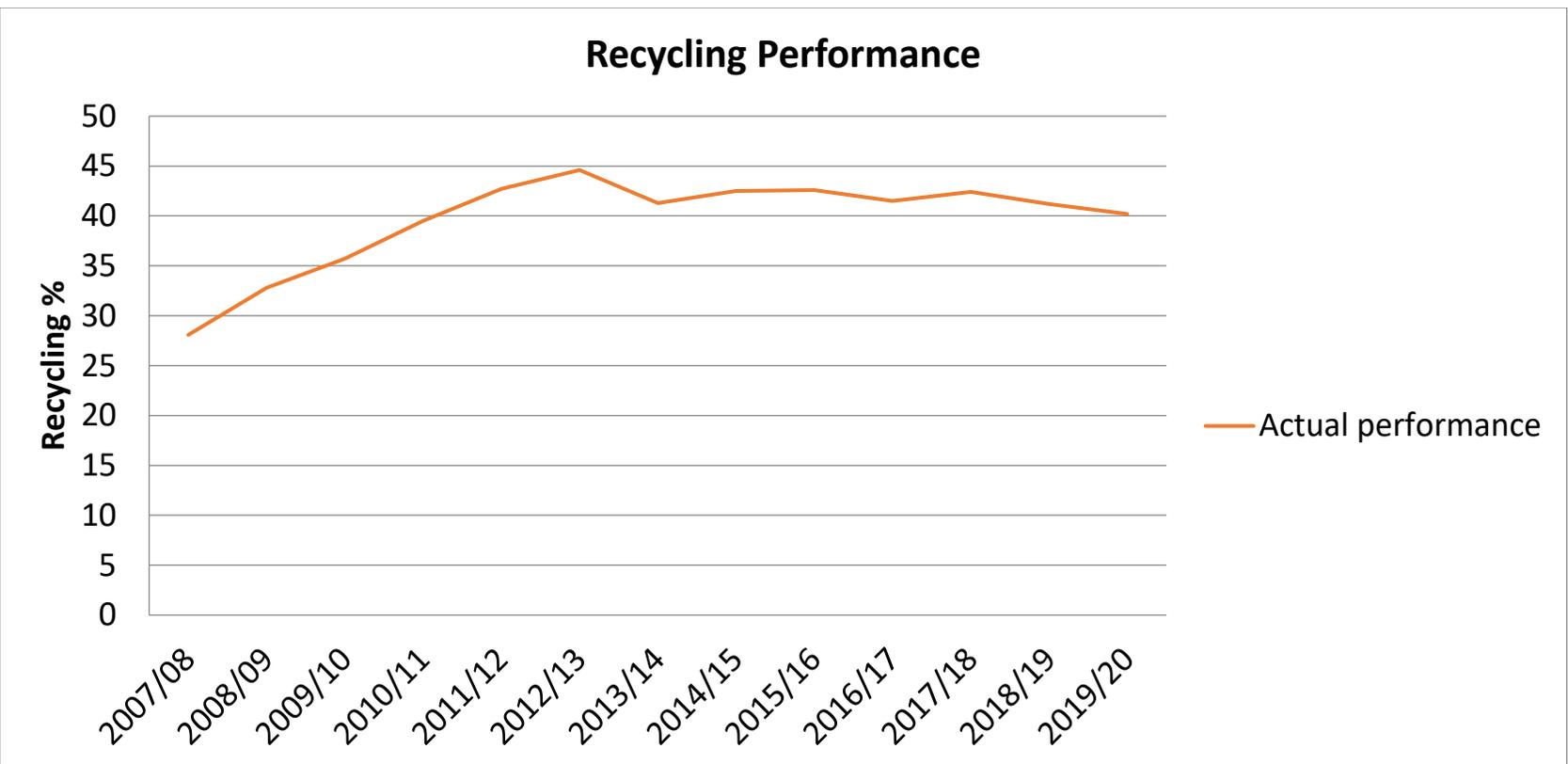


Metal - Wokingham, Berkshire

Broken down into component parts and metals and plastics re-used.

scrap metal

www.torbay.gov.uk/recycling





Torbay Kerbside Residual Waste Composition Analysis

Devon County Council

Summary Report November 2017



M·E·L Research

2nd Floor, 1 Ashted Lock, Birmingham Science Park Aston, Birmingham. B7 4AZ

Email: info@melresearch.co.uk

Web: www.melresearch.co.uk

Tel: 0121 604 4664



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Project details and acknowledgements

Title	Torbay Residual Waste Composition Analysis
Client	Devon County Council
Project number	17117
Client reference	-
Author	Philip Wells
Research Manager	Philip Wells

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Accuracy Statement

Results from the standard M·E·L sampling protocol for compositional analysis can be taken as accurate for each material category to within error bands of +/-10% at the 95% confidence level (2 standard deviations), assuming a normal statistical distribution. At the data entry stage, 1 in 10 parts of data that is inputted are checked with the data sheets and if errors are found all the data is then rechecked.

Introduction

Background

The Devon Districts and DCC last had a waste composition analysis of domestic kerbside Residual Waste carried out in 2012. Given the changes in collection regimes and waste prevention work that has taken place over the last 5 years DCC commissioned M.E.L Research Ltd to perform a comprehensive analysis.

Devon has eight city/district/borough councils, which are the Waste Collection Authorities (WCA). They are responsible for collecting household waste for recycling and disposal. Devon currently has a combined recycling and composting rate of 55.1% (2015/16). M·E·L Research were commissioned to undertake an analysis of the residual waste from selected kerbside properties. Results from the eight authorities that form the Devon County Council area are presented in a separate report.

This report presents the findings for the waste analysis performed in the Torbay Council area, which is the local authority of Torbay in Devon, and is a unitary authority. It has a combined recycling and composting rate of 42.6% (2015/16).

As well as giving indications as to the current amount of waste being generated, this report also provides observations on the levels of materials that are currently recyclable at the kerbside and those which could potentially be recyclable via future schemes. The sampling regime involved the direct collection and compositional analysis of waste from a target of 200 properties representing four of the five main socio-demographic categories (Acorns) for Torbay. Results could therefore be weighted to give a better picture of the waste being collected within the authority as a whole. Waste was surveyed during October 2017.

Objectives

Specific aims of the work were to:

- Understand, using socio-demographic profiling which sectors of the community are producing what type of waste,
- provide a breakdown of the material currently in the residual waste
- identify levels, and types of waste being produced by different households using ACORN classification.
- identify materials within the residual waste which could be consigned to the recyclable waste stream
- identify any additional materials that could be included in future recycling schemes
- and, to inform on specific waste materials where more concentrated efforts may need to be made to remove a greater amount of them from the residual waste.

Executive Summary

Key findings – Torbay averages

Kerbside residual waste

- On average, 69% of households sampled throughout Torbay presented residual waste for collection.
- In terms of waste generation, households were setting out an average of 4.84kg/hh/wk (6.97kg/hh/wk for those presenting waste).
- Food waste was seen to be the major component of residual waste forming 22.1% of the total, equating to 1.07kg/hh/wk. Of this food waste 9.9% was deemed to be packaged with 30.3% home compostable.
- 79.5% of all food in the residual waste was deemed to be avoidable.
- 12.4% or 0.60kg/hh/wk of the residual waste came from garden vegetation
- Paper items made up 9.3% of the residual waste; 30.8% of this (0.14g/hh/wk) was alternatively recyclable at the kerbside.
- Card and cardboard made up around 3.1% of collected residual waste; 67.5% of this (0.10kg/hh/wk) was alternatively recyclable at the kerbside.
- Plastics formed 15.2% of the residual waste; 26.9% of all plastic waste (0.20kg/hh/wk) was due to recyclable plastic bottles and containers.
- 3.8% of residual waste was metallic; 57.1% of this (0.10kg/hh/wk) was recyclable in the mixed recycling.
- Around 2.5% of residual waste was seen to be glass; 77.8% of this (0.10kg/hh/wk) was due to glass bottles and jars.
- 6.2% of residual waste was due to textiles; 79.0% of these items (0.24kg/hh/wk) were seen to consist of reusable clothing and linen that could have been recycled.
- 0.5% of residual waste was deemed to be either Hazardous or WEEE. An additional 7.7% consisted of disposable nappies and AHP waste.
- In total, 2.56kg/hh/wk or 52.9% of the residual waste surveyed across Torbay was of a type that could have been recycled by current schemes.

Residual Waste

Set out rates and waste generation levels

Each of the four Acorn samples taken was formed from 50 target households of the dominant Acorn type. Therefore, around 200 households were selected for Torbay with the set out relating to the proportion of these households actively placing out their waste.

The amount of waste in kilograms per household per week is collected from each sample of 50 households, not just those that are participating. The number of households setting out each waste container across all 50 households is recorded with the aim of collecting all presented waste and recycling. In some instances it is not possible to collect all presented waste (resident refuses, bins have H&S issues or total collected waste exceeds vehicle capacity). The collected waste is bulked for sorting as a single sample. The amount of collected waste can then be adjusted by the set out rate for any sample where not all presented waste was collected.

Torbay households have a fortnightly collection of residual waste using wheeled bins. On average (individual figures for Acorn samples are contained in a data appendix), 69% of households surveyed throughout Torbay set out their residual bins for collection.

From observed results, the level of residual waste being disposed of at the kerbside was 4.84kg/hh/wk. Solely considering presenting households, the average amount of waste generated is 7.00kg/hh/wk.

Compositional analysis of residual waste

This section looks at the average amount and composition of the residual waste presented by the various socio-demographic households sampled throughout Torbay. Hand sorting of the residual waste gave concentration by weight figures for the main categories of waste as well as the more detailed sub-categories. Looking at the concentration percentages gives an indication as to the proportions of each waste category. This can be translated into a figure relating to the average waste generation expected for each waste category; this is given in kilograms per household per week (kg/hh/wk). By knowing the composition of waste from the various samples, it is possible to gain an insight into the make-up of the residual waste that can be expected as a whole. Detailed composition tables can be found in a separate data appendix. Figure 1 shows residual waste data in terms of percentage composition with Figure 2 showing generation rates for major materials in terms of kg/hh/wk.

All residual waste will contain a proportion that is classified as potentially recyclable. That is to say that it should have been placed into one of the recycling receptacles available for residents:-

Residents currently two black boxes for the collection of mixed recyclables which are collected on a weekly basis. Box 1 is for the collection of the following materials -

- **Paper** - including Yellow Pages, junk mail, all types of envelopes and shredded paper
- **Plastic** - All empty plastic bottles, margarine tubs, yoghurt pots, ice cream tubs, clear plastic fruit containers
- **Metals** - Food tins, drink cans, aerosols, large tins
- **Textiles** - clean dry clothes, clean dry sheets, clean dry towels and pairs of shoes.
- **Batteries** - all household batteries, button batteries, hearing aid batteries, car batteries, laptop batteries, phone batteries.
- **Printer Cartridges** - all printer Ink Cartridges

Box 2 is for the collection of the following materials -

- **Glass** - mixed glass bottles and jars.
- **Metals** - foil packaging, aluminium food trays, tin foil.
- **Cardboard** - any cardboard, cereal boxes, cardboard tubes.
- **Cartons** - food and drink cartons, fruit juice cartons.
- **Oil** - cooking oil and engine oil
- **Mobile phones** - all types of mobile phone.

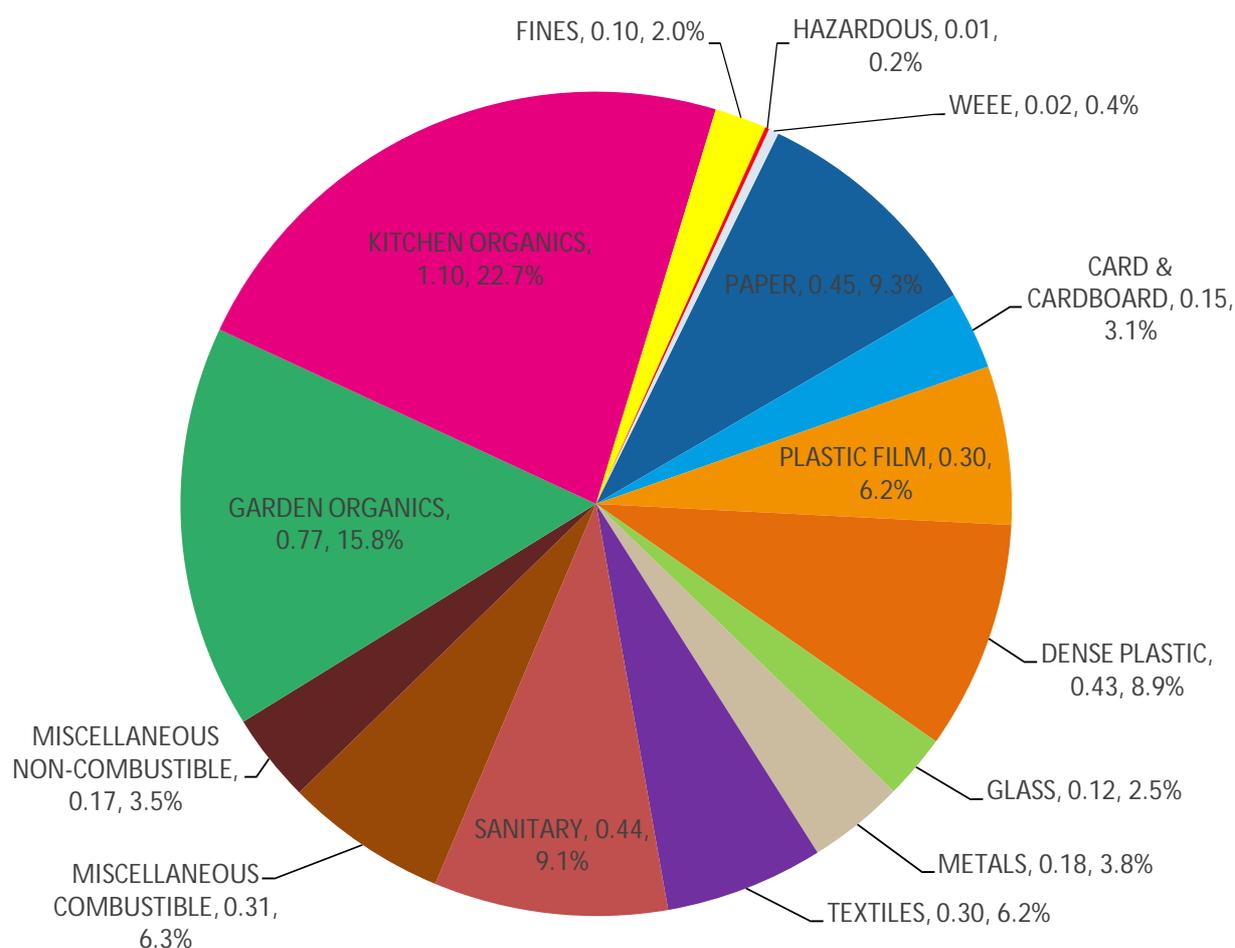
Residents also have smaller kitchen, and larger kerbside bin for the collection of food waste. This includes all cooked and uncooked food waste including, fruit and vegetables, meat and fish, cheese and dairy products, plate scrapings, bread and pasta. Plastic bags can be used to line bins.

Garden waste is collected by a "*cash on collection*" basis priced at £6 for up to eight bags of clippings.

Table 1: Average residual waste composition

WASTE MATERIAL	KG/HH/WK	% COMPOSITION
PAPER	0.45	9.3%
CARD & CARDBOARD	0.15	3.1%
PLASTIC FILM	0.30	6.2%
DENSE PLASTIC	0.43	8.9%
GLASS	0.12	2.5%
METALS	0.18	3.8%
TEXTILES	0.30	6.2%
SANITARY	0.44	9.1%
MISC. COMBUSTIBLE	0.31	6.3%
MISC. NON-COMBUSTIBLE	0.17	3.5%
GARDEN ORGANICS	0.77	15.8%
KITCHEN ORGANICS	1.10	22.7%
FINES	0.10	2.0%
HAZARDOUS	0.01	0.2%
WEEE	0.02	0.4%
TOTAL	4.84	100.0%

Figure 1: Average residual waste composition (kg/hh/wk, %)



Organic Waste

Organic waste, which includes garden and food waste (putrescibles), formed the greatest weight concentration of the primary waste categories. On average, 38.5% or 1.86kg/hh/wk of the residual waste consisted of organic matter. Food waste was seen to be the major constituent of the organic material in residual bins. Torbay households are able to recycle food at the kerbside; across the samples and average of 22.1% or 1.07kg/hh/wk of residual waste was seen to be due to discarded food.

Food waste was further categorised as to whether it was avoidable / unavoidable and home compostable / non-home compostable.

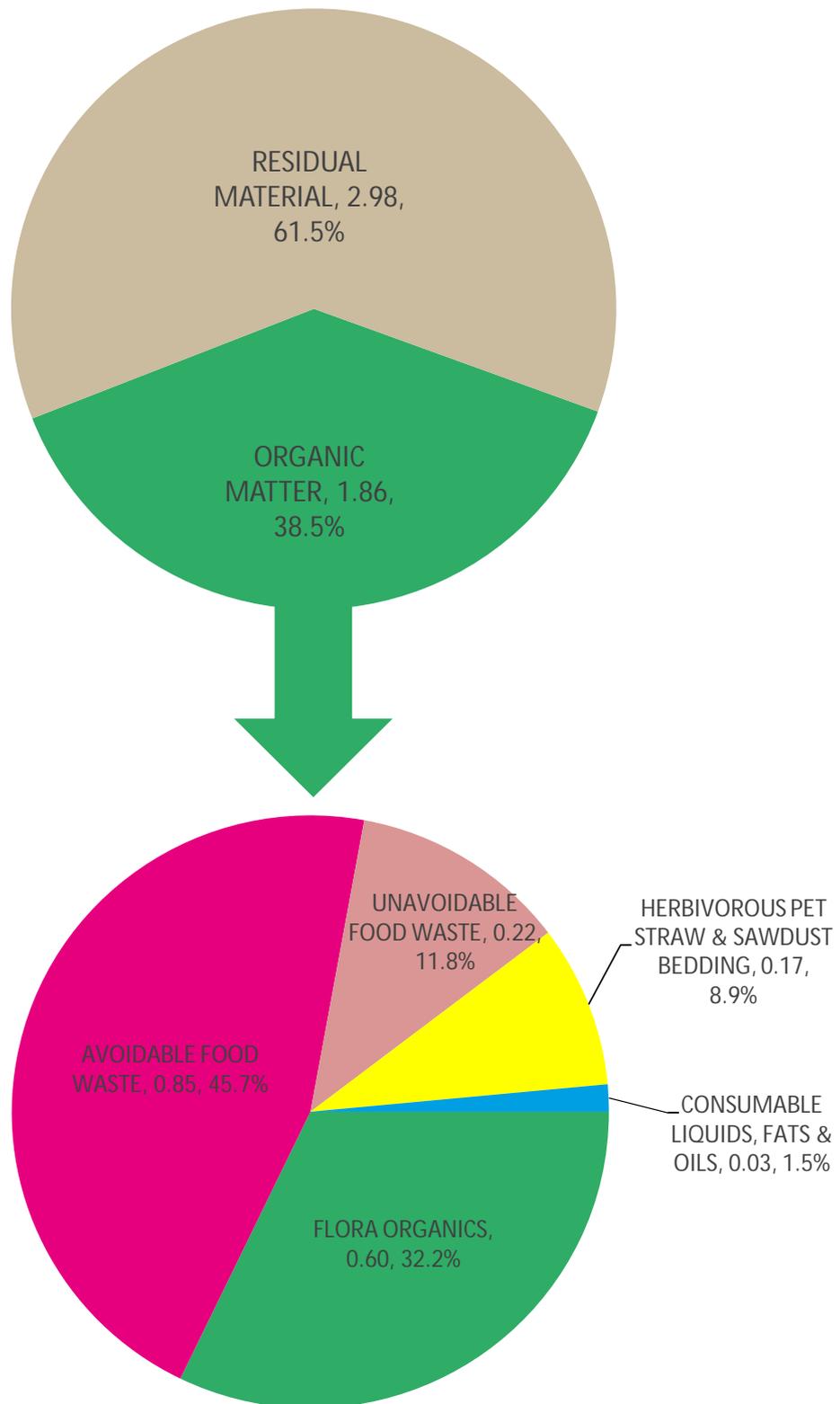
- Overall, around 79.5% of all food in the residual waste from kerbside households was classified as avoidable; this equates to 0.85kg/hh/wk.
- Additionally, 30.3% of kerbside food waste (0.32kg/hh/wk) is potentially compostable in general garden compost bins.
- 9.9% of kerbside food waste (0.11kg/hh/wk) was disposed of fully packaged.

Torbay residents can have garden waste collected from the kerbside via chargeable collections. On average, around 0.60kg/hh/wk or 12.4% of residual waste consisted of recyclable vegetation.

Table 2: Levels of organic material within the residual waste

RESIDUAL ORGANICS	(KG/HH/WK)
FLORA ORGANICS	0.60
SOIL & TURF	0.00
AVOIDABLE FOOD WASTE	0.85
UNAVOIDABLE FOOD WASTE	0.22
HERBIVOROUS PET STRAW & SAWDUST BEDDING	0.17
CONSUMABLE LIQUIDS, FATS & OILS	0.03
KG/HH/WK ORGANICS	1.86
% ORGANICS	38.5%
KG/HH/WK FOOD WASTE	1.07
% FOOD WASTE	22.1%

Figure 2: Levels of organics within residual waste (kg/hh/wk, %)



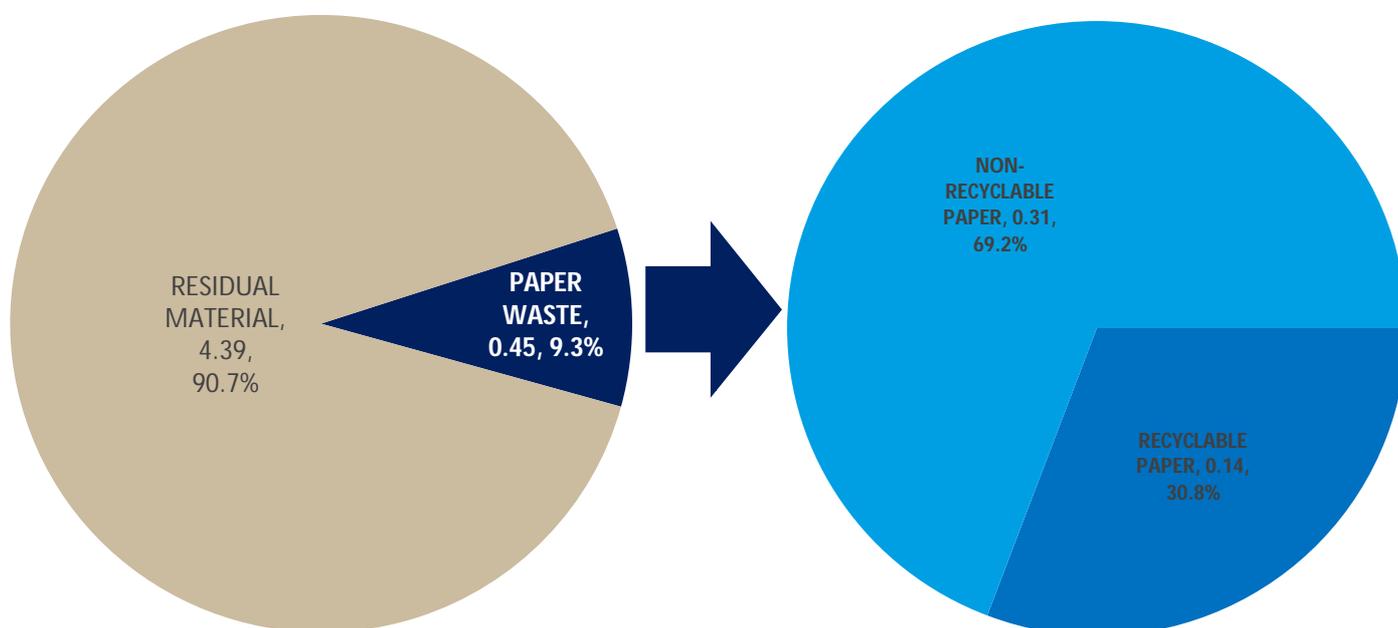
Paper

On average, 9.3% or 0.45kg/hh/wk of residual waste from Torbay was due to paper-based materials. A proportion of this paper is available for recycling at the kerbside. Torbay residents can recycle paper such as newspapers, junk mail, envelopes and directories. It was found that 30.8% of paper could have been placed into kerbside recycling containers as opposed to the residual waste. Therefore 2.9% or 0.14kg/hh/wk of residual waste was due to recyclable paper.

Table 3: Levels of paper within residual waste (kg/hh/wk)

RESIDUAL PAPER	KG/HH/WK
RECYCLABLE PAPER	0.14
NON-RECYCLABLE PAPER	0.31
KG/HH/WK TOTAL PAPER	0.45
% OF PAPER RECYCLABLE	30.8%

Figure 3: Levels of paper within the residual waste (kg/hh/wk, %)



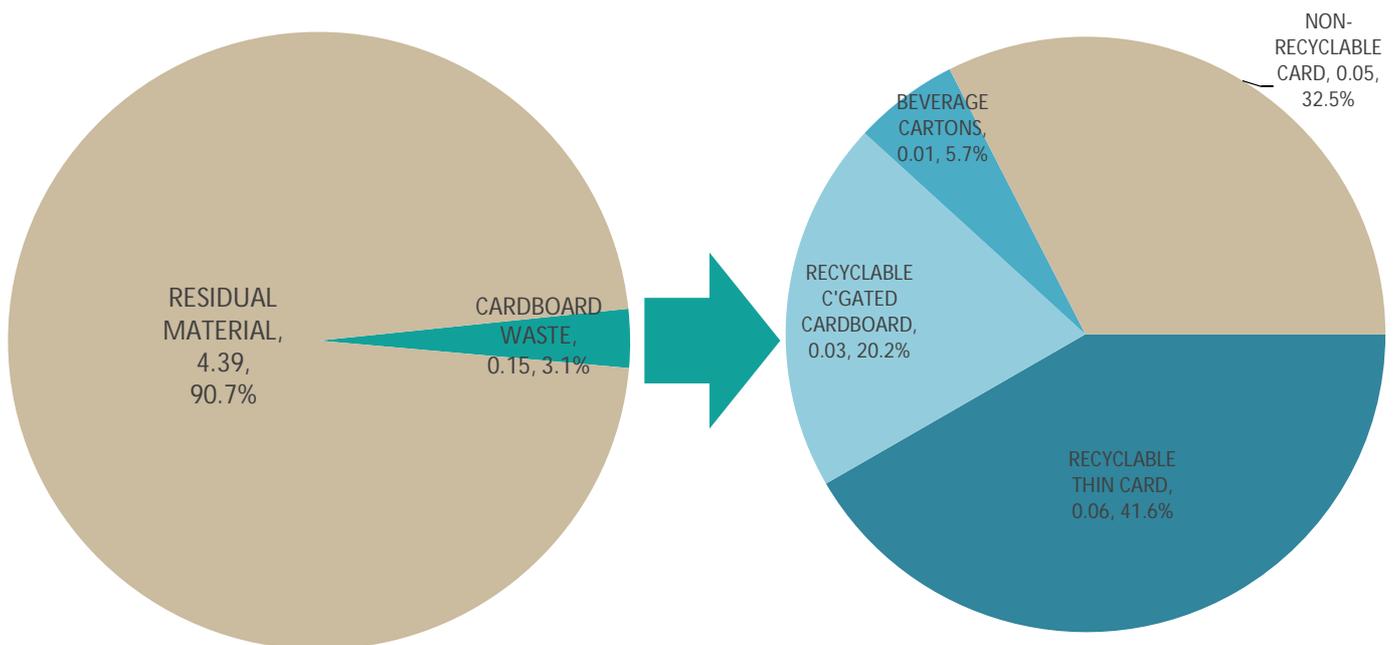
Card & Cardboard

On average, 3.1% or 0.15kg/hh/wk of residual waste from Torbay was due to card and cardboard-based materials. A proportion of this card and cardboard is available for recycling at the kerbside. Torbay residents can recycle thin card, corrugated cardboard and liquid cartons at the kerbside. It was found that 67.5% of all card and cardboard could have been placed into kerbside recycling containers as opposed to the residual waste. Therefore 2.1% or 0.10kg/hh/wk of residual waste was due to recyclable card and cardboard. Two thirds of the recyclable cardboard was due to thin card.

Table 4: Levels of card & cardboard within residual waste (kg/hh/wk)

RESIDUAL CARD & CARDBOARD	KG/HH/WK
RECYCLABLE THIN CARD	0.06
RECYCLABLE CORRUGATED CARDBOARD	0.03
BEVERAGE CARTONS	0.01
BOOKS	0.00
NON-RECYCLABLE CARD	0.05
KG/HH/WK TOTAL CARD & CARDBOARD	0.15
KG/HH/WK RECYCLABLE CARD & CARDBOARD	0.10
% OF CARD KERBSIDE RECYCLABLE	67.5%

Figure 4: Levels of card & cardboard within the residual waste (kg/hh/wk, %)



Plastics

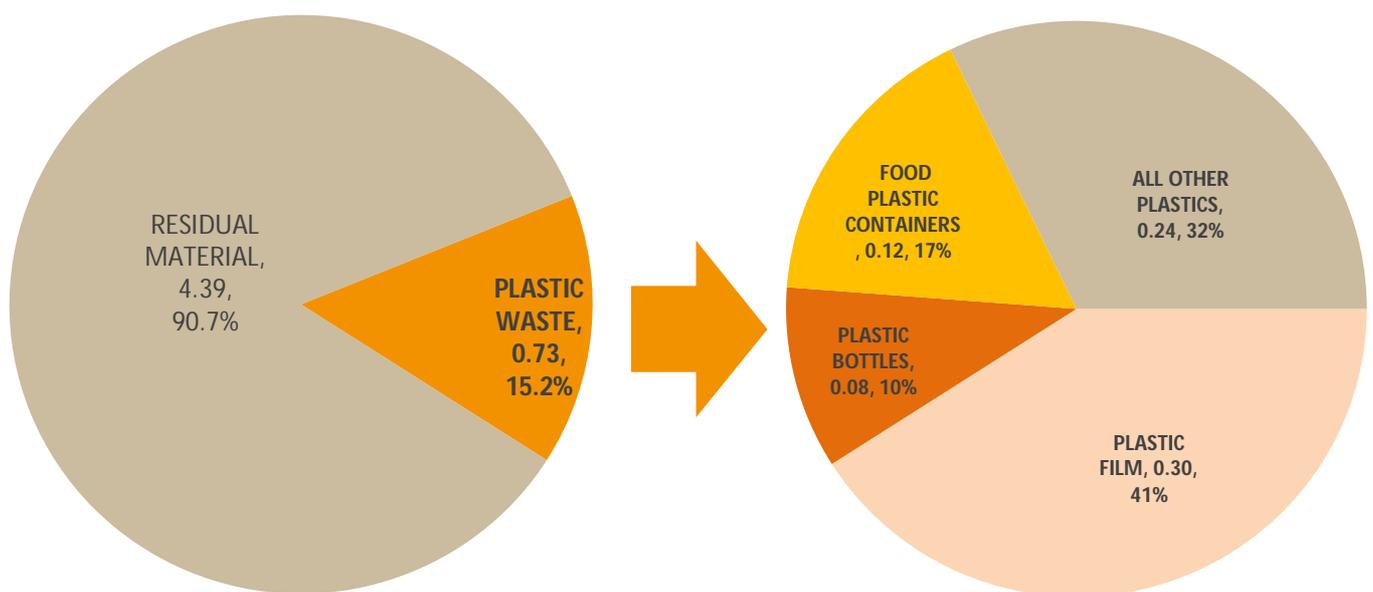
As a UK average approximately 12% of the waste disposed of by households is plastic. In this sampling campaign, the average for Torbay was 15.2% or 0.73kg/hh/wk. Residents can recycle plastic bottles with and food-packaging containers. Figure 5 clearly shows the levels of recyclable plastics within the residual waste. On average, around 26.9% of the plastic waste present in the residual was recyclable, equating to 0.20kg/hh/wk or 4.1% of the residual waste.

Plastic containers made up 62% of the recyclable plastics from kerbside properties with the remainder being plastic bottles.

Table 5: Levels of plastic within the residual waste (kg/hh/wk)

RESIDUAL PLASTICS	KG/HH/WK
PLASTIC FILM	0.30
PLASTIC BOTTLES	0.08
FOOD PLASTIC CONTAINERS	0.12
ALL OTHER PLASTICS	0.24
KG/HH/WK TOTAL PLASTIC	0.73
KG/HH/WK RECYCLABLE PLASTIC	0.20
% PLASTIC RECYCLABLE	26.88%

Figure 5: Levels of plastic within the residual waste (kg/hh/wk, %)



Metals

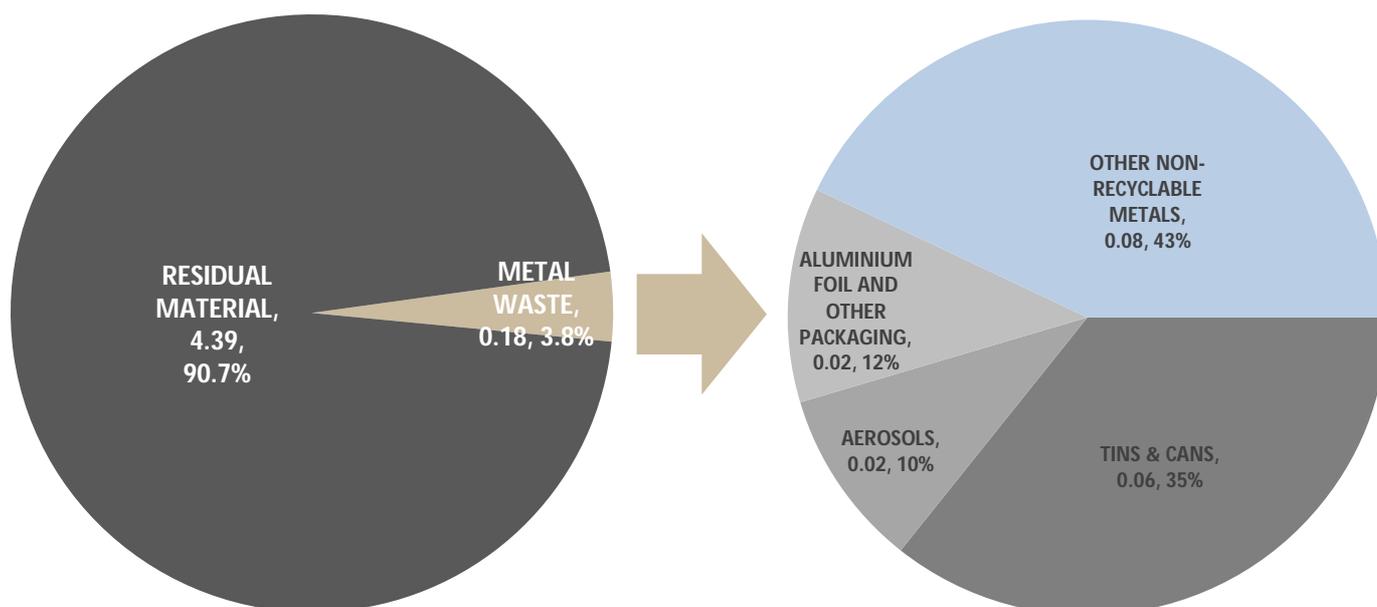
In this sampling campaign, the average metal content of the residual waste for Torbay was 3.8% or 0.18kg/hh/wk. Residents can recycle tins, cans foils and empty aerosols as part of their kerbside collections. Figure 6 clearly shows the levels of recyclable metals within the residual waste. On average, around 57.1% of the plastic waste present in the residual was recyclable, equating to 0.10kg/hh/wk or 2.1% of the residual waste.

Tins and cans made up 62% of the recyclable metals from kerbside properties with the remainder split equally between foil and aerosols.

Table 6: Levels of metal within the residual waste (kg/hh/wk)

RESIDUAL METALS	KG/HH/WK
TINS & CANS	0.06
AEROSOLS	0.02
ALUMINIUM FOIL AND OTHER PACKAGING	0.02
OTHER NON-RECYCLABLE METALS	0.08
RECYCLABLE METALS	0.10
TOTAL METALS	0.18
% OF METAL RECYCLABLE	57.09%

Figure 6: Levels of metal within the residual waste (kg/hh/wk, %)



Glass

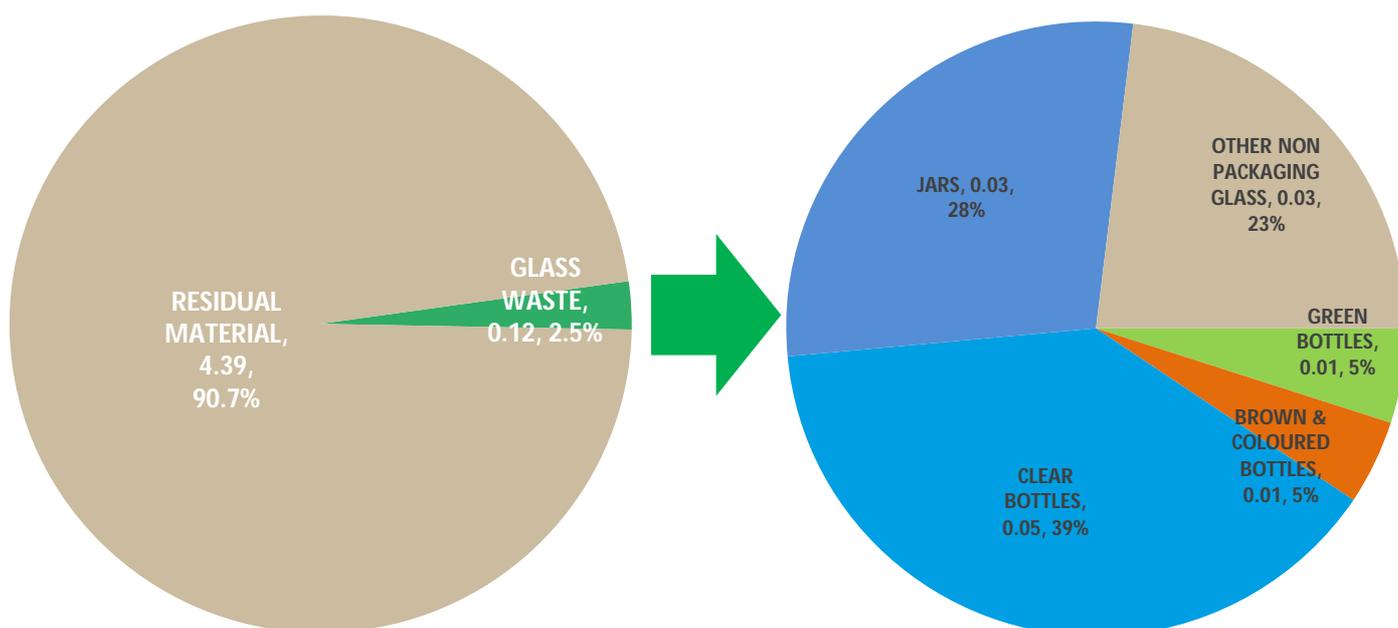
In this sampling campaign, the average concentration of residual glass across Torbay was seen to be 2.5% total glass by weight, equating to 0.12kg/hh/wk. Torbay residents are able to recycle glass bottles and jars at the kerbside. A proportion of this glass consists of bottles and jars. It was found that 77.8% or 0.10kg/hh/wk of glass consisted of bottles and jars, this equates to 2.0% of all collected residual waste.

An average of 87% of recyclable glass was clear; over 40% of the clear glass from kerbside properties was due to jars as opposed to bottles. Jars often need more cleaning than bottles and are generally less effectively recycled. Table 7 and Figure 7 show the amounts of the different forms of residual glass waste.

Table 7: Levels of glass within the residual waste (kg/hh/wk)

RESIDUAL GLASS	KG/HH/WK
GREEN BOTTLES	0.01
BROWN & COLOURED BOTTLES	0.01
CLEAR BOTTLES	0.05
JARS	0.03
OTHER NON PACKAGING GLASS	0.03
KG/HH/WK TOTAL GLASS	0.12
KG/HH/WK RECYCLABLE GLASS	0.10
% RECYCLABLE	77.8%

Figure 7: Levels of glass within the residual waste (kg/hh/wk, %)



Textiles

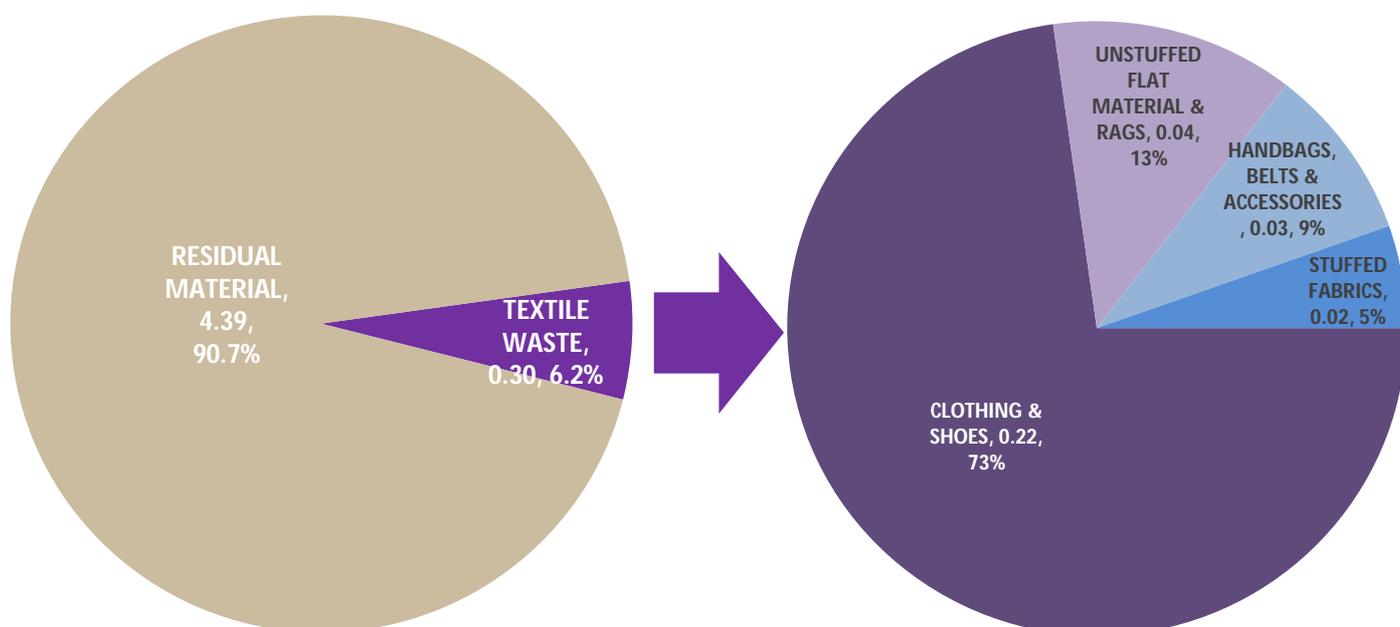
The concentration of residual textile waste was seen to be 6.2% or 0.30kg/hh/wk. A proportion of this textile waste is available for recycling as clean clothing or linen at the kerbside. It was found that 79.0% or 0.24kg/hh/wk of textile waste was of this potentially recyclable type. Therefore recyclable textiles made up 4.9% of the residual waste from Torbay.

Table 12 and Figure 11 show the amounts of the different forms of textile waste found within the samples from each authority.

Table 8: Levels of textiles within residual waste (kg/hh/wk)

RESIDUAL TEXTILES	KG/HH/WK
CLOTHING & SHOES	0.22
UNSTUFFED FLAT MATERIAL & RAGS	0.04
HANDBAGS, BELTS & ACCESSORIES	0.03
STUFFED FABRICS	0.02
KG/HH/WK TOTAL TEXTILES	0.30
KG/HH/WK REUSABLE TEXTILES	0.24
% REUSABLE TEXTILES	79.01%

Figure 8: Levels of textiles within the residual waste (kg/hh/wk, %)



Hazardous Items (HHW) & WEEE

In this sampling campaign the average overall concentration of hazardous and WEEE waste was seen to be just 0.5% which equates to around 0.03kg/hh/wk. Very small amounts of batteries and WEEE were present within the residual waste, these can be recycled directly at the kerbside within Torbay.

WEEE

Cables & Leads, Watches, Toys, Router, Circuit Boards, Hair Dryer, Curling Tongs, Shaver, Alarm Clock, Headphones, Vapes

HHW

Batteries, Halogen Bulbs, Paint,

Disposable Nappies & AHP waste

The profile of this type of waste has increased in recent years and nappy levels within the residual waste of households with babies can be extremely high. In this survey, the concentrations of disposable nappies and Absorbent Hygiene Products were 6.9%, which equates to 0.33kg/hh/wk.

Current recyclability of the residual waste

The overall recyclability of the residual waste relates to all the items present that could have been accepted into the kerbside recycling schemes currently running in Torbay. Results from the survey showed that 18.4% or 0.89kg/hh/wk of residual waste was compatible with the mixed recycling collections currently running in Torbay. Paper and card made up around 5% of the residual waste and 9.3% of the recyclable material present. Textiles accounted for 9.2% of the recyclables with plastics contributing 7.7%.

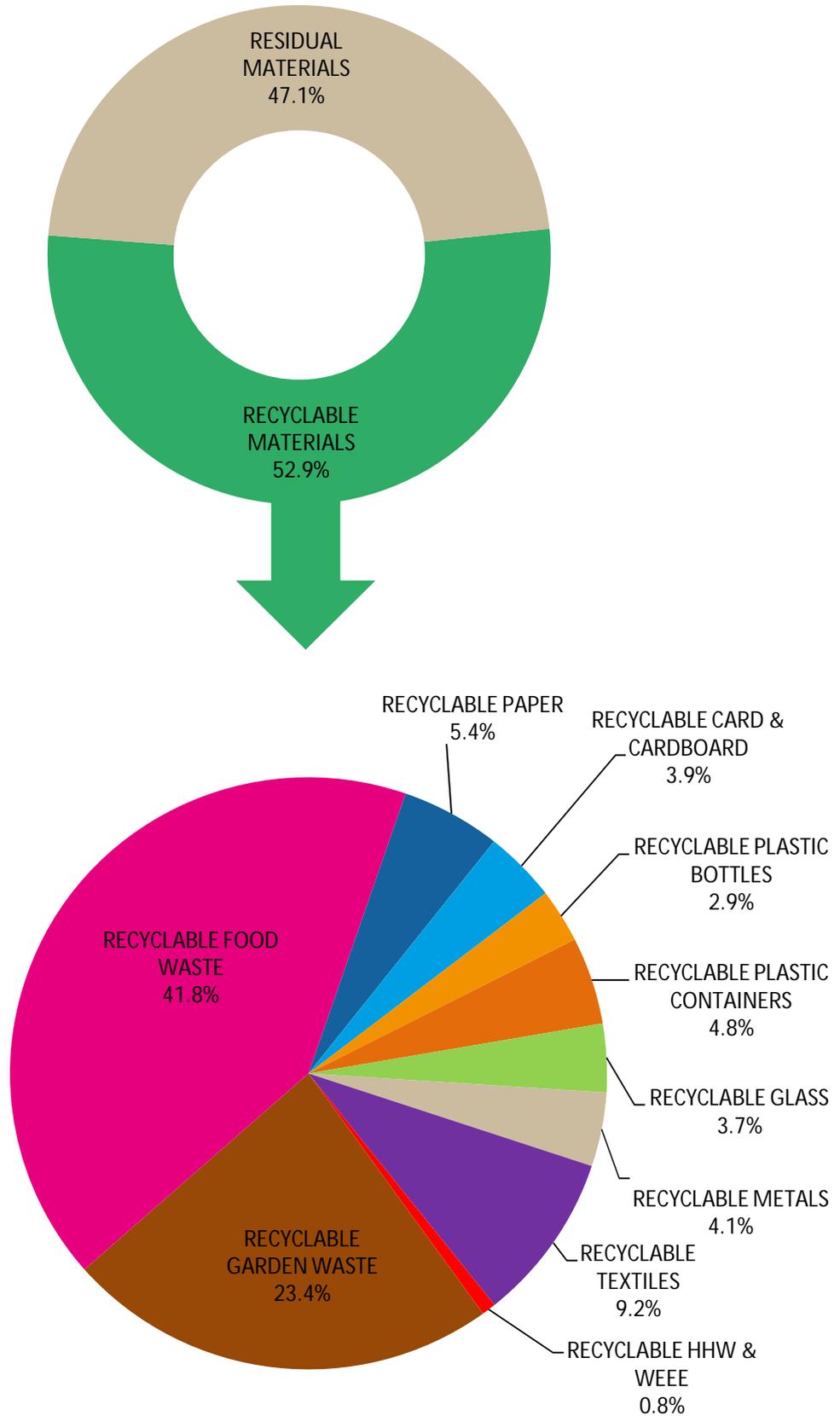
Overall, an additional 22.1% of residual waste was due to discarded food with 12.4% made up of garden vegetation. Therefore 34.5% (1.67kg/hh/wk) of residual waste was due to recyclable organic material. Food and garden waste combined formed 65% of the recyclable material present in residual bins.

By combining the mixed and organic recyclables from the residual waste it is seen that an average of 52.9% or 2.56kg/hh/wk of residual waste collected across Torbay could have been more effectively recycled by using the collection schemes currently in place.

Table 9: Amount of residual waste currently recyclable

KG/HH/WK MATERIALS WITHIN RESIDUAL WASTE	KG/HH/WK	% OF WASTE	% RECYCLABLES
RECYCLABLE PAPER	0.14	2.9%	5.4%
RECYCLABLE CARD & CARDBOARD	0.10	2.1%	3.9%
RECYCLABLE PLASTIC BOTTLES	0.08	1.6%	2.9%
RECYCLABLE PLASTIC CONTAINERS	0.12	2.5%	4.8%
RECYCLABLE GLASS	0.10	2.0%	3.7%
RECYCLABLE METALS	0.10	2.1%	4.1%
RECYCLABLE TEXTILES	0.24	4.9%	9.2%
RECYCLABLE HHW & WEEE	0.02	0.4%	0.8%
RECYCLABLE GARDEN WASTE	0.60	12.4%	23.4%
RECYCLABLE FOOD WASTE	1.07	22.1%	41.8%
TOTAL AMOUNT CURRENTLY RECYCLABLE	2.56	52.9%	100.0%

Figure 14: Proportional breakdown of currently recyclable materials



Consultation on consistency in household and business recycling collections in
England

Introduction

1. What is your name? **Torbay Council**
2. What is your email address? **Waste&recycling@torbay.gov.uk**
3. Which best describes you? **Local Authority**
4. If you are responding on behalf of an organisation, what is its name? **Torbay Council**
5. Would you like your response to be confidential? **No**
If you answered 'Yes' above, please give your reason:

Part 1 Measures to improve the quantity and quality of household recycling collected by local authorities

Proposal 1

We propose that all local authorities in England should be required to collect a core set of dry recyclable materials at kerbside from houses and flats

Q5 Setting aside the details of how it would be achieved, do you agree or disagree with the proposal that local authorities should be required to collect a set of core materials for recycling?

Agree – local authorities should be required, to collect a core set of materials

Disagree – local authorities should not be required, to collect a core set of materials

Not sure/don't have an opinion

The core set of materials must be based on a comprehensive sorting and end market infrastructure (including exports) being available. If this is not the case for a material it should not form part of the core set. For example, it is debatable if this exists for pots tubs and trays at present and it is likely that material collected for recycling in good faith is not recycled due to these sorting and end market issues.

Q6 We think it should be possible for all local authorities to collect the core set of materials. Do you agree with this?

Agree

Disagree – If you disagree please provide further information and evidence as to what circumstances it is not practicable to collect the full set of materials

Torbay Council currently collects the proposed core set of materials and our contractor TOR2 has not had problems finding reprocessors for them. However, if more local authorities were to collect the core materials, this might result in over-supply of materials and result in uncertainty within the market and potentially, reduced rates of income or even an inability to secure an end destination for some materials.

Q7 What special considerations or challenges might local authorities face in implementing this requirement for existing flats and houses in multiple occupancy?

The same materials can be collected, although collection arrangements may differ. HMO's and flats take a disproportionate amount of time and resources to manage and collect from, for less gain in terms of the amount of waste that is collected for recycling.

Space for storage of can be an issue with flats and HMO's. In Torbay, sometimes the collection frequency has to be adjusted to compensate for a lack of storage space. In some cases we are only able to offer recycling collections for a more limited range of materials, due to a lack of storage and space. A comingled recycling collection is offered to some flats and HMO's in Torbay, where space is limited and in some cases the collection frequency needs to be increased for the same reason.

Torbay Council's Waste Team feed into the planning process. When a planning application for a block of flats is received we ensure that adequate space is provided to enable residents to separate their waste for recycling and that the collection of waste and recycling is facilitated by the developer.

Where recycling is collected from flats and HMO's, the level of contamination is higher than when collecting from individual households.

Additional resource needs to be put into establishing relationships with property management / housing associations at the sites and to ensure that owners / management companies take responsibility for ensuring that the recycling is presented for collection as required. It is possible that this might require some further legislation.

WRAP have done research on the best ways to manage waste and increase recycling from these properties and have issued guidance to local authorities, however going forward stronger policies are required to be put in place to ensure suitable storage for containers is allocated at flats and HMO's

Q8 What other special considerations should be given to how this proposal could apply to flats? Please provide additional information on your answer.

Any requirement to separate materials at collection should not apply to flats and HMO's if storage space is an issue.

Storage issues could be addressed by stricter National Planning Policy, specifying minimum design requirements to allow for waste to be separated and stored within dwellings and waste compounds and easy access. However, this will not improve some of the issues faced at older flats and HMO's.

Due to a high number of residents within flats and HMO's being transient, regular engagement and communications are needed. Additionally, engagement with landlords and management companies are required.

Q9 Do you have any other comments to make about Proposal 1? Please use this space to briefly explain your responses to questions above, e.g. why you agree/disagree with proposals.

There will still be confusion for members of the public between one area and another as some local authorities will collect more than the core set of materials, which is the case for Torbay Council. It would be a backwards step to stop collecting some materials at the kerbside if it has been done in the past.

Proposal 2

We propose that the core set of materials will be glass bottles and containers, paper and card, plastic bottles, plastic pots tubs and trays, and steel and aluminium tins and cans.

Q10 Do you believe that all of these core materials should be included or any excluded?

	This should be included in the core set	This should be excluded from the core set	Not sure/don't have an opinion/not applicable
Glass bottles and containers	✓		
Paper and card	✓		
Plastic bottles	✓		
Plastic pots tubs and trays	✓		
Steel and aluminium tins and cans	✓		

Q11 What, if any, other products or materials do you believe should be included in the core set that all local authorities will be required to collect?

	This should be included in the core set from the start of Consistency	This should be included from the core set but phased in over time	This should be excluded from the core set	Not sure/don't have an opinion/not applicable
Food and drinks cartons	✓			
Plastic bags and film			✓	
Other materials (please specify)				✓

Q12 If you think any of these or other items should or should not be included in the core set immediately please use the box below to briefly explain your view.

Plastic bags are a difficult material to recycle. There are a limited number of reprocessors and end markets. The material income is also low. Plastic bags and film can be particularly challenging as compostable bags are becoming more widespread and many MRFs cannot sort plastic bags/film. Even where a recycling opportunity exists for these materials they are not readily identified as different materials by the resident and if not appropriately labelled have the potential to contaminate the waste streams.

Q13 If you think these or other items should be considered for inclusion at a later stage, what changes would be needed to support their inclusion?

We would need to be satisfied that viable markets exist for any additional materials and that funding is allocated to reimburse local authorities for any additional capital and revenue costs that they would incur.

Q14 Do you have any other comments to make about Proposal 2?

Encouraging investment in local reprocessing infrastructure links with the aspirations of the Circular Economy Package and will be essential. Reassurance is required that there will be enough confidence in the recycling market within the South-West, for businesses to develop and expand to meet local demands. This includes the sorting infrastructure as this can sometimes be a barrier to viable end markets.

Proposal 3

We propose that this core set of materials should be regularly reviewed by government and, if appropriate, expanded over time provided that a) evidence supports the benefits, b) there are viable processing technologies for proposed materials, c) there are sustainable end markets, d) local authorities would not be adversely affected, including financially.

Q15 Do you agree that the core set should be regularly reviewed and, provided certain conditions are met, expanded?

Yes

No

Not sure/don't have an opinion

Q16 Do you believe that the proposed conditions a) b) c) and d) above are needed in order to add a core material?

Yes – but I would also add some (please specify which conditions you believe should be added ...)

No – some/all should be removed (if some please specify below)

No – some should be added and some should be removed (please specify which ...)

Not sure/don't have an opinion

Torbay Council would like to see a greater emphasis on reliable, long-term end markets for materials within the South-West. The cost of bulking and haulage of recycling needs to be considered if markets are not available locally.

Q17 Do you have any other comments to make about Proposal 3?

N/A

Proposal 4

By 2023 we propose to legislate for local authorities to provide all kerbside properties and flats with access to at least a weekly separate collection service for food waste, including provision of containers and liners.

Q18 Which aspects of the proposal do you agree and disagree with?

	Agree	Disagree	Not sure/don't have an opinion/not applicable
(i) at least a weekly collection of food waste	✓		
(ii) a separate collection of food waste (i.e. not mixed with garden waste)	✓		
(iii) services to be changed only as and when contracts allow	✓		
(iv) providing free caddy liners to householders for food waste collections		✓	

Q19 Are there circumstances where it would not be practical to provide a separate food waste collection to kerbside properties or flats.

Yes (if yes please provided further details below)

No

Not sure/don't have an opinion

It would not be practical to provide a separate food waste collection where space is limited. Additionally, where flats and properties share communal waste and recycling facilities there is a high possibility the food waste will become contaminated. This is due to lack of ownership and responsibility of these bins.

Collection methods can also influence the practicability of separate food waste collections, for example in very rural areas and districts. Collection vehicles would have to drive long distances to collect just food waste if current vehicles do not have the configuration to collect food at the same time as recycling.

Q20 Do you have any other comments to make about Proposal 4 including on circumstances where it may not be practical to provide a separate food waste collection?

We have concerns over the proposals to provide free caddy liners, the anaerobic digestion plant that take our collected food waste prefers waste that is contained within plastic bags as they are able to separate this at the beginning of the process.

There is concern that within Devon and Cornwall there is a lack of anaerobic digestion facilities for processing food waste. Torbay already collects food waste, but is concerned that as demand for the limited number of facilities increases, with new food waste collections introduced, this will either push the facilities over capacity or drive an increase in gate fees due to increased demand. This would be exacerbated if businesses were also required to have a separate collection of food waste.

The effect that reduced residual waste arisings will have on the cost of existing residual waste treatment contracts. Torbay Council is part of the South West Devon Waste Partnership (SWDWP) which has procured a joint contract for residual waste treatment at a combined heat and power facility in Plymouth. Whilst a reduced tonnage delivered to the facility by the partners would represent an overall saving to the SWDWP, the rate per tonne paid as a gate fee would increase. The pricing of the disposal contract is based upon tonnages that were forecast by the Partnership and the suggested changes (Consistency, EPR & DRS) to local authority waste streams would significantly change these forecasts. The contract runs until 2039 and if a 12% reduction in residual waste delivered to the facility was experienced, this would equate to a saving of approximately £31 million, but as a result of increased gate fees, we would incur an additional cost of £8.4 million, resulting in a net saving of £22.6 million.

Proposal 5

We will provide funding and support to local authorities to help put in place the necessary collections infrastructure

Q21 If you are responding on behalf of a local authority, what kind of support would be helpful to support food waste collection? (tick as many as apply)

I am not responding on behalf of a local authority

Specific financial support (please specify)

Procurement support, (e.g. free advice on renegotiating contracts; centralised purchasing of containers)

Communications support, (e.g. free collateral that can be adapted and used locally)

Technical support, (e.g. free advice from a consultant about round re-profiling)

Other (please specify ...)

Money for communications where collections are established, to ensure engagement with residents is maintained and to capture the transient population.

Funding of containers, delivery and other set up costs. The cost of replacing containers.

Advice on changes required to infrastructure for example transfer station which would also impact the environmental permit.

Waste composition analysis work to be undertaken to provide data on what type and quantities of materials that are within the residual waste.

Q22 Do you have any other comments to make about Proposal 5?

Torbay Council commissioned the M.E.L Research to carry out a waste analysis of the residual waste in 2017, the finding found that although within Torbay a weekly food waste collection is provided and residual collections are fortnightly, the amount of food waste was a major component forming 22.1% of the total. This equated to 1.07kg/hh/wk.

The same analysis showed found 79.5% of the food waste in the residual waste was avoidable and 9.9% was fully packaged. Therefore, we would like to see further efforts and funding focused on the reduction of food waste.

If the provision of free caddy liners is mandated we require assurances that the cost for delivery and any administration costs will be reimbursed. Additionally the costs for new and replacement caddies need to be factored in.

Providing incentives to increase participation in recycling and waste reduction. Studies have shown food waste collections require a large initial communications campaign and then ongoing maintenance communications in order to keep participation and capture rates as high as possible.

Proposal 6

We believe it would be desirable for local authorities that have contractual commitments with IVC facilities, which needs mixed garden and food waste, to require separate presentation of food waste but then be able to mix it with garden waste for treatment purposes. This is because our evidence shows that separate presentation of food waste leads to higher yields.

Q23 What are your views on this proposal?

This is not applicable for Torbay as we do not have any commitments with IVC facilities.

Proposal 7

We are seeking views on whether households generating garden waste should be provided with access to a free collection service. If introduced this this would be a minimum fortnightly collection service of a 240-litre capacity container (either bin or sack). Local authorities may provide additional capacity or more frequent services and would be able to charge for this additional provision

Q24 Which aspects of the proposal do you agree or disagree with?

	Agree	Disagree	Not sure/don't have an opinion/not applicable
(i) a free garden waste collection for all households with gardens		✓	
(ii) A capacity to 240l (bin or other container eg sack)	✓		
(iii) A fortnightly collection frequency (available at least through the growing season)	✓		
(iv) ability to charge households for additional capacity/collections/containers over the set minimum capacity requirement	✓		
(v) this new requirement to start from 2023 (subject to funding and waste contracts)		✓	

Q25 Do you have any other comments to make about Proposal 7?

This proposal does not fit with the producer pays principal. Charging for garden waste encourages home composting which has less environmental consequences than kerbside collections.

Those householders without gardens will be funding those that do have a garden to have a free garden waste collection service. The ability for local authorities to charge householders for garden waste collections represent an equitable charging regime, only applying to those who wish to use the service.

Torbay has never had a regular garden waste collection service covering the whole area. Garden waste is collected and charged for on request. To introduce garden waste collection across the area would mean investment in resources, including collection vehicles. Additional staff would also be required to operate the service.

Staff (especially drivers) are difficult to find and keep and there is currently a national shortage of drivers making it very difficult to recruit and retain them.

Currently Torbay only has an ad-hoc, charged for garden waste collection and this currently generates £8.5k income which would be lost with this proposal. The main cost would be to completely set up new fortnightly rounds for free garden waste collections to about 40,000 households with gardens. The additional cost of this provision would range from £650k to £950k dependant on the tonnage collected, which would need to be included as a new burden.

Within Torbay there are companies and charities that provide services to remove householder's garden waste, if a free garden waste service was introduced these companies would be affected. They would not be able to compete against a free of charge, local authority collection.

Residents are advised that garden waste will not be collected as part of the residual waste and a scheduled bring service is provided regularly, on Sundays, in two towns that do not have a HWRC to provide more accessible drop off points for residents.

Waste compositional analysis completed in October 2017 by M.E.L Research showed the following composition of residual waste.

WASTE MATERIAL (KG/HH/WK)	TORBAY				
	ACORN 1	ACORN 3	ACORN 4	ACORN 5	AVERAGE
PAPER	0.31	0.31	0.66	0.53	0.45
CARD & CARDBOARD	0.12	0.08	0.28	0.12	0.15
PLASTIC FILM	0.24	0.19	0.45	0.33	0.30
DENSE PLASTIC	0.27	0.19	0.95	0.31	0.43
GLASS	0.17	0.09	0.15	0.09	0.12
METALS	0.11	0.10	0.36	0.16	0.18
TEXTILES	0.18	0.15	0.51	0.37	0.30
SANITARY	0.38	0.16	1.05	0.17	0.44
MISCELLANEOUS COMBUSTIBLE	0.27	0.30	0.47	0.16	0.31
MISCELLANEOUS NON-COMBUSTIBLE	0.01	0.04	0.10	0.55	0.17
GARDEN ORGANICS	0.10	0.90	1.40	0.47	0.77
KITCHEN ORGANICS	0.75	0.58	2.13	0.91	1.10
FINES	0.04	0.05	0.29	0.00	0.10
HAZARDOUS	0.00	0.00	0.01	0.02	0.01
WEEE	0.00	0.03	0.02	0.01	0.02
TOTAL	2.95	3.16	8.85	4.20	4.84

Proposal 8

In addition to the new core set of materials that we will require to be collected, we want to promote separate collection of materials where this is feasible and can help to improve quality. We propose to amend the law to clarify this and will include guidance in our proposed statutory guidance on minimum service standards to help local authorities and waste operators in decision making on separate collection.

Q26 Do you agree the proposed approach to arrangements for separate collection of dry materials for recycling to ensure quality?

Yes

No (why ...?)

Not sure/no opinion/not applicable

Torbay Council currently provides a weekly collection of dry recycling and food waste which is collected in separate material streams. Cans and plastics are collected as a mixed stream and we would be keen to be able to continue with this practice, with mechanical sorted completed after collection.

Torbay Council would not want to see the guidance being too prescriptive and flexibility will be required to ensure that local authorities and/or their contractors are able to meet the operational challenges that are specific to their area.

Torbay Council would like to retain the flexibility to set the frequency of residual waste collection. Restriction of residual waste in terms of frequency or container size, supported by a comprehensive and frequent recycling collection. Moving to a three or four weekly residual waste collection has resulted in reduced amounts of residual waste being collected (-15% in East Devon) and the amount of material collected for recycling increase significantly. Although much resource is moved from the collection of residual waste to the collection of recycling, there are cost savings to be realised in terms of a reduced number of collections and savings on disposal costs. Material income will also increase as a result of recycling more.

Torbay Council has been considering options for residual waste collection in the future. Consultants White Young Green were commissioned to complete a study of the best potential recycling collection vehicles for Torbay and as part of this study they state that a decrease in residual waste of 14% is typical where a three weekly residual waste collection is introduced. An increase of 45% in food waste and 9% in recycling yields is typical for authorities that move to three weekly collections of residual waste. This is based upon trials completed in Somerset.

When increased levels of recycling are realised, this reduces the amount of residual waste to be collected. If weekly food waste collections are offered, this removes much of the putrescible element of that waste stream and reduces the weight and volume to be collected, meaning that less frequent collections or reduced capacity for residual waste become viable.

If further EPR was to be considered for nappies and sanitary / hygiene products, which could fund their separate collection, this would mean that the residual waste stream should be very clean and less frequent collections would become even more acceptable to the public.

Q27 What circumstances may prevent separate collection of paper, card, glass, metals and plastics? Please be as specific as possible and provide evidence.

Torbay Council currently provides a weekly collection of dry recycling and food waste which is collected in separate material streams. Cans and plastics are collected as a mixed stream and we would be keen to be able to continue with this practice, with mechanical sorted completed after collection. If we were unable to mix plastics and metals at collection this would have an impact on the type of collection vehicle used.

Torbay Council believes that the quality of the different material streams is maintained by the mechanical sorting of plastics and metals.

Limited space can pose a problem for the separate collection of materials. This is especially relevant for flats and communal housing stock, where there might not be space for enough containers to store the different material streams. For some housing stock it is not operationally viable to collect materials separately and if required to would lead to high levels of investment being required in vehicles and infrastructure.

In areas where a commingled collection is already undertaken, the local authority will have already had to prove that separate collections are not TEEP.

In Torbay, comingled collections are used to support the main kerbside sort recycling service. Flats often receive a comingled collection due to a lack of storage space and challenges with engaging residents. We would prefer that all households received the same service, but for some premises this is not possible.

Comingled collections have also been relied upon in Torbay when our contractor has experienced operational failures or performance issues and collections have run late (eg. Following snow and also due to issues with collection vehicles). Removing the need to sort the materials at the kerbside has allowed our contractor to collect recycling as quickly as possible and also to use additional compaction vehicles to assist with catching up with late collections.

Q28 Do you have any other comments to make about Proposal 8?

We would question whether this could be seen as anti-competitive as an increase in the number of local authorities collecting materials separately, would reduce reliance on existing MRFs.

Consideration of market prices for different materials will be required. It may be more cost effective to offer comingled collections in some areas and if a MRF can sort the material and achieve similar quality standards to separate collections then it would be difficult to justify separate collections based on either material quality or cost.

Proposal 9

Assuming that we progress with proposals for a core set of materials that must be collected for recycling, the government welcomes views on whether England should move to standardised waste container colours for those materials, together with residual waste, food and garden waste.

Q29 Do you agree or disagree with this proposal?

Agree – bin colours should be standardised for all waste streams

Agree in part – bin colours should be standardised for some waste streams but not all (specify which ...)

Disagree – bin colours should not be standardised for any waste streams

Not sure/no opinion/not applicable

Torbay Council can see the benefit that standardised container colours would offer in terms of consistency of waste and recycling collections between different areas. This would help with public understanding of waste and recycling collections and would be likely to result in higher participation and capture of recycling.

However, the cost of replacing containers is the main disadvantage to this proposal. Torbay would be keen to see a standard set of colours established which can be adopted by local authorities as and when containers are replaced.

To have the maximum benefit, the same colour coding should be used in other places where people generate waste or recycling eg. Work, school, on-the-go.

Q30 There would be potential for significant costs from introducing standardised bins colours from a specific date. What views do you have on a phased approach or alternative ways to standardising the colours of containers for different materials?
Phased approach 1 – as and when waste contracts are renewed
Phased approach 2 – as and when old/unserviceable bins are replaced
Other ways please specify...

Q31 Do you have any other comments to make about Proposal 9?

Torbay Council agrees in principal with standardised container colours, but local authorities must be able to choose type and size of containers.

The phased approach 2 is favoured as this would be seen to be the least wasteful way of changing all containers to a different colour. However we can envisage this could cause a lot of public confusion if someone has a different coloured container to their neighbours. This would make communications very difficult.

Proposal 10

We are proposing to prepare statutory guidance on minimum service standards to which local authorities will be required to have regard. The detail of this guidance will be consulted upon in our second consultation

Q32 Do you agree or disagree with the proposal to publish statutory guidance?

Agree – government should publish statutory guidance

Disagree – government should not publish statutory guidance

Not sure/no opinion/not applicable

Q33 We propose reviewing the guidance every few years, revising it as required and then allowing sufficient lead-in time to accommodate the changes. Do you agree or disagree with this timescale?

Agree

Disagree – it should be more often

Disagree – it should be less often

Not sure/no opinion/not applicable

Torbay Council does not support statutory guidance on minimum service standards, however, no firm timescale for review is stated within the consultation document.

Q34 Subject to further analysis and consultation we propose to use the guidance to set a minimum service standard for residual waste collection of at least every alternative week Do you agree or disagree with this proposal?

Agree

Disagree – it should be more often

Disagree – it should be less often

Not sure/no opinion/not applicable

Q35 Do you have any other comments to make about Proposal 10?

Torbay disagree with the guidance to set a minimum service standard for residual waste collections. Less frequent residual waste collections that have been adopted by local authorities have proven it drives improved participation in recycling and increased capture of target materials for recycling.

The table below shows that of the top ten performing Waste Collection Authorities, in terms of residual waste per capita (to enable waste reduction to be recognised), none of the authorities' residual waste collections are in line with the proposed minimum service standards of both collection frequency and container size for residual waste. To introduce these service standards would be a step backwards and would prevent other local authorities from achieving higher rates of recycling through restrictions on residual waste. This is also evident when comparing the performance of Welsh authorities to those within England.

Local Authority	Recycling Rate (%)	Residual Waste per capita (kg)	Residual Waste Collection Frequency	Residual Waste Container Size (litres)
<i>Stroud</i>	<i>61.2</i>	<i>114.9</i>	<i>2 weekly</i>	<i>140</i>
<i>East Devon</i>	<i>54.2</i>	<i>126.8</i>	<i>3 weekly</i>	<i>180</i>
<i>Vale of White Horse</i>	<i>60.4</i>	<i>127.6</i>	<i>2 weekly</i>	<i>180</i>
<i>Ealing</i>	<i>48.8</i>	<i>128.5</i>	<i>2 weekly</i>	<i>180</i>
<i>Surrey Heath</i>	<i>61.4</i>	<i>129.4</i>	<i>2 weekly</i>	<i>180</i>
<i>Colchester</i>	<i>54.8</i>	<i>130.9</i>	<i>2 weekly</i>	<i>180 / 3 bag limit</i>
<i>South Oxfordshire</i>	<i>63.0</i>	<i>131.9</i>	<i>2 weekly</i>	<i>180</i>
<i>Trafford</i>	<i>58.5</i>	<i>136.2</i>	<i>2 weekly</i>	<i>180</i>
<i>Three Rivers</i>	<i>62.4</i>	<i>136.5</i>	<i>2 weekly</i>	<i>140</i>
<i>Ashford</i>	<i>56.6</i>	<i>136.9</i>	<i>2 weekly</i>	<i>180</i>

We believe it should remain a local authority's choice to set the frequency of residual waste collections based on their knowledge of the local area, housing stock, demographics, local recycling facilities and infrastructure. This goes hand in hand with restrictions on container size for residual waste, which some local authorities

may find a preferable way of limiting residual waste capacity and encouraging recycling.

Torbay Council would like to retain the flexibility to set the frequency of residual waste collection. Restriction of residual waste in terms of frequency or container size, supported by a comprehensive and frequent recycling collection. Moving to a three or four weekly residual waste collection has resulted in reduced amounts of residual waste being collected (-15% in East Devon) and the amount of material collected for recycling increase significantly. Although much resource is moved from the collection of residual waste to the collection of recycling, there are cost savings to be realised in terms of a reduced number of collections and savings on disposal costs. Material income will also increase as a result of recycling more.

Torbay Council has been considering options for residual waste collection in the future. Consultants White Young Green were commissioned to complete a study of the best potential recycling collection vehicles for Torbay and as part of this study they state that a decrease in residual waste of 14% is typical where a three weekly residual waste collection is introduced. An increase of 45% in food waste and 9% in recycling yields is typical for authorities that move to three weekly collections of residual waste. This is based upon trials completed in Somerset.

When increased levels of recycling are realised, this reduces the amount of residual waste to be collected. If weekly food waste collections are offered, this removes much of the putrescible element of that waste stream and reduces the weight and volume to be collected, meaning that less frequent collections or reduced capacity for residual waste become viable.

If further EPR was to be considered for nappies and sanitary / hygiene products, which could fund their separate collection, this would mean that the residual waste stream should be very clean and less frequent collections would become even more acceptable to the public.

Less frequent residual waste collections also have the advantages of reducing the effect of vehicle emissions and congestion. Torbay is a tourist resort and in the summer there is an influx of visitors, with the population increasing by a quarter. The time taken to return to the transfer station to empty a vehicle can easily double in the summer, due to an increased number of vehicles in the road.

Statutory guidance may create inefficiency in some areas. One size does not fit all, for example, how can the Isles of Scilly and Central London be prescribed the same guidance when they are so different.

Proposal 11

We will continue our support for Recycle Now and the tools produced by WRAP to help local authorities to communicate effectively on recycling.

Q36 Do you have any comments to make about Proposal 11?

Torbay Council frequently uses Recycle Now resources and other tools produced by WRAP to help local authorities to communicate effectively with residents. We fully support its continuation and development.

Q37 What information do householders and members of the public need to help them recycle better?

- Clear labelling on packaging
- Door stepping and roadshows to provide face to face, targeted information.
- Service specific information leaflets.
- Website information – tailored to the local services.
- National campaigns with more general information and promotions.
- Collection calendars and Christmas collection dates.
- Signposting to further information about waste reduction / composting / real nappies etc, so that if the resident desires, they are able to manage their waste further up the waste hierarchy. This is the type of communications that has been reduced or stopped as a result of austerity and reducing budgets.

It is important that local communications are provided regularly so that people do not lose motivation with their recycling behaviours. Regularity of communications also helps to ensure that new residents and transient populations are targeted with the communications and consequently able to participate in the recycling services.

Local authorities also require greater power and clarity with regard to the point where encouragement and communication should turn to enforcement. Some residents do not engage with the communications and do not participate in the recycling services or cause issues with quality due to contamination. If residents are not prepared to engage with local authorities, in order to drive high participation levels and capture of materials, enforcement powers are required with appropriate penalties to make non-participation unfavourable.

Proposal 12

We will work with local authorities and others to improve transparency of information available to householders on the end destination for household recycling

Q38 Do you agree or disagree with this proposal?

Agree – government should work with local authorities and other stakeholders on this

Disagree – government should not work with local authorities and other stakeholders on this

Not sure/no opinion/not applicable

Q39 Do you have any other comments to make about Proposal 12?

This information is already available on WasteDataFlow. This proposal could add extra burdens on local authorities to provide information and resources are not available to do this.

The number of end destinations that Torbay Council uses for different streams of recycling is significant and it is common that several destinations might be used for the same material, over the course of a year. This will make providing this information to residents difficult to do in a meaningful way. It can also be difficult to obtain end destination information from the companies that recycling is sold to.

As part of the Devon Authorities Strategic Waste Committee, Torbay works with Resource Futures to knock on resident's doors and provide targeted advice and information about recycling and waste. In Torbay we have received feedback that with regard to information on end destinations, people are most interested to hear about how waste is treated at the Combined Heat and Power Energy from Waste facility and that they commonly express concerns about recycling being exported to China or being disposed of in landfill instead of being recycled. Leaflets were left at any properties where no-one was at home. The leaflet gave people the opportunity to request further information, including information on end destinations. 1006 leaflets were returned with requests for information or advice and of these, 72 asked for information about end destinations (7.16%).

It may be more appropriate for information to be provided at a national or regional level, which will allow for any myths to be disproven.

Proposal 13

End Markets

Q40 Please use this space to briefly explain any comments you have on the issues discussed in this section.

Access to reprocessors is limited within the some areas of the UK, meaning there can be high costs associated with haulage to send materials collected to end destinations. Within the South West this is an issue. The majority of the core materials have to be hauled 100's of miles. Further investment or market intervention may be required to stimulate infrastructure development in the UK.

Stable local markets for the core materials will need to be in place before local authorities start to change their services. This helps to ensure that residents have faith in their recycling collection service and believe that the materials are actually recycled. If no market is available, the material will not be able to be recycled. Alternatively, materials prices may drop as a result of material flooding the market, with supply outweighing demand.

There is concern that within Devon and Cornwall there is a lack of anaerobic digestion facilities for processing food waste. Torbay already collects food waste, but is concerned that as demand for the limited number of facilities increases, with new food waste collections introduced, this will either push the facilities over capacity or drive an increase in gate fees due to increased demand. This would be exacerbated if businesses were also required to have a separate collection of food waste.

Proposal 14

We propose developing a set of non-binding performance indicators for local authorities to use to monitor waste management and recycling and to highlight where services can be improved to delivery higher recycling and minimise waste. In addition to the headline household recycling rate for the local authority we would propose 4 additional indicators covering the yields of dry recycling, food waste for recycling, garden waste for recycling, and residual waste. We would also work with local authorities to develop these and other indicators to reflect areas such as quality or contamination levels and service delivery.

Q41 Do you agree or disagree that introducing non-binding performance indicators for waste management and recycling is a good idea?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

There are a range of performance indicators available on WasteDataFlow now. Performance indicators need to add value and be realistic. The number of PI's were reduced a number of years ago to reduce the burden on local authorities, however, most can be calculated from a local authority's Waste Data Flow submission.

Torbay Council seeks clarity on how the non-binding indicators might be used by government and seeks assurance that they will not be used as a means of withholding funding.

If English local authorities are required to meet the same targets as Wales, Scotland and Northern Ireland, we have concerns that English local authorities will be disadvantaged by the proposed service standards (especially regarding residual waste) and will not be operating on a level playing field.

Q42 Do you agree or disagree that the proposed indicators are appropriate?

Agree

Disagree (please expand ...)

Not sure/no opinion/not applicable

The indicators proposed are not inappropriate, however local authorities are already reporting this information.

If further data is required, this should be viewed as a new burden to local authorities and supported accordingly.

Q43 Do you have any comments to make about Proposal 14 or examples of indicators currently in use that may be of assistance?

Current indicators in use – NI 191, NI 192, NI 193, BVPI 82a & b and BVPI 84.

Proposal 15

We will look at metrics that can sit alongside weight-based metrics and will work with stakeholders to develop these as set out in the Resources and Waste Strategy.

Q44 Do you agree that alternatives to weight-based metrics should be developed to understand recycling performance?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

Q45 Do you agree that these alternatives should sit alongside current weight-based metrics

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

Q46 What environmental, economic or social metrics should we consider developing as alternatives to weight-based metrics?

We would agree with the proposal to consider metrics to sit alongside weight-based metrics, as it will help to prevent local authorities chasing heavier materials for performance, (e.g. garden waste) and allows for decisions about waste management to be based upon environmental benefits instead.

Yes we agree the alternatives should be alongside the current weight based metrics as these are still required for benchmarking purposes. Additionally many contracts are based on weights and will still be required to measure performance.

Potentially carbon, however, we believe that research is required to determine the lifecycle assessment and carbon impact of reusing / recycling / composting / energy recovery of different materials.

If more metrics are introduced to measure performance, any increased resources required at local authority level should be viewed as a new burden and appropriately resourced.

Proposal 16

We want to support and enable greater collaboration and partnership working between authorities where this would accelerate the move to consistent collections and improve recycling and delivery of services.

Q47 Do you agree that greater partnership working between authorities could lead to improved waste management and higher levels of recycling?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

We are already in partnerships with other local authorities. South West Devon Waste Partnership was jointly set up to deal with the residual waste in South Devon, this led to the procurement of the Energy from Waste plant in Plymouth.

Torbay Council is also a member of the Devon Authorities Strategic Waste Committee, a partnership of local authorities comprising of Torbay Council, Devon County Council, East Devon District Council, Exeter City Council, Mid Devon District Council, North Devon Council, South Hams District Council, Teignbridge District Council, Torridge District Council and West Devon Borough Council. This partnership has benefitted from the letting of joint contracts for sale and bulk haulage of recycling; funding of community schemes such as furniture reuse and householder communication campaigns.

Q48 What are the key barriers to greater partnership working?

Partnerships can work well, however they are not without issues. Some of the barriers faced can include objectives not shared by all parties and political aspirations can differ between authorities, which can cause conflict. Budgetary pressures on all or some within the partnership can also be a barrier.

Contract end / renewal dates can also act as a barrier to forming more formal partnerships.

Q49 How might government help overcome these barriers?

Funding and research into the best way to establish and grow waste partnerships.

Q50 Do you have any other comments to make about Proposal 16?

N/A

Part 2 Measures to improve recycling by businesses and other organisations that produce municipal waste

Proposal 17

We want to increase recycling from businesses and other organisations that produce municipal waste. We think the most effective way of doing this would be to legislate so that these establishments have to segregate their recyclable waste from residual waste so that it can be collected and recycled by waste operators.

Q51 Do you agree or disagree that businesses, public bodies and other organisations that produce municipal waste should be required to separate dry recyclable material from residual waste so that it can be collected and recycled?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

Q52 Which of the 3 options do you favour?

Option 1 mixed dry recycling and separate glass recycling; no food waste collected for recycling

Option 2 mixed dry recycling and separate food recycling; no glass recycling
Option 3 mixed dry recycling, separate glass recycling, separate food recycling
Something else (please expand ...)
Not sure/no opinion/not applicable

If householders are expected to present their waste in this way, businesses should also do so. It means confusion between what to do at work and home is eliminated if both are separated in the same way. This will also help to reduce the levels of contamination.

The way that the consultation is worded suggested that it will be a legal requirement for businesses to recycle. We would question why this would not apply to householders and would like to reiterate our answer to question 37 regarding the need for appropriate enforcement powers, if people do not engage with communications.

Q53 We would expect businesses to be able to segregate waste for recycling in all circumstances but would be interested in views on where this may not be practicable for technical, environmental or economic reasons
Yes – it should be practicable to segregate waste for recycling in all circumstances
No – some exceptions are needed for particular circumstances (please provide examples below)
Not sure/no opinion/not applicable

Space available to segregate and present waste for collection, for example older buildings in urban areas, small concessions on beaches and in rural areas may find this a challenge.
Some smaller businesses may not generate enough of a certain waste stream to warrant a collection of it.
Also there could be issues with customers contaminating waste.

Q54 Should some businesses, public sector premises or other organisations be exempt from the requirement?
Yes (which ones and why ...?)
No
Not sure/no opinion/not applicable

Q55 Do you have any other comments to make about Proposal 17?

N/A

Proposal 18

Where a business, public body or other organisation produces sufficient quantities of food waste we propose to legislate for this to be separated from residual waste and arrangements made for it to be collected and recycled.

Q56 Do you agree or disagree that businesses, public bodies or other organisations that produce sufficient quantities of food waste should be required to separate it from residual waste so that it can be collected and recycled?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

Q57 Do you agree or disagree that there should be a minimum threshold, by weight, for businesses public bodies or other organisations to be required to separate food waste for collection?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

If all businesses are expected to recycle this should include food waste as well. It also helps to ensure consistency of behaviour between work and home, which will help to drive higher levels of recycling.

Q58 Do you have any views on how we should define 'sufficient' in terms of businesses producing 'sufficient' quantities of food waste to be deemed in scope of the regulations?

No, all businesses should be obliged to recycle food waste.

Q59 Do you have any views on how we should define 'food-producing' businesses?

Possibly those businesses that receive Environmental Health checks.

Q60 In addition to those businesses that produce below a threshold amount of food waste, should any other premises be exempt from the requirement?

Yes (which ones and why ...?)

No

Not sure/no opinion/not applicable

Q61 Do you have any other comments to make about proposal 18?

Torbay Council has concerns about the capacity within anaerobic digestion facilities in Devon and Cornwall to treat increased levels of household food waste as well as increased business food waste.

Proposal 19

If the proposals above are adopted, we would like to support businesses, public sector and other organisations to make the transition. In particular we would like to find ways to reduce the impact on small and micro businesses.

Q62 What are your views on the options proposed to reduced costs?

Recycling collections should be cheaper than residual waste collections, this acts as an incentive for businesses to recycle and not add a financial burden. If the disposal element of producer payments under EPR were used to subsidise recycling services to act as a further incentive for recycling. Or could be used to stimulate greater levels of recycling within these types of businesses.

Franchising waste collection services, will reduce the amount of operators in an area and mean it is more cost effective for both businesses and the waste operators.

Q63 Are there other ways to reduce the cost burden that we have overlooked?

Delivery of waste and/or recycling to waste sites or HWRC's by businesses.

Q64 Do you have any other views on how we can support businesses and other organisations to make the transition to improved recycling arrangements?

Assistance with communication and education to drive behaviour change.

Proposal 20

As part of implementing consistency, we will work with waste producers and waste collectors in the non-household municipal sectors to improve reporting and data capture on 62 waste and recycling performance of businesses and other organisations. Any requirements will be subject to consultation.

Q65 Do you have any views on whether businesses and other organisations should be required to report data on their waste recycling performance?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

As a local authority we already report waste collection and disposal data.

As a large organisation this would be a burden to report, we have many buildings and use contracts to collect waste and recycling and our contractors do not report to us the weights collected. There will be an increase in costs if waste collectors will have to report this information which will be passed onto the business.

Q66 Do you have any other comment on Proposal 20?

N/A

Consultation on DRS for packaging

Introduction

1. Would you like your response to be confidential? **No**
2. What is your name? **Torbay Council**
3. What is your email address? **Waste&recycling@torbay.gov.uk**
4. Which best describes you? **Local Authority**
5. If you are responding on behalf of an organisation, what is its name?
If you answered 'Yes' above, please give your reason:
6. Does your organisation have any recent experience of a DRS or related policy schemes? **No**
If so, can you please briefly explain your experiences? **N/A**
7. Are you content for the UK government, or in Wales, the Welsh Government, or in Northern Ireland, DAERA to contact you again in relation to this consultation? **Yes**

Basic Principles

8. Do you agree with the basic principles for a DRS?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Torbay Council supports LARAC's views that the implementation of a DRS should be delayed until EPR reforms and consistent collections proposals are introduced and embedded. It is expected both of these will drive recycling and behaviour changes. Introducing a DRS at the same time as consistent collections could possibly confuse the public; do they put an item in the kerbside collection box or take it back to a RVM?

As the capture rate for a DRS is in excess of 70% to be required for a scheme to be financially viable; if targets can be achieved through EPR alone it may negate the need for the introduction of a hugely expensive DRS (£1 billion) which may operate at a loss if material is efficiently collected through kerbside.

Additionally, it is questionable whether the huge expenditure to implement and run a DRS will have a significant impact on litter reduction. According to the data supplied, up to 58% of litter is made up of cigarette butts, chewing gum and fast food packaging which is not addressed under the DRS.

Proposed Models for DRS

9. Should the following materials be-in scope of a DRS:

a. PET bottles

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

There are comprehensive kerbside recycling services for this material and the introduction of a DRS to collect PET would risk duplication of infrastructure for its collection and transfer. Torbay Council has concerns that people will steal materials from recycling boxes awaiting collection to benefit from the deposit return, resulting in increased levels of littering. There is an unknown effect on the material markets if there was a separate stream of pure PET from a DRS. Local authorities tend to sell plastics as a mixed stream and we have concerns that this material stream would become less desirable to reprocessors if a DRS was introduced and it is likely that this will even further reduce their income.

b. HDPE bottles

Yes

No

Neither I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

There are comprehensive kerbside recycling services for this material and the introduction of a DRS to collect PET would risk duplication of infrastructure for its collection and transfer. Torbay Council has concerns that people will steal materials from recycling boxes awaiting collection to benefit from the deposit return, resulting in increased levels of littering. There is an unknown effect on the material markets if there was a separate stream of pure PET from a DRS. Local authorities tend to sell plastics as a mixed stream and we have concerns that this material stream would become less desirable to reprocessors if a DRS was introduced and it is likely that this will even further reduce their income.

c. Aluminium cans

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

There are comprehensive kerbside recycling services for this material and the introduction of a DRS to collect PET would risk duplication of infrastructure for its collection and transfer. Torbay Council has concerns that people will steal materials from recycling boxes awaiting collection to benefit from the deposit return, resulting in increased levels of littering and again further reducing local authority income streams.

d. Steel cans

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

There are comprehensive kerbside recycling services for this material and the introduction of a DRS to collect PET would risk duplication of infrastructure for its collection and transfer. Torbay Council has concerns that people will steal materials from recycling boxes awaiting collection to benefit from the deposit return, resulting in increased levels of littering and again further reducing local authority income streams.

e. Glass bottles

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view. f. Other (please specify)

There are comprehensive kerbside recycling services for this material and the introduction of a DRS to collect glass would risk duplication of infrastructure for its collection and transfer. Torbay Council has concerns that people will steal materials from recycling boxes awaiting collection to benefit from the deposit return, resulting in increased levels of littering. There would also be implications in terms of health and safety when handling glass for people who are untrained (eg. at manual return points). This again would further reduce local authority income streams.

10. Should the following materials be in scope of a DRS:

a. Cartons e.g. Tetrapack

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

If a DRS was introduced Torbay Council would prefer that the materials that were collected were ones that weren't widely recycled at the kerbside or that are more difficult to recycle. Tetrapaks are collected at the kerbside in Torbay and this material stream is mixed with cardboard. The tetrapaks reduce the quality of the cardboard stream. If tetrapaks were to be diverted to a DRS then this would help to improve the quality of the cardboard collected through kerbside recycling collections.

b. Pouches and sachets, e.g. for energy gels

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

If a DRS was introduced Torbay Council would prefer that the materials that were collected were ones that weren't widely recycled at the kerbside or that are more difficult to recycle. It is these harder to recycle items, which are not targeted by widespread kerbside collections that a DRS should target. This would create a good, clean material stream that would be likely to stimulate demand for the materials from reprocessors and would help to establish new 'widely recycled' material streams, which could then be considered for kerbside collection, in line with the proposed principles detailed in the Consultation on Consistency in Household and Business Recycling Collections in England. This would enable a DRS to work in tandem with kerbside collections and for the two systems to complement one another, instead of working against each other.

11. If a DRS were to be introduced, should provisions be made so that glass bottles can be re-used for refills, rather than crushed and re-melted into new glass bottles?

Yes In line with waste hierarchy

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

Torbay Council does not have enough information to answer this question and would be keen for a study to be commissioned to see if this would be viable.

Drinks in Scope

12. Should the following drinks be in-scope of a DRS:

a. Water

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

b. Soft drinks (excluding juices)

Yes

No

Neither I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

c. Juices (fruit and vegetable)

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

d. Alcoholic drinks

Yes (some)

Yes (all)

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

e. Milk containing drinks

Yes (some)

Yes (all)

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

f. Plant-based drinks (such as soya, rich almond and oat drinks)

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

g. Milk

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

h. Other (please state which):

Disposable single use cups

13. Do you think disposable cups should be in the scope of a DRS?

a. Disposable cups made from paper with a plastic lining (such as those used for coffee)

Yes

No

Neither

I don't know / I don't have enough information

b. Disposable cups made of plastic (such as those used in vending machines)

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view. The government is particularly interested in any evidence on whether or not it would be practical or cost effective to include disposable cups in the scope of a DRS.

If a DRS was introduced Torbay Council would prefer that the materials that were collected were ones that weren't widely recycled at the kerbside or that are more difficult to recycle. It is these harder to recycle items, which are not targeted by widespread kerbside collections that a DRS should target. This would create a good, clean material stream that would be likely to stimulate demand for the materials from reprocessors and would help to establish new 'widely recycled' material streams. This would enable a DRS to work in tandem with kerbside collections and for the two systems to complement one another, instead of working against each other.

If a DRS was introduced then the collection of coffee cups is something that would not be widely replicated by local authority collections. Plastic cups tend to be provided in commercial settings and would not usually fall into the domestic waste stream. If takeaway coffee cups were to be targeted by a DRS this would also have the benefit of targeting another material stream that does not have established recycling infrastructure, it is generally used in an on-the-go setting so less likely to end up being captured by kerbside collections and which the public is keen to see recycled.

Additionally, if coffee cups are not included it will give producers no incentive to ensure these items become more easily recyclable, therefore unlikely to invest in technology to do so. Coffee cups are often littered and therefore should be captured by a DRS if one was introduced.

Material and financial flows

14. Do you agree with the proposed material flows as described above?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

The 'Recycler' has too much control. They are able to set the prices but do not take the risk. The DMO and producers take the risk instead. Producers would also pay twice due to EPR.

There is possibly more than one stage to the 'Recycler' as some materials may be sent for sorting prior to processing.

We question the need for 'Counting Centres' but if they were to be used how many would there be and where would they be located? The 'Counting Centre' seems to replace the need for a 'Transfer station or bulking station', but would this result in an increase in the number of waste transfer facilities required or would existing facilities be redesigned to facilitate the requirements of the DRS generated material streams? Consideration of existing facilities' capacity to expand in terms of available space and also available tonnage within permit conditions and Planning restrictions would be required.

15. Do you agree with the proposed financial flows as described above?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

The financial flows are likely to be oversimplified as there is no indication of how they will be affected by the proposed Extended Producer Responsibility for packaging.

Overlap with packaging ERP scheme

16. Should producers obligated under a DRS be:

- a. Exempt from obligations under the reformed packaging producer responsibility system for the same packaging items?
- b. Also obligated under the reformed packaging producer responsibility system for the same packaging items?
- c. Other (please explain)
- d. I don't know/I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

It is important for costs to be covered either way, whether through DRS or EPR. This means that local authorities need to be compensated for what they collect at the kerbside or in litter bins / clearance. It would be important to monitor the levels of DRS materials that remain in kerbside recycling and residual waste and also in litter bin and litter clearance waste arisings, to ensure that producers were contributing appropriately to meet the net cost of collection, treatment and disposal of the packaging, both from DRS system and that material which is not collected this way and ends up with the local authority.

17. If producers were obligated under both a DRS and a reformed packaging producer responsibility system for the same packaging items, how could we effectively ensure that they would not be unfairly disadvantaged by a 'double charge'?

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

However it is arranged the charge to producers needs to ensure full net cost recovery for the materials that local authorities collect and for the management and operations of the DRS. Unspent deposits should be diverted to the EPR. If the DRS focussed on materials that are not usually collected at the kerbside then this would help to avoid duplication and double payments by producers. Further analysis of what percentage of materials local authorities will be likely to manage is required.

Deposit Material Organisation

18. Do you agree that the DMO should be responsible for meeting high collection targets set by government?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

19. Should the DMO also be responsible for meeting high recycling targets set by government?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

20. Should unredeemed deposits be used to part-fund the costs of the DRS system?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

The costs associated with a DRS should be covered by the producers. This should be a full net cost recovery, as per EPR.

As any of the packaging that hasn't been captured by the DRS are likely to end with the local authority for collection and disposal this revenue should be used to fund the full net cost recovery for this process.

21. If unredeemed deposits are not used to part-fund the costs of the DRS system, do you agree they should be passed to government?

Yes

No

Neither

I don't know / I don't have enough information Please briefly state the reasons for your response. Where available, please share evidence to support your view

As any of the packaging that hasn't been captured by the DRS are likely to end with the local authority for collection and disposal this revenue should be used to fund the full net cost recovery for this process.

22. Do you have alternative suggestions for where unredeemed deposits could be allocated?

The unredeemed deposits should be diverted to the EPR scheme to contribute towards the cost of collecting, treating and disposing of items missed by a DRS.

23. If the scheme is managed by the DMO, which of the following bodies should be represented on the management board:

a. Industry (drinks producers)?

b. Government

c. Trade associations representing those hosting return points (e.g. retailers, small shops, transport hubs)?

d. Companies representing those hosting return points (e.g. retailers, small shops, transport hubs)?

e. Other (please specify) Local government; WRAP; collectors; hauliers; reprocessors; Environment Agency

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

A DRS would overlap with local authority functions and local authorities don't yet know what their role will be in it. If there is a possibility that local authorities might be involved in the collection from DRS return points, their representation will be essential.

24. Should there be government involvement in the set-up/running of the DMO body?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

The government should allow WRAP to represent them. Whoever manages the DMO must be fully transparent and auditable so that the flows of both material and the revenue streams are clearly visible to all. A good example is the management of Waste Data Flow.

25. Do you agree with the government's proposals that a DMO would:

a. Advise government on the setting of the deposit level/s

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

The level of deposit charged on DRS materials would need to be carefully set to ensure that consumers are motivated to return items. If the deposit was too low then this would not result in high recycling rates through the DRS. However, if the deposit is too high, then there is a danger that consumers would be discouraged from purchasing the items in favour of ones that weren't included in the DRS. The deposit level would then ultimately impact on the materials that are captured by local authority collections at the kerbside and in litter bins and through litter clearance. To enable local authorities to plan and to organise their activities with maximum efficiency, stability in the amounts and types of materials captured by local authorities is required.

b. Set producer/importer fees

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response.
Where available, please share evidence to support your view

As long as this covers the DRS costs and also ensures the full net cost recovery of the materials not captured by the DRS and collected, treated and disposed of by local authorities. It will be important to ensure that there is room for movement in these fees to ensure that the currently unknown effects of the introduction of a DRS can be recognised within the financial model.

c. Be responsible for tracking deposits and financial flow in the DRS – and ensuring those running return points are paid the deposits they refund to consumers

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response.

Where available, please share evidence to support your view

If a DRS is introduced then the DMO has to control all aspects of question 25 c – h as they will be the accountable body who ensures this scheme functions correctly.

d. Set and distribute the handling fees for return points

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

e. Be responsible for ensuring that there are appropriate return provisions for drinks containers in place, and that these are accessible?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

f. Be responsible for maintenance of reverse vending machines (RVMs) and provision of bags/containers to those running manual return points

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

g. Own the material returned by consumers

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

h. Reimburse those transporting returned drinks containers to recyclers/counting/sorting centres – and manage these contracts

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

i. Fund counting sorting/centres – and manage the contracts for counting/sorting centres

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

We question the need for separate counting / sorting centres and would like further information about how the collection, transfer, counting and sorting of DRS materials will be managed. The Impact Assessment suggests that reverse haulage would be the preferred option, but there is no information about where the sorting and counting centres would be and whether these would be incorporated into existing waste transfer and treatment facilities.

j. Be legally responsible for meeting the high collection targets set by government for drinks containers within scope of the DRS.

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

k. Measure and report recycling rates to government

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

As per Waste Data Flow.

l. Run communications campaigns to aid consumer understanding of the DRS

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Producers

26. Do you agree with our proposed definition of a producer?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Yes based on the definition within the consultation document.

27. Should there be a de minimis which must be crossed for producers and importers of drinks in-scope of a DRS to be obligated to join the scheme?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

The costs of managing waste / recycling / litter are the same regardless of the size of the company which placed the item on the market. It is important that all companies placing items on the market are covered by the DRS. In Torbay much of the littering that occurs happens after people use smaller, local outlets, including independent takeaways and concessions on public beaches. This is another situation where the producer pays principle should be applied.

28. Should a de minimis be based on:

a. Number of employees

i. If yes, how many employees?

b. Sales figures

ii. If yes, what figure?

c. Volume/weight of drinks put on the market

iii. If yes, what volume/weight?

d. None of these

e. Other

29. If there is a buy back scheme for recycled materials, do you have evidence for how this could be effectively run?

As a local authority we have cannot comment on this.

Set up costs

30. In line with the principle of full net cost recovery, the government proposes that producers would cover the set up costs of the DMO?

Do you agree with this proposal?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

Torbay Council supports the principle of full net cost recovery.

31. Should the DMO be responsible for co-ordinating the set-up of the DRS, including buying RVMs and an IT system?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

If the DMO is to be responsible for the ongoing management of the RVMs and the IT system required, then it is imperative that they are involved in its set up.

Operational costs

32. Should producers of drinks within a DRS be responsible for DRS operational costs?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

Torbay Council supports the principle of full net cost recovery and the application of the producer pays principle.

Retailers/Return provisions

33. Which of the following should be obligated to host a return point?

a. Retailers who sell drinks containers in scope

b. Transport hubs

c. Leisure centres

d. Event venues

e. None of these

f. Other (please specify)

Please briefly state the reasons for your response. Where available, please share evidence to support your view

Torbay Council does not support a DRS, however, if one was to be introduced we would prefer for it to be one that can work in tandem with local authority kerbside collections, as stated in question 10 and could be used to stimulate wider recycling of materials that are not commonly collected at the kerbside or are more commonly used on-the-go than in the home. If a DRS was to be introduced, Torbay Council would prefer for it to be focussed on increasing on-the-go recycling, so the selected return point locations have been suggested.

34. What might the impacts be on those hosting:

(a) Reverse vending machines? Where available, please share evidence to support your view.

Space constraints; maintenance arrangements; customer queries and assistance; impact of vandalism; fly tipping or littering of not in scope materials; collection arrangements; power source; waste transfer legislation; health and safety implications; accessibility for consumers; administrative burden

(b) Manual return points? Where available, please share evidence to support your view.

Space constraints – many small local businesses are already limited in the space that they have available to store their own commercial waste; maintenance arrangements; customer queries and assistance; collection arrangements; waste transfer legislation; health and safety implications e.g. Manual handling; accessibility for consumers; administrative burden; technology requirements and training; how would they be audited?

35. Are there any Health and Safety-specific implications that may be associated with hosting return points?

Handling and moving waste – manual handling; hygiene risks from returned containers.

36. Is there a de minimis level under which businesses who sell drinks in scope should be exempt?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

If a DRS is introduced it needs to be accessible to all and should be used to try to ease littering problems associated with small independent outlets such as takeaways. This allows for application of the producer pays principle.

37. Should a de minimis be based on:

a. Floor size

i. If yes, what floor size?

c. Sales figures for drinks in scope (no b listed)

ii. If yes, what figure?

d. Number of employees

iii. If yes, how many employees?

e. None of these

f. Other (please specify)

38. Please briefly state the reasons for your response. Where available, please share evidence to support your view

We do not support a de minimis and if a DRS is introduced it needs to be accessible to all and should be used to try to ease littering problems associated with small independent outlets such as takeaways. This allows for application of the producer pays principle.

39. Do you have alternative suggestions for return provisions that could be used to accept the return of drinks containers? Please provide details.

N/A

40. For consumers who would have difficulty returning empty drinks containers, what provisions could be put in place so that these consumers are able to return drinks containers and receive their deposit refund?

If people have the ability to purchase items then they should also have the ability to return them, providing return points are provided at all points of purchase. Some people may require the person that does their shopping to return containers for them. One area that could leave an issue in terms of accessibility would be whether a DRS could also be facilitated through reverse haulage by online delivery vehicles due to the practicalities and hygiene implications of transporting waste and recycling in the same vehicle that is being used to deliver food and variable volumes involved. Also these vehicles would need waste carriers licences to back haul as any DRS material would be deemed as waste.

41. What provisions could be put in place for rural areas where there may be few small retail outlets spread over a wider area, in order to ensure that there are adequate return and collection facilities?

Torbay is not a rural authority, but we advocate all retailers being obligated to host return points to ensure that the DRS is as accessible as possible to all consumers regardless of where they live.

42. Do you have evidence that would help inform us about whether there is potential for siting RVMs outdoors e.g. in parks, at existing outdoor recycling centres, on highstreets?

If RVMs were to be located at recycling centres this would increase demand for entry to these sites, which may place a strain on the existing service and increase waiting

times for people using the sites as well as increasing traffic congestion leading to the sites.

The existing infrastructure at the recycling centre would need to be considered and how the collection and onwards haulage for the DRS materials would fit within the waste streams already managed at the site. Throughout the consultation document reference is made to DRS material streams being separate to local authority recycling centre, kerbside and commercial streams and will be of a higher quality, attracting greater revenue. If the DRS streams were needed to be kept separate from recycling centre and kerbside streams then in Torbay the space limitations at our recycling centre and transfer station would be prohibitive to managing DRS streams in addition to recycling centre; kerbside and commercial waste streams.

Within parks, high streets and other more open locations consideration would need to be given to power supply; potential for vandalism; care, monitoring and maintenance e.g. Who is responsible for reporting need for repairs?; Potential for fly tipping and littering of non-target materials at the sites; What is the capacity of a RVM and how often would it need to be emptied?; if RVMs were to be placed on tourist beaches would they be removed during winter so they wouldn't get damaged by storms?

43. Should online retailers selling drinks in in-scope containers be obligated to pick up and refund DRS material?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where possible, please provide supporting information.

This allows for application of the producer pays principle and also helps to prevent online companies free-riding the system.

44. Should there be a de minimis under which online retailers would not be obligated to pick up and refund DRS material?

Yes

No

Neither

I don't know / I don't have enough information

If yes, should a de minimis for online retailers be based on:

- a. Sales figures for drinks in scope
- b. Number of employees
- c. None of these
- d. Other (please specify)

45. Should certain businesses which sell drinks in in-scope drinks containers host return points, e.g. pubs, hotels, cafes? Please provide details.

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where possible, please provide supporting information

46. Should there be an opportunity for retailers that don't stock drinks / those who may not be obligated to provide a return point to 'opt-in'?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where possible, please provide supporting information.

This will help to ensure adequate coverage of return points across the country and ensure heightened accessibility to the return points.

47. Do you have any further views, comments or evidence in relation to retailers not already covered above?

The introduction of a DRS should not be looked at in isolation but consideration should be given to the affects that this might have on other social issues, such as town centre regeneration. The town centres in Torbay are declining as a result of online and out of town shopping. If a DRS is focussed around supermarkets over a certain size then there is a danger that this will further impact upon the decline of the town centres.

On Trade sales

48. How should a DRS account for 'on-trade' sites such as bars and restaurants

No comment to make.

The deposit

49. What do you consider to be the optimum deposit level to incentivise return of drinks containers? Please briefly state the reasons for your response. Where available, please share evidence to support your view.

If the deposit level is set too low then there will not be enough incentive to consumers to return the items and a higher percentage of in scope materials will remain within the local authority waste, recycling and litter collection and disposal infrastructure. In which case it will be essential to ensure that full net cost recovery of the management of the packaging is applied and that the local authority's costs for managing this packaging is met.

However, if the deposit level is set too high there is a risk that people will take materials from kerbside recycling collection containers and would be likely to cause littering of non-target materials when doing so. This would cause dis-amenity and

will have an effect on local authority collections in terms of reduced material income, as well as additional costs associated with the clearance of the litter.

50. Should the deposit level be a flat rate across all drinks containers covered by the DRS?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

We believe that consideration should be given to the consumer here. It may be more equitable to set the deposit as a percentage of the sale price instead of using a flat rate, although this would be more complicated to administer. It should also be considered whether the deposit level should represent the material that it is for and whether the costs of collecting, treating and disposing of this material should be a factor considered within the deposit level.

51. Should there be an alternative deposit level for drinks containers in a multipack, rather than each container carrying the same deposit?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

52. How do you think deposits should be redeemed? Please tick all that apply.

a. Voucher (for deposit value, printed by the reverse vending machine or by the retail assistant at manual drop-off points)

b. Digitally (for example a digital transfer to a smartphone application)

c. Cash

d. Return to debit card

e. Option to donate deposit to charity

f. Other (please state)

g. None of the above

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Issues can be identified with many of the options here, but again this is an aspect of a DRS that will be central to the accessibility of the scheme to all consumers. In order to reduce the opportunity for fraud and also to discourage vandalism of any machines that may be sited in open spaces, cash should not be used. This will also reduce the need to visit the RVMs to fill them with cash.

With the technology available today, a DRS should take advantage of this and make the refund of the deposit work in a similar way to other electronic transactions that people complete. However, as not all people use smartphones or would feel safe

having a deposit returned to their debit card a voucher system would be required for those who wanted to use it, but this would create another layer of admin for those administering the scheme and may be open to fraud at manual return points. It might be possible for consumers to set up an online account to manage their deposit returns and the RVM could register the amounts returned and credit them to the consumer's account for them to redeem as they wish remotely from the RVM.

Sending material on for recycling and data recording

53. Should the DMO be responsible for ensuring that there is evidence that drinks containers have been recycled?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Existing legislation will require this to a certain extent in terms of waste transfer obligations and reporting associated with running a site with a waste permit. Reporting could be electronic and could be based on similar principles to Waste Data Flow.

54. In addition to reporting on collection rates, should the DMO also be obliged to report on recycling rates of in-scope drinks containers?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

This helps to ensure transparency of the scheme. It will be important to consider how far this reporting goes and how the materials not captured by the DRS end up being presented to local authorities as either kerbside recycling, residual waste collection, litter bins or litter clearance and how the effectiveness of the DRS is impacting on local authority collection, treatment and disposal costs and efficiencies.

Transparency

55. How do you think transparent financial flows in a DRS could be achieved most effectively? Please explain your answer, providing evidence where available.

Transparency is not covered in any detail in the consultation document. Within local government there is a desire for as much transparency as possible in the way that payments to cover the full net cost of collecting, treating and disposing of materials not captured by a DRS. The DMO will need to be responsible and accountable for all transactions undertaken by this scheme and they will need to be externally audited on an annual basis.

Monitoring and Enforcement

56. Would Environment Agencies in England, Wales and Northern Ireland be best placed to monitor/enforce a DRS covering England, Wales and Northern Ireland? If no, why and is there another body that would be better suited to perform this function?

Yes

No

Neither

I don't know / I don't have enough information

Please explain your answer.

The Environment Agency is already the regulatory authority for waste and has the knowledge, expertise and powers to perform this function. It would be essential for the monitoring activity to be adequately funded for it to be meaningful.

We do not believe that the monitoring and enforcement of a DRS should be completed by the local authority as the scheme encompasses many private sector organisations and the whole idea of DRS is that very little of the material included should end up being collected by them.

57. How frequently should the DMO be monitored? (This monitoring would look at, i.e., financial accounts, material flows, proof of recycling rates, setting of deposit level (if done by the DMO))

a. Annually

b. Bi-annually

Other (please specify)

58. How often should producers be checked for compliance with the DRS (if compliance is obligated)?

a. Annually

b. Bi-annually

Other (please specify)

59. Should enforcement focus on:

a. A sample of producers?

b. All producers?

60. Should any penalties (fines) on the DMO or producers/importers be set by the regulator appointed to monitor the DMO?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Although there is no clear guidance on who the regulator would be, assuming that it was the Environment Agency then they should have the power to issue fines and

penalties at appropriate levels in relation to the seriousness of the offence. The full cost of monitoring and enforcement should be funded by the DRS.

Fraud

61. Are there any points in the system which you think would be particularly susceptible to fraud? Please state

At the RVMs, depending on how they work; manual return points; bin mining for deposit values

62. Which labelling/markings on drinks containers in scope would best protect against fraud? Please select all that apply:

- a. Deposit value amount
- b. Marking indicating inclusion in DRS
- c. Existing product barcode (containing DRS information when scanned)
- d. Other (please specify)
- e. None of the above

Please explain your answer. We are particularly interested in evidence of effective fraud prevention in existing DRS systems.

No comment to make – more research is required.

63. How could return via reverse vending machines (RVMs) best be protected against fraud? We are particularly interested in any evidence you may have to support suggestions.

N/A

64. How could the process of manual returns best be protected against fraud? We are particularly interested in any evidence you may have to support suggestions.

N/A

65. How could a DRS best protect against fraud across Devolved Administrations in the event of similar schemes with common underlying principles (but not one uniform scheme)?

N/A

DRS Options – “all in” or “on the go”

66. Should drinks containers over a certain size, for example beer kegs and containers used for water coolers, be excluded from an all-in DRS?

Yes

No

Neither

I don't know/I don't have enough information

Please state the reasons for your response. Where available, please share evidence to support your view

It is uncommon for these items to be captured by local authority collections. They are largely used in commercial premises and we understand that there are already facilities in place to return these containers when they are replaced.

67.If drinks containers over a certain size were excluded from an all-in DRS, what should the maximum cut-off size be?

> 3 Litres

> 4 Litres

> 5 Litres

Other

There should be no maximum size cut-off

Please state the reasons for your response. Where available, please share evidence to support your view

68. Do you agree with our definition of 'on-the-go' as less than 750mls in size?

Yes

No

Neither

I don't know/I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

On the go drinks tend to be 500ml or less.

69.Do you agree with our definition of 'on-the-go' as excluding multipack containers?

Yes

No

Neither

I don't know/ I don't have enough information

Please briefly state the reasons for your response, including in which cases multipack containers should not be excluded from our definition of 'on-the-go'. Where available, please share evidence to support your view

This depends on where the multipack is most likely to be consumed. For example, there may be occasions such as large events where multipacks are purchased as an on the go item and discarded assuming it to be the responsibility of the event organiser to dispose of. DRS could make the purchaser of the goods consider taking their containers to a deposit point if there was a value to be recovered to them.

70.Based on the information above, and where relevant with reference to the associated costs and benefits outlined in our impact assessment (summarised below), which is your preferred DRS option?

All-in

On-the-go

Neither

I don't know / I don't have enough information

Please state the reasons for your response. Where available, please share evidence to support your view

We believe that this will have the least impact on local authority kerbside collections and will have the best impact on targeting areas where littering is a problem.

Outcome of impact assessment

71. Do you agree with our impact assessment?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

Page 10 of the Impact Assessment comments that WRAP have stated that people over-report their on-the-go recycling behaviour, yet the Impact Assessment states that the higher figures have been used within the calculations, suggesting that there could be an error here.

We also have concerns regarding the litter disamenity value quoted of £986 million which is a hypothetical estimate on very limited data which gives the majority of the perceived benefit of this scheme. Also stated here is a £5.8 billion disamenity of litter benefit across the 27 million households across the UK and this is only a perceived benefit and unlikely to be realistically achieved so should not be included in any calculations.

In 5.4.2.2 GHG Emission reductions, we believe more analysis is needed to confirm that incineration from modern EFW's creates more CO₂e than recycling, when also taking into account the additional mileage needed transport to recycling centres usually not in the same locality. The EFW used by Torbay, Plymouth and part of Devon for its residual waste, has had WRATE analysis data produced showing that it was better for emissions than AD plants. Confirmation is needed to prove the monetised benefit that has been added in the DRS Impact Assessment should be included.

There is also reference to the producer pays principal in this IA being one of the main reasons to introduce DRS to reduce the impact of littering to the natural environment. Therefore, why is this same producer pays principal not seen to be relevant when it comes to garden waste in the consistency consultation where DHCLG want to offer free collection of garden waste which totally contradicts the principal being highlighted in this consultation.

Another statistic quoted from the Marine Conservation Society from their Great British Beach Clean 2017 report showed drinks container litter as part of the three of the top ten item categories found on beaches, with glass and caps and lids. It also showed that litter from eating and drinking on the go counted for 20% of the litter on the beaches. From local beach cleans in Torbay the majority of on the go waste has been washed up from other sources which could include other countries with the material being carried by the tides. This calls into question available evidence that a DRS would improve this position.

English, Scottish and Welsh ministers agreed on the principals for cooperation and joined up thinking on a deposit return scheme if introduced. Again this approach is not consistent with the consistency consultation, in that the frequency of collections in England is proposed to be fortnightly unlike the rest of the UK who don't appear to be restricted to their collection frequency.

One of the main policy objectives is for higher quality recycling which whilst might be achieved through RVM's will have a detrimental effect on local authority kerbside collections in two ways; firstly the high value materials that local authorities receive will dramatically reduce thus reducing income and also local authorities will be left with the low grade materials which are likely due to market forces to achieve lower recycling income.

In the all in option we believe that the increase in recycling rate from the materials having an estimated 85% increase capture rate is excessive as much of this material gained from this scheme will be just be a diversion of material already collected by local authorities in current collection schemes.

It is stated in Economic Benefits of the DRS 5.3 that there will be a reduction in litter cleaning costs. Unless all litter is removed by any one scheme there will be very little saving in litter collection costs as the remaining material will still have to be picked up.

In the sensitivity analysis 6.3.2 it is stated that that this 70% return rate takes into account other people choosing to collect and return litter to receive a deposit even if the original owner did not, what hasn't been allowed for is unscrupulous people or even organised gangs mining kerbside bin collections for valuable materials which can be redeemed at DRS points.

72. Do you think more data is needed?

If yes, please state where.

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

Specifically more data about the composition of litter arisings in all streams of local authority litter collection including litter bins, manual street sweeping and mechanical street sweepings. Including the percentage of which is packaging waste that would be in the scope of a DRS.

More evidence and data is required to justify the huge disamenity value gains that have been included in this consultation for them to be seriously considered. If this cannot be achieved then this figure should not be included.

73. Are there other costs and benefits which we have not covered in our impact assessment?

The Combustible Value (CV) of the feedstock delivered to the South West Devon Waste Partnership, Combined Heat and Power facility and the impact that this could have on our contract obligations.

Changes to the tonnages delivered to the facility could also result in reduced costs due to reduced tonnage, however, the gate fee per tonne would rise as the partnership started to deliver less than the optimum level of waste to realise the best gate fees.

As this system will be in addition to the current local authority collection operation no account or value has been allowed for regarding the additional greenhouse gas emissions that will be generated from the extra collections from the RVM's and transport to recycling facilities.

74. Do you have further comments on our impact assessment? Please be specific.

Introduction of a DRS seems to be replicating much infrastructure that is already in place for the recycling of the materials that have been suggested as being in scope of a DRS. Whilst we can see the opportunities for reverse haulage, we question how viable this will be, especially in more remote areas and in locations that aren't associated with a host company (e.g. town centre locations). Full consideration needs to be given to the extent to which there is already infrastructure which could cope with the collection, treatment and disposal of the in scope materials and where additional facilities would be required to facilitate the scheme.

75. The dual objectives of a DRS are to reduce litter and increase recycling. Do you wish to suggest an alternative model that would be more effective at achieving these objectives? If so please briefly describe it, making reference to any available evidence

A comprehensive kerbside recycling collection across the UK with the full net cost recovery offered by Extended Producer Responsibility, which should include investment in the investigation and development of on-the-go recycling solutions that would help to address the littering issues that a DRS is trying to resolve. At this point in time the effect of EPR on waste and recycling in the UK is still unknown, introducing a DRS at the same time could prevent the effectiveness of the EPR and opportunities for potential symbiosis and shared efficiencies between the two schemes could be lost.

If a DRS was introduced Torbay Council would prefer that the materials that were collected were ones that weren't widely recycled at the kerbside or that are more difficult to recycle. It is these harder to recycle items, which are not targeted by widespread kerbside collections that a DRS should target. This would create a good, clean material stream that would be likely to stimulate demand for the materials from reprocessors and would help to establish new 'widely recycled' material streams, which could then be considered for kerbside collection, in line with the proposed principles detailed in the Consultation on Consistency in Household and Business Recycling Collections in England. This would enable a DRS to work in

tandem with kerbside collections and for the two systems to complement one another, instead of working against each other.

76.A potential option for introducing a DRS could be to start with the 'on-the-go' model, and then expand/phase roll-out to 'all-in'. Do you think this would be an effective way to introduce a DRS?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

Torbay Council would prefer for there not to be a DRS, but if there was we would prefer that it was limited to on the go and was not expanded to become an all in scheme later.

Outcomes of what we are trying to achieve

77.Do you think a DRS would help us to achieve these outcomes?

Please briefly state the reasons for your response. Where possible, please share evidence to support your view:

a. Reduction in litter and litter disamenity (include expected % decrease where possible)

Yes

No

Neither

I don't know / I don't have enough information

This will depend on the extent of the DRS and how accessible it is to consumers across the country. It will also depend on the deposit level and how well this incentivises consumers to return their items. Socio-demographics are also likely to impact on return rates, meaning that different effects on littering are likely to be seen in different areas.

Torbay Council's litter collection costs are dictated by our contract with TOR2 and the cost of street cleansing and litter clearance is not available separately to the overall contract costs of the whole Street Scene service contract. In Torbay during 2017-18, 1081 tonnes of litter were collected from litter bins and through street sweeping but as a local authority we have no current estimation of the percentage of our litter, recycling and residual waste streams are composed of items that will be in the scope of a DRS, whether it is on the go or all in, or even what percentage of litter is made up of packaging. Torbay Council believes that further work is required to look at the composition of litter collected through all methods (street sweeping, litter bins, recycling on the go bins) and to establish what percentage of this litter is packaging.

We also have concerns that if the deposit level is set too high, people will steal 'in scope' items from recycling boxes and waste containers and would create a littering problem whilst doing so.

b. More recycling of drinks containers in scope of a DRS, especially those disposed of 'on-the-go'

Yes

No

Neither

I don't know / I don't have enough information

If a DRS was accessible at the point that litter is usually produced then there is scope for it increase recycling rates. People's behaviour changes when they are away from their home and consideration is needed of whether people will take home empty containers after a day on the beach, to claim back a deposit that represents a small fraction of the cost of their day out. We would like to see further research into the behaviour of people away from the home and how likely that are to use a DRS.

c. Higher quality recycling

Yes

No

Neither

I don't know / I don't have enough information

If material streams generated by a DRS were managed separately to those generated by local authority collections there is potential for the local authority streams to de-value due to the availability of the DRS streams, which the consultation will be of a higher, more desirable quality than kerbside schemes. This would impact negatively on the cost of collection for local authorities. Consideration of the capacity of existing infrastructure to manage separate higher quality material streams and keep them separate from the lower quality, kerbside streams of very similar material types. It is likely that similar material streams would have the same List of Waste Code for identification, which would result in mixing of the two streams where capacity for keeping them separate is limited operationally, preventing the additional revenue for a cleaner material stream from being realised.

d. Greater domestic reprocessing capacity through providing a stable and high quality supply of recyclable waste materials

Yes

No

I don't know / I don't have enough information

If a DRS was to be designed to complement existing collections for materials that are already collected widely at the kerbside and was to focus on more marginal materials such as coffee cups and crisp packets, this could help to stimulate markets for these materials and remove them directly from the residual waste stream, instead of displacing materials from kerbside collections.

78. Do you think a DRS, as set out in this consultation, is necessary in helping us achieve the outcomes outlined above?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

The actual effects of the proposed Extended Producer Responsibility scheme for the UK are currently unknown. Torbay Council believes that the introduction of a DRS should be delayed and further investigated to ensure that a robust system which has been designed to work in tandem with existing waste and recycling collection services provided through both the public and the private sector from homes and businesses.

Alternative approaches

79. Do you think the outcomes of what we are hoping to achieve could be reached through an alternative approach?

Yes

No

I neither agree nor disagree

Other (please state)

I don't know / I don't have enough information

Please explain your answer, providing evidence where available.

- Introduce EPR and allow to embed and review its effects on waste and recycling services and performance.
- Ensure that EPR includes funding for innovation and research in to waste management practices, for example how we get recycling on the go to work, so that materials can be captured for recycling.
- Ensure that local authority budgets are supported to the extent that pre-austerity service levels for litter collection and clearance can be re-introduced and maintained.
- Research the potential for a DRS to be introduced which can complement existing recycling services and that can be used to generate markets for more marginal materials which are not commonly collected at the kerbside (e.g. Crisp packets, coffee cups and tetrapaks).

80. Do you think an alternative approach would be a better way of achieving the outcomes?

Yes

No I neither agree nor disagree

Other (please state)

I don't know / I don't have enough information

Please explain your answer, providing evidence where available.

Please see answer to Question 79.

Further detailed questions

81.Are there particular local authority considerations that should be taken into account when considering whether to implement either an “all-in” or “on-the go” model?

This has been covered in our previous answers.

82.Are there specific considerations associated with your local authority that DRS policy makers should consider? (Specific examples and any cost estimates, where applicable, would add value to this response).

This has been covered in our previous answers.

83.What benefits and/or disadvantages can a DRS provide to your local authority? Specific examples and any cost estimates, where applicable, would add value to this response).

This has been covered in our previous answers.

84.Are there any specific considerations associated with local authorities that collect waste from designated DRS return points that we should consider? (Specific examples and any cost estimates, where applicable, would add value to this response).

As a local authority the increased costs and logistics of collecting from DRS points would not be something that we would consider undertaking at this time. Mainly because there is not enough detail on its workings to be confident that this would not increase the net cost to the authority.

If local authorities were to collect from DRS return points then the main consideration is whether the material stream from the DRS would need to be collected separately from that collected by kerbside collections or commercial collections. If there was a need to maintain separation then alterations to transfer stations are likely to be required and our current site certainly does not have capacity for this due to its current footprint.

Design of drinks containers

85.How should a DRS drive better design of packaging?

Please select all that apply:

a. Varying producer fees that reflect the environmental cost of the products that producers are placing on the market

b. An additional producer fee for producers using unnecessary and/or difficult to recycle packaging

c. Other (please specify) d. None of the above Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Packaging design needs to align itself with the EPR proposals.

86.Who should be involved in informing and advising on the environmental cost of products? Select all that apply

- a. Government
- b. Reprocessors
- c. Producers
- d. Local Authorities
- e. Waste management companies
- f. Other (please specify)

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

It is the responsibility in the main of those who produce the original products but government and waste management companies probably need to have some input to ensure the correct management of these materials.

DRS and other waste legislation

87. Do you agree or disagree with our assessment of other waste legislation that may need to be reviewed and amended?

Agree

Disagree

Neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

88. Do you have evidence to suggest that we might need to revise any other waste-related regulations as part of introducing a DRS? Please specify.

N/A

Further comments

89. Is there anything else we should be considering related to drinks container recycling and litter reduction which has not been covered by other questions?

N/A

Consultation on EPR for packaging

Introduction

1. What is your name? **Torbay Council**
2. What is your email address? **Waste&recycling@torbay.gov.uk**
3. Which best describes you?

Local government

4. Please provide any further information about your organisation or business activities that you think might help us put your answers in context. (Optional)

Unitary Authority

5. Would you like your response to be confidential?

No

Our approach

Q6. Do you agree with the principles proposed for packaging EPR?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response. Specifically, if you respond No, please identify which principles you do not agree with and explain why.

Torbay Council supports the principles of the proposed packaging EPR and would welcome a move towards a more circular economy. The principals proposed for packaging EPR allow for application of the producer pays principle and facilitate funding for local authority waste and recycling collections, transfer, treatment and disposal of packaging as well as the cost of administering and enforcing the scheme.

Q7. Do you agree with the outcomes that a packaging EPR should contribute to?

(a) Yes

(b) No

(c) I neither agree nor disagree

If you answered No, please state which outcomes you do not agree with.

Whilst the outcomes that are stated in the consultation document are broadly agreeable, Torbay Council does not support a DRS and has responded separately to the DEFRA consultation on DRS.

Q8. Do you think these types of items not currently legally considered as packaging should be in scope of the new packaging EPR system?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

As most local authorities do not offer recycling collection services for these items, the majority of them currently end up in the residual waste stream. There is therefore an opportunity here to either redesign such products for improved recyclability; encourage behaviour change to more reusable items or for producers

to meet the cost of disposal for these difficult to recycle items, allowing for further application of the producer pays principle.

Q9. Which of these two classifications best fits with how your business categorises packaging?

(a) Primary, secondary, tertiary

(b) Consumer-facing and distribution/transit

(c) Neither – please say why, and provide a description of how your business categorises packaging

The classifications described in the consultation document are not used by Torbay Council to categorise packaging. As a Unitary Authority, we are concerned with whether the packaging becomes waste at either a domestic or commercial source. This will affect the way that the packaging waste is collected and also the way that the collections are funded.

When describing waste streams for transfer and treatment, Torbay Council's contractor TOR2 is legally obliged to use the List of Waste classification system.

If there was a move to describe packaging in one of the two ways described, 'Consumer-facing and distribution/transit', would be preferred.

Key Principles

Q10. Do you agree with our definition of full net cost recovery?

(a) Yes

(b) No, it does not fulfil the Polluter Pays Principle

(c) No, it goes beyond the Polluter Pays Principle

Please briefly state the reasons for your response and provide any information to support your view.

There are many aspects to the definition of full net cost recovery that Torbay Council supports. The inclusion of the cost of collection of packaging waste, recycling, litter and fly tipping and the associated transfer and treatment costs is welcomed.

Torbay Council supports the funding of both national and local communications campaigns for packaging waste reduction, recycling and littering reduction.

Torbay Council supports the inclusion of costs related to data recording and feels it is appropriate that this includes local authority costs in relation to using Waste Data Flow.

Whilst we appreciate that the consultation document provides an outline of the broader principles, when defining full net cost recovery it is essential to ensure that all costs are considered. Torbay Council seeks clarity that the following costs have been considered and accounted for;

- Collection cost of packaging within the residual waste stream. We would also question whether landfill tax will be considered as a cost of residual waste

treatment and if a tax on incineration was to be introduced in the future, whether this would be included as part of the net cost calculation.

- The cost of collection from litter bins as well as litter clearance.
- The cost of providing, delivering and replacing containers required to facilitate recycling and residual waste collection of packaging.
- The effect that EPR will have on the cost of existing residual waste treatment contracts. Torbay Council is part of the South West Devon Waste Partnership (SWDWP) which has procured a joint contract for residual waste treatment at a combined heat and power facility in Plymouth. Whilst a reduced tonnage delivered to the facility by the partners would represent an overall saving to the SWDWP, the rate per tonne paid as a gate fee would increase. The pricing of the disposal contract is based upon tonnages that were forecast by the Partnership and the suggested changes (Consistency, EPR & DRS) to local authority waste streams would significantly change these forecasts. The contract runs until 2039 and if a 12% reduction in residual waste delivered to the facility was experienced, this would equate to a saving of approximately £31 million, but as a result of increased gate fees, we would incur an additional cost of £8.4 million, resulting in a net saving of £22.6 million.
- The cost of support services within a local authority which are used to deliver services, but are not a direct cost of the waste collection or disposal function(s) of the authority.
- Operational tasks associated with delivering waste and recycling services and collection of litter. Including cost of management and supervision of collection crews; training; in-cab technology to facilitate more efficient collections; provision of PPE; weighbridge; Cost of complying with Environmental Permits; bulking and transfer.
- The cost to support the waste and recycling and litter collection and disposal services including customer enquiries and complaints; weighbridge tickets and data management; transfer notes; ICT support, finance support.
- Provision of, collection from, transfer and treatment of packaging collected in recycling banks.
- Packaging waste managed at Household Waste Recycling Centres.
- The cost for any additional administrative burden created by EPR, although we accept that at present this is unknown.

Q11. Do you agree that producers should be required to fund the costs of collecting and managing household and household-like packaging waste, i.e. all consumer facing packaging?

(a) Yes

(b) No

(c) I don't know

If No, please briefly state the reasons for your response and state what waste you think full net cost recovery should apply to.

Q12. Do you agree that packaging for commercial/industrial applications should be out of scope for full net cost recovery?

(a) Yes

(b) No

(c) I don't know

If No, please briefly state the reasons for your response.

As a local authority, management of this waste does not usually fall within our remit and we feel that arrangements would be best made between packaging producers and their commercial / industrial consumers.

Q13. We would welcome your views on whether or not producers subject to any DRS should also be obligated under a packaging EPR system for the same packaging items.

(a) Yes they should

(b) No they should not

(c) I don't know

Please briefly state the reasons for your response.

Torbay Council believes that the introduction of a DRS should be delayed and further investigated to ensure that a robust system which has been designed to work in tandem with existing waste and recycling collection services provided through both the public and the private sector from homes and businesses. We believe that this can be done through the careful selection of the materials that are included in a DRS and do not support the range of materials suggested in the consultation document.

Torbay Council would like to see the full net cost recovery of all packaging waste that we manage as a Unitary Authority. It is important to ensure that the cost of managing materials that are not captured by a DRS are included within the full net cost recovery and that however the payment is made (either through DRS or EPR) that the full cost of managing all capture of that packaging in various waste streams is covered.

Driving Better Design of Packaging

Q14. Do you agree with the development of an 'approved list' of recyclable packaging to underpin the setting of either modulated fee rates or deposits?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

Torbay Council would be keen to see that any list developed was robust, transparent and accepted by all stakeholders. The list would need to be regularly reviewed and updated to capture changes in the net cost of managing different materials over time. Regular review would also be essential to ensure that new innovations in both waste management and packaging design could be normalised, or we would have concerns that the list could potentially limit progress in working towards a circular economy.

Torbay Council believes that local government should be represented in the development of any list of 'approved' recyclable packaging, so that the inherent links with the proposals for collection of core materials within the Consistency consultation, can be incorporated into the list and the two can develop together.

Q15. Do you think the payment of modulated fees or the payment of deposits with the prospect of losing some or all of the deposit would be more effective in changing producers' choices towards the use of easy to recycle packaging?

- (a) Modulated fee
- (b) Deposit (for recyclable packaging) and fee (for non-recyclable packaging)
- (c) I don't know / I don't have enough information

Please briefly state the reasons for your response and provide any information to support your view.

Torbay Council's view is that both methods of paying fees could help bring about changes in packaging design so that products are easier to recycle. Given that the options are directly linked to a particular governance model, it is difficult to assess them purely on the criteria of promoting product design change.

Q16. Do you think there could be any unintended consequences in terms of packaging design and use arising from:

- (a) Modulated fees
- (b) Deposit (for recyclable packaging) and fee (for non-recyclable packaging)
- (c) I don't know / I don't have enough information

Please briefly state the reasons for your response and provide any information to support your view.

There is scope for abuse of both types of system, in terms of falsifying evidence. The current PRN system is open to and has been subject to, such abuse.

If the deposit system was used producers might end up paying more than required to cover the actual costs of managing packaging through the deposit scheme. The deposit scheme would also be more complex and difficult to administer.

Q17. Do you agree that the deposit approach should be designed to incentivise more closed loop recycling?

- (a) Yes
- (b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

If closed loop recycling was given a value by the deposit scheme then this would help to increase the income received for materials used within closed loop recycling.

Obligated Producers

Q18. What do you consider to be the most appropriate approach to a single point of compliance, the Brand-owner or the Seller approach?

(a) Brand-owner

(b) Seller

(c) Other

(d) I don't support moving to a single point of compliance

Please briefly state the reasons for your response and provide any information to support your view.

This will help to ensure that the aim of influencing product design will be most likely to be achieved, as the brand owner will have more influence over product design than the seller.

It also ensures that the changes needed are influenced from the bottom up and assurance of where the compliance needs to be monitored from are clear so that the audit trail is easily traceable.

Q19. If a single point of compliance approach was adopted, do you think the de-minimis should be:

(a) Replaced with a lower turnover threshold?

(b) Retained and wholesalers and direct-to-retail sellers take on the obligation of those below the threshold?

(c) Other, please state

(d) Don't know

Please briefly state the reasons for your response and provide any information to support your view.

This will help to ensure the inclusion of all packaging materials in EPR, without directly placing the burden of compliance onto small businesses.

Q20. Should small cafés and restaurants selling takeaway food and drinks whose packaging is disposed 'on the go' be exempt from being obligated?

(a) Yes

(b) No

(c) Don't know

Please briefly state the reasons for your response and provide any information to support your view.

Within Torbay many of these types of establishments cause littering through their business activity. Their trading can also result in heavy use of litter bins in some areas. This means that additional resources need to be used in the clearance of litter

and more frequent emptying of litter bins. For example, in Torquay the night time economy has a litter problem associated with small takeaways and there are also litter problems when beaches are used heavily in good weather and many people use the independent businesses at the beach.

The inclusion of small cafes and restaurants in EPR will help to ensure that the true cost of managing the waste generated by these premises is recovered and will allow for further application of the producer pays principle. By ensuring that the owners of these businesses are obligated, they will be more likely to provide recycling facilities, helping better on-the-go recycling infrastructure to be developed.

Q21. If shared responsibility is retained, is Option A or Option B preferable for including smaller businesses or the packaging they handle in the system?

(a) Option A (Lower or remove the de-minimis)

(b) Option B (De-minimis threshold remains as is and obligations extended to distributors of packaging or packaged products)

(c) Other, please state

(d) I don't know

Please briefly state the reasons for your response and provide any information to support your view.

Torbay Council would prefer to see a single point of compliance, but if shared responsibility was to be retained then option B seems to deliver changes in packaging design.

Q22. If you have stated a preference for A, do you think the de-minimis threshold should:

(a) Be reduced (please state your suggested threshold)

(b) Be removed entirely

Please briefly state the reasons for your response and provide any information to support your view.

N/A

Q23. Overall, do you have a preference for maintaining a shared responsibility compliance approach, or moving to a single point of compliance?

(a) Shared responsibility

(b) Single point of compliance

Please briefly state the reasons for your response and provide any information to support your view.

A single point of compliance will help to ensure compliance by all and will help to avoid free riding. There is also scope for a single point of compliance scheme to drive change in packaging design, more quickly than a shared system would.

Q24. Do you have a preference for how small businesses could comply?

(a) Pay a flat fee to include a contribution to a communications fund

(b) Apply an allocation formula

(c) Other, please describe

Please briefly state the reasons for your response and provide any information to support your view.

An allocation formula would help to provide incentive to reduce and /or change packaging. It also means that the fee paid would be relative to the size of the business.

Q25. Do you think that requiring operators of online marketplaces to take the legal responsibility for the packaging on products for which they facilitate the import would be effective in capturing more of the packaging that is brought into the UK through ecommerce sales?

(a) Yes

(b) No

(c) Other, please suggest options

Please briefly state the reasons for your response and provide any information to support your view.

It will be easier to manage compliance with a smaller number of businesses than it would to manage compliance of users of the marketplaces, although we would question how this could be enforced.

The packaging generated by the business activity of these marketplaces is currently present within the waste and recycling managed by local authorities, for which they are currently bearing the cost.

Over the last ten years the amount of cardboard collected for recycling in Torbay has significantly increased as more and more people shop online. In 2010-11, 1,794.91 tonnes were collected from household sources, by 2017-18 this increased to 3,712.77. This has caused problems with the sizing of the compartments on the collection vehicles used to collect recycling and has increased the number of journeys required to empty the vehicles, increasing the cost of collection. This is a problem that is exacerbated at Christmas and has contributed towards operational issues resulting in unreliable recycling collection services within Torbay, following Christmas.

Supporting Improved Collections Infrastructure

Q26. Do you agree payments to local authorities for collecting and managing household packaging waste should be based on:

(a) provision of collection services that meet any minimum standard requirements (by nation);

(b) quantity and quality of target packaging materials collected for recycling;

(c) cost of managing household packaging waste in residual waste

Please briefly state the reasons for your response and provide any information to support your view.

(a) NO

Torbay Council believes that local authorities should receive payments for the packaging that they manage as a fundamental principle of an EPR scheme. We

do not believe that this should be dependent on minimum service standards and we do not believe that service standards should differ between different nations within the United Kingdom. Torbay Council does not wish to be put in a position where minimum service standards could have the perverse effect of payments being withheld if a local authority is unable to meet the service standards for genuine reasons.

(b) YES

Torbay Council believes that quantity of materials collected for recycling should form part of the basis of payments. However, if quality was to be included local authorities would be at risk of being penalised in terms of withheld payments. For local authorities, quality issues often arise due to consumers making incorrect choices when recycling waste. Torbay Council believes that the cost of communicating with consumers to help ensure that material quality is maximised, is part of the cost of managing packaging waste and should be treated as such.

(c) YES

It will be important to ensure that this is based on true costs. There are significant differences in the cost of managing residual waste at both regional and even local levels and these differences need to be captured within the payments to ensure transparency. It will also be essential to ensure that the composition of residual waste is known so that a fair and transparent recovery of costs can be obtained. This will change over time, which needs to be considered.

Q27. Do you think we have considered all of the costs to local authorities of managing packaging waste?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

Torbay Council seeks clarity that the following costs have been considered and accounted for;

- Collection cost of packaging within the residual waste stream. We would also question whether landfill tax will be considered as a cost of residual waste treatment and if a tax on incineration was to be introduced in the future, whether this would be included as part of the net cost calculation.
- The cost of collection from litter bins as well as litter clearance.
- The cost of providing, delivering and replacing containers required to facilitate recycling residual waste collection of packaging.
- The effect that EPR will have on the cost of existing residual waste treatment contracts. Torbay Council is part of the South West Devon Waste Partnership

(SWDWP) which has procured a joint contract for residual waste treatment at a combined heat and power facility in Plymouth. Whilst a reduced tonnage delivered to the facility by the partners would represent an overall saving to the SWDWP, the rate per tonne paid as a gate fee would increase. The pricing of the disposal contract is based upon tonnages that were forecast by the Partnership and the suggested changes (Consistency, EPR & DRS) to local authority waste streams would significantly change these forecasts. The contract runs until 2039 and if a 12% reduction in residual waste delivered to the facility was experienced, this would equate to a saving of approximately £31 million, but as a result of increased gate fees, we would incur an additional cost of £8.4 million, resulting in a net saving of £22.6 million.

- The cost of support services within a local authority which are used to deliver services, but are not a direct cost of the waste collection or disposal function(s) of the authority.
- Operational tasks associated with delivering waste and recycling services and collection of litter. Including cost of management and supervision of collection crews; training; in-cab technology to facilitate more efficient collections; provision of PPE; weighbridge; Cost of complying with Environmental Permits; bulking and transfer.
- The cost to support the waste and recycling and litter collection and disposal services including customer enquiries and complaints; weighbridge tickets and data management; transfer notes; ICT support, finance support.
- Provision of, collection from, transfer and treatment of packaging collected in recycling banks.
- Packaging waste managed at Household Waste Recycling Centres.
- The cost for any additional administrative burden created by EPR, although we accept that at present this is unknown.

Q28. Do you agree with our approach to making payments for the collection of household-like packaging waste for recycling?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

A true net cost recovery is required in the same way that it is for household waste and recycling. This needs to account for the geographical locations of businesses as this has a massive effect on collection costs.

It will be important to ensure that recycling collection companies pass on the producer payment element of the service to the customer, so that recycling is incentivised.

Q29. Should businesses producing household-like packaging receive a payment for the costs of household-like packaging waste in residual waste?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

If a payment was received by these businesses then there would not be a fiscal mechanism to incentivise recycling within businesses. It might be possible to use the payment to subsidise recycling services to act as a further incentive. Or instead of passing the payment on, the money could be used to stimulate greater levels of recycling within these types of businesses.

Q30. Are there other factors, including unintended consequences that should be considered in determining payments to:

(a) Local authorities? Please explain the reasons for your response and provide any information to support your view

The effect that EPR will have on the cost of existing residual waste treatment contracts. Torbay Council is part of the South West Devon Waste Partnership (SWDWP) which has procured a joint contract for residual waste treatment at a combined heat and power facility in Plymouth. Whilst a reduced tonnage delivered to the facility by the partners would represent an overall saving to the SWDWP, the rate per tonne paid as a gate fee would increase. The pricing of the disposal contract is based upon tonnages that were forecast by the Partnership and the suggested changes (Consistency, EPR & DRS) to local authority waste streams would significantly change these forecasts. The contract runs until 2039 and if a 12% reduction in residual waste delivered to the facility was experienced, this would equate to a saving of approximately £31 million, but as a result of increased gate fees, we would incur an additional cost of £8.4 million, resulting in a net saving of £22.6 million.

The material markets and how the fluctuations will be captured by the EPR system. At present material prices represent a huge risk to many local authorities / waste collection contractors.

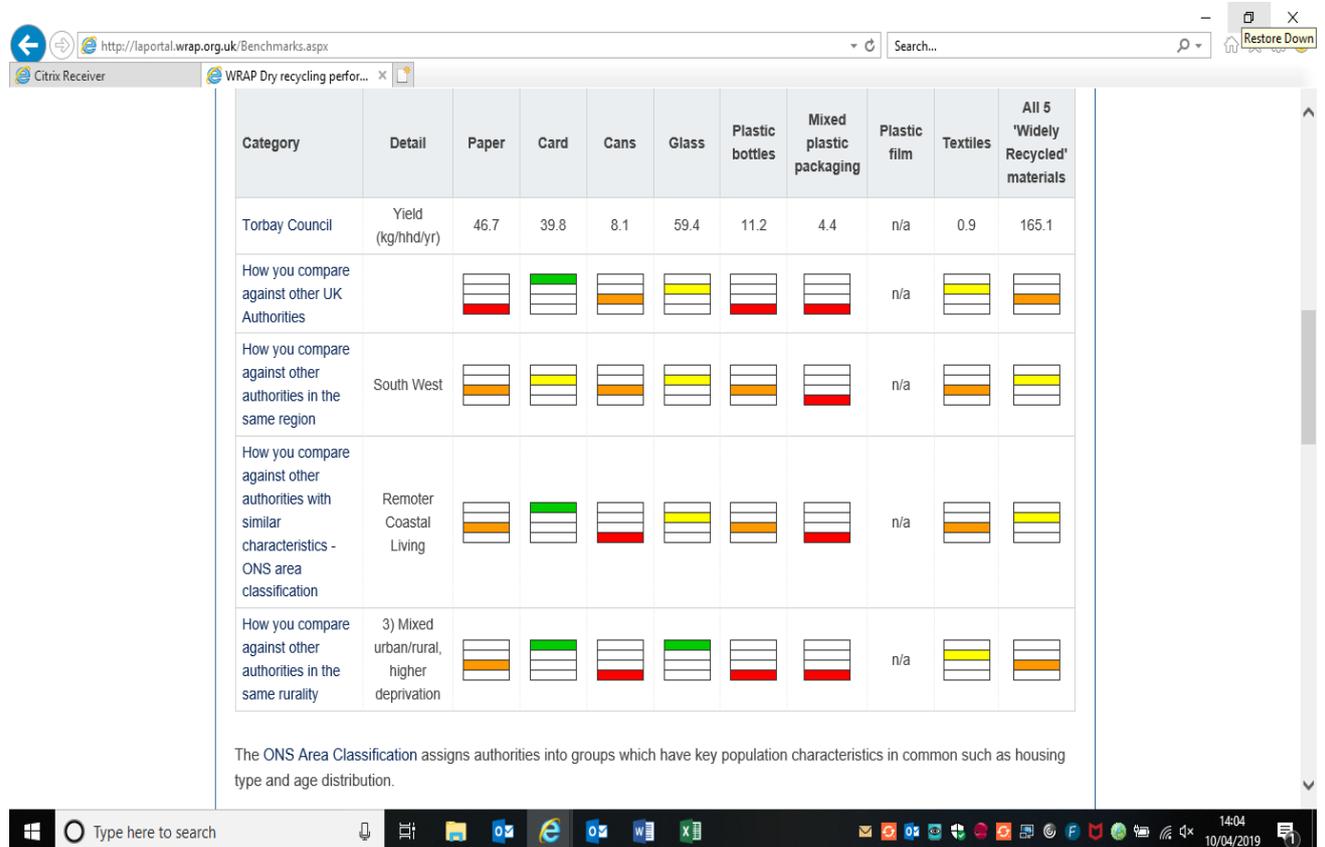
Where local authorities use a contractor for waste and recycling collection services, how it can be ensured that the contractor passes on the producer payments to local authorities in a fully transparent way.

Torbay Council shares LARAC's concerns about the use of the reference cost that the consultation document refers to, which may become used as a ceiling for funding to local authorities. This would be against the principle of full net cost recovery.

Torbay Council believes that this has been over simplified. Although socio-demographics are central to recycling performance, there are many other factors which can affect performance. Two authorities with very similar characteristics can perform very differently in terms of recycling performance. Factors such as local communications, materials

collected, how the materials are collected (kerbside sort or comingled) housing stock (space and design) can all affect recycling performance and these factors aren't accounted for in the formula above.

When comparing Torbay's recycling performance against other local authorities with similar socio-demographic characteristics, significant differences can be seen. Using the WRAP Local Authority Portal <http://laportal.wrap.org.uk> the following differences in recycling performance can be observed.



The Local Authority Portal also provides benchmarking data regarding local authorities in the same 'rurality' as Torbay. Due to the huge differences in performance of authorities in the same rurality as Torbay (Mixed Urban/Rural, higher deprivation), we do not believe that this would be a suitable factor to base payments upon.

http://laportal.wrap.org.uk/Benchmarks.aspx

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Kerbside material-specific recycling and residual performance 2016/17 - Rurality - Rurality 3 (Mixed Urban/Rural, higher deprivation)

	Paper (kg/hh/yr)	Card (kg/hh/yr)	Cans (kg/hh/yr)	Glass (kg/hh/yr)	Plastic bottles (kg/hh/yr)	Mixed plastic packaging (kg/hh/yr)	Textiles (kg/hh/yr)	All 5 'Widely Recycled' materials (kg/hh/yr)	Household Residual Waste collected at kerbside (kg/hh/yr)
Minimum*	20.2	5.5	4.9	3.8	6.2	3.2	0.0	92.3	642.6
Lower quartile	42.0	24.1	8.3	43.0	11.5	4.9	0.5	140.3	489.3
Median	63.9	28.5	9.6	49.5	13.7	5.4	0.8	167.9	453.7
Upper quartile	83.8	33.4	11.4	57.7	15.7	6.2	1.0	187.2	398.7
Maximum	101.7	52.4	17.0	88.9	24.2	9.6	3.5	231.3	219.4
Count	73	73	73	65	72	53	16	64	73

Quartiles for residual benchmark tables have been reversed in comparison to those for recycling so that a local authority appears in the upper quartile if their yield is in the bottom 25% of all authorities in the comparison group. This recognises the reduction in residual waste produced as an indicator of performance.

*As values are rounded to the nearest 1 decimal place, minimum values of 0.0 may occur.

The location / region of a local authority within the country also needs to be considered. For example, there are less recycling facilities and infrastructure within the South West (especially Devon and Cornwall), meaning that local authorities and their contractors need to haul materials further to the reprocessors, resulting in increased costs.

Torbay Council also has concerns about the use of formulas / methods of calculation that are not specific to the local authority. There is fear that if a funding formula was used then this might leave Torbay Council with a budget deficit. This was the case when a formula was applied for bus passes

How will an efficient service be defined and if a service is considered to be inefficient how will this be addressed? We believe that if a service is identified as inefficient then measures should be taken to support that local authority in developing their service to run efficiently, taking into account local factors which may affect efficiency, rather than for the local authority to be penalised through withheld / ceiling payments.

It is essential that geographical differences which impact on the cost of waste and recycling and its efficiency are fully taken into account, to allow for true full net cost recovery.

- (b) For the collection and recycling of household-like packaging waste? Please explain the reasons for your response and provide any information to support your view.

How to ensure that producer payments are passed on and used to incentivise sustainable waste management within businesses producing household-like waste.

Q31. Do you have any information that would help us to establish the costs incurred by local authorities and other organisations of cleaning up littered and fly-tipped packaging items?

Torbay Council's litter collection costs are dictated by our contract with TOR2 and there is no separate identification of the cost of managing packaging as opposed to other types of waste. There is no local evidence to demonstrate what percentage of litter or fly tipping is made up of bottles and cans, so this is difficult to estimate.

Based on the February 2018 WRAP Cymru study 'The Composition of Litter in Wales', which looks at litter collected through a variety of methods including litter bins, recycling on-the-go bins and street sweeping, dense plastic, including plastic bottles and plastic tubs and trays accounted for 16.4% and ferrous and non-ferrous metals including cans made up 11.6% of the litter sampled. However, there is no indication of the percentage of these materials that are packaging.

In Torbay during 2017-18, 1081 tonnes of litter were collected from litter bins and through street sweeping. Using the figures from the WRAP Wales study, this suggests a potential annual arising of 177 tonnes of dense plastics and 125 tonnes of metal. However, only a percentage of this would be packaging.

Torbay Council believes that further work is required to look at the composition of litter and fly tipping, collected through all methods (street sweeping, litter bins, recycling on the go bins) and to provide data regarding the cost of management of littered and fly-tipped packaging waste. The cost of this research should be borne by packaging producers allowing for further application of the producer pays principle.

In 2013 the street cleansing budget was cut by £128,000 in Torbay and the services rationalised. The number of sites of litter and dog waste bins was reduced and the frequency that areas outside of the town centres were swept, both mechanically and manually, was reduced. The chewing gum removal service ceased and the frequency of hot washing was reduced. This was a result of austerity and was completed to achieve a balanced budget.

Q32. How do you think producer fees could be used to improve the management of packaging waste generated on-the-go?

The fees should be used to establish a national network of on-the-go litter provision, which offers consistent services to avoid consumer confusion.

Communication and education should be funded by the producer fees to encourage behaviour change outside of the home and to tackle issues with contamination of on-the-go recycling bins, which currently leads to much of the litter collected for recycling to be disposed of instead. This should be focussed at both national and local levels.

Research should be funded so that the composition of litter and on-the-go packaging waste can be better understood and the correct materials targeted.

Ultimately the producer fees should be used to encourage behaviour change and incentivise consumers not to use single use products. For example, across Devon the 'Refill Devon' project encourages the use of refillable water bottles and has established a network of establishments which offer free refills of water bottles, to try to reduce the number of single-use plastic bottles that are generated on-the-go.

Q33. Do you have any information that would help us to establish the costs of collection and disposal of increased on-the-go provision?

Torbay Council does not have any separate information on the cost of the on-the-go recycling provision. Torbay Council's litter collection costs are dictated by our contract with TOR2 and there is no separate identification of the cost of on-the-go recycling provision.

Where facilities are provided, there are problems with contamination, which means that the material is commonly disposed of rather than recycled.

We believe that further research is required to develop a strategy for on-the-go recycling provision and we believe that this should be funded by EPR.

Q34. Do you agree that provision for the take back of single-use disposable cups for recycling should continue to be developed a voluntary basis by business prior to a government decision on whether disposable cups are included under an EPR scheme or DRS?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

It is important to make sure that these cups are captured under EPR or DRS. Torbay Council would prefer that disposable cups were covered by a DRS, as these are often used on-the-go and are not often collected using local authority recycling services.

Q35. Do you think the recycling of single-use disposable cups would be better managed through a DRS or EPR scheme?

(a) DRS

(b) EPR

(c) Both

(d) None of these options

Please briefly state the reasons for your response and provide any information to support your view.

Torbay Council would prefer that disposable cups were covered by a DRS, as these are often used on-the-go and are not often collected using local authority recycling services. It is important to ensure that the cost of managing any cups that arise in the residual waste stream are included in full net cost recovery (EPR).

The success of the plastic bag tax in the UK should be built upon with different materials, such as disposable cups, to drive behaviour change. Additional legislation in line with the plastic bag tax would ensure that this was achieved quickly and would almost completely eradicate their use. Offering better incentives to reuse cups will also massively improve the situation whilst also reducing on-the-go littering and reduce litter bin arising's, which ultimately are either landfilled or incinerated.

Q36. Do you think a recycling target should be set for single-use disposable cups?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

We do not believe that a specific target is required and that if the methods suggested in question 35 were used to encourage recycling and behaviour change, this would work to achieve high levels of waste minimisation and recycling.

Communication and education would encourage behaviour change, so that more people would choose to use reusable cups and if a tax was introduced similar to the plastic bag tax, this would drive waste minimisation of disposable cups.

The management and reporting would be too onerous.

Helping Consumers do the right thing – communications and labelling

Q37. Should producer fees be used to support local service related communications delivered by local authorities?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Local, service related communications are part of the cost of managing packaging waste and recycling. It has been proven that communications and education are effective at encouraging behaviour change and driving higher levels of recycling. In order to use a waste and recycling service effectively, people need to be able to understand how to use it and locally specific communications are essential for this.

Communication and education are also effective ways of tackling issues with quality of materials. If consumers are able to separate their waste properly for recycling this has a direct effect on improving the quality of materials collected.

Any funding to support local communications should be delivered as a specific grant and ring fenced for local waste communications, to allow for transparency.

Q38. Should producer fees be used to support nationally-led communications campaigns in each nation?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

We believe that national communications effectively support local communications and help to drive behaviour change and higher levels of recycling. The campaign materials currently provided by WRAP are invaluable to local authorities and help to ensure consistent messages regarding recycling across the country. We would be keen for the government to commit to the further development of the national communication resources.

In some circumstances, where materials are appropriate to be the focus of waste minimisation rather than recycling (eg. Disposable cups), the need for communication would be reduced as the use of the items decreased. Legislation to force such changes would be required as has been evidenced by the plastic bags tax.

Q39. Are there any circumstances where producers should be exempt from contributing to the cost of communications campaigns?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

If producers are making packaging, they should be responsible for the cost of communications to ensure that their consumers know how to manage the packaging when it becomes waste.

Q40. Do you agree it should be mandatory for producers to label their packaging as Recyclable/Not Recyclable?

a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

At present on-pack recycling information is confusing to the consumer and can be misleading. Everything can be recycled where facilities exist and there are currently different messages being communicated to consumers depending on their location in the country.

Labelling needs to be clear and unambiguous and the recyclability of packaging should be linked to the core consistency materials identified for collection at the kerbside.

We support LARAC's view that OPRL should be taken forward as the mandatory label for recycling in the UK as it is already well recognised by customers, is widely backed and used by the retail and packaging industry.

Q41. Do you think that the percentage of recycled content should be stated on product packaging?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

Torbay Council believes that the most important message to be present on packaging is about whether the item can or cannot be recycled. We are unclear about whether its inclusion would encourage people to change their purchasing choices and are concerned that additional messages, including recycled content percentage could cause confusion.

Q42. If you responded yes to the previous question, how could recycled content information be provided to consumers? Please describe briefly.

N/A

Q43. Do you have any other proposals for a labelling system? Please describe briefly.

As a local authority we support WRAP and LARAC's work on developing OPRL.

Q44. Do you have experience to suggest an appropriate lead-in time for businesses to incorporate any mandatory labelling requirements?

No.

Q45. In your view, are the estimates made in the Material Flow reports for packaging waste arising the best available data?

(a) Yes

(b) No

(c) I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.

Although we believe that the estimates made in the material flows may be the best available data, we believe that further work is required to establish robust and reliable data for packaging waste. If future policy is to be based on this data then we do not believe that it is adequate and would like to see further research to develop data in this area.

Q46. Are you aware of any other factors which may affect the estimates of packaging waste entering the waste stream?

(a) Yes

(b) No

(c) I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.

Torbay Council supports LARAC's view that with regards to the alternative methodology to packaging reporting outlined on page 62 of the consultation, it should be noted that contamination, including process loss, is reported consistently by local authorities in Waste Data Flow as a result of the recently updated question 100.

Material flows must be clearly evidenced. There may be concerns about sample size and frequency which can be allayed by implementing and enforcing a consistent sampling regime, similar to that introduced through the MRF Code of Practice. Even a limited sample size is preferable to theoretical modelling based on "variations in the weight data for individual packaging items used to calculate total packaging."

Q47. In your view, are there other factors which may affect the amounts of obligated tonnage reported?

(a) Yes

(b) No

(c) I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.

Q48. Do you agree with the packaging waste recycling targets proposed for 2025?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your responses and provide any information to support your view.

The targets are ambitious and we would question the assumption that an additional 4-5% increase would come from consistent collections. These materials are already collected by local authorities, so uplifts of 4-5% in 2025 and up to 12% (steel) by 2030 are unrealistic unless there are significant changes in consumer behaviour and participation in recycling. As EPR and Consistency are not due to be introduced until 2023, the timescale to meet these targets may be too short.

For local authorities, targets are useful and can help to drive service improvements and higher levels of recycling, but the targets need to be realistic and take into account local characteristics which may affect performance in that area.

Q49. Do you agree with the packaging waste recycling targets proposed for 2030?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your responses and provide any information to support your view.

See comments for question 48.

Q50. Please provide your views on the policies and actions that could help us achieve an even higher overall packaging recycling rate, for example 75%, as well as your views on the costs associated with doing so.

- Restriction on residual waste in terms of frequency or container size, supported by a comprehensive and frequent recycling collection. Moving to a three or four weekly residual waste collection has resulted in reduced amounts of residual waste being collected (-15% in East Devon) and the amount of material collected for recycling increase significantly. Although much resource is moved from the collection of residual waste to the collection of recycling, there are cost savings to be realised in terms of reduced number of collections and savings on disposal costs. Material income will also increase as a result of recycling more.

Torbay Council has been considering options for residual waste collection in the future. Consultants White Young Green were commissioned to complete a study of the best potential recycling collection vehicles for Torbay and as part of this study, they state that a decrease in residual waste of 14% is typical where a three weekly residual waste collection is introduced. An increase of 45% in food waste and 9% in recycling yields is typical for authorities that move to three weekly collections of residual waste. This is based upon trials completed in Somerset.

- Campaigns to encourage behaviour change and increase participation in recycling.
- Compulsory recycling, supported by a robust enforcement regime, to be used in situations where education and communication have failed.
- Direct charging for the collection of household waste. Evidence from other countries shows that this is a massive driver for behaviour change.

Q51. Do you foresee any issues with obtaining and managing nation specific data?

(a) Yes

(b) No

(c) Don't know

Please briefly state the reasons for your responses and provide any information to support your view.

Waste Data Flow shows that it is possible for complete and robust data to be provided. This will also be simplified as more waste data is held electronically.

Q52. Should a proportion of each material target be met by "closed loop" recycling, e.g. as is the case for glass recycling targets?

(a) Yes

(b) No

(c) I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.

We would not want to see secondary materials lose their market value by being used to create lower value products. The additional costs of collection and sorting that may be incurred to deliver material for a closed loop application would need to be covered if closed markets are more costly to provide material for.

Q53. Should government set specific targets for individual formats of composite packaging?

- (a) Yes
- (b) No

(c) I don't know / I don't have enough information

If yes, what key categories of composite packaging should be considered?

Please briefly state the reasons for your responses and provide any information to support your view.

Whilst targets for individual formats of composite packaging may help to improve sorting and recycling infrastructure for these products, we would prefer to see a DRS used to stimulate recycling infrastructure for items that are more difficult to recycle or that have underdeveloped infrastructure for its recycling and that are not commonly collected at the kerbside.

Q54. Do you agree with the proposed interim targets for 2021 and 2022 set out in Table 6?

- (a) Yes
- (b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your responses and provide any information to support your view.

We believe that the targets may be too ambitious as changes are not due to be introduced until 2023.

Q55. Do you agree with the proposal to increase the allocation method percentage to 35% for 2021 and 2022?

- (a) Yes
- (b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your responses and provide any information to support your view.

Governance Arrangements

Q56. Overall, which governance model for packaging EPR do you prefer?

- (a) Model 1
- (b) Model 2**
- (c) Model 3
- (d) Model 4

Please briefly explain your preference.

Model 2 allows local authorities to deal with only one organisation, so there will be no procurement or contracting issues and therefore offers a degree of simplicity and clarity which would be beneficial to local authorities.

The model reduces the need to issue evidence, which is a current failing of the PRN system. Central registration and reporting to one organisation will help to ensure transparency and reduce free-riding and will simplify enforcement.

Provides certainty to local authorities that funding for their services will be available and there will be no preferential treatment of local authorities depending on their location.

Torbay Council is keen to see local authorities represented in the governance arrangements.

Q57. If you had to modify any of the models in any way to make them better suited to achieve the principles and outcomes government has set for packaging EPR what changes would you suggest?

Whilst Torbay Council prefers Model 2, whichever model is chosen we are keen to see the following principles working within that model;

- Avoidance of evidence stockpiling and profiteering, as has been witnessed under the current system.
- Concept of full net cost recovery must be central to the model and should ensure that contributions are adequate to cover full net cost recovery.
- Where evidence is required in order for payments to be made this must be simple and transparent.
- Model should not introduce a burden to local authorities, especially if this is not included in full net cost recovery.
- Timing of payments – it is essential that local authorities receive payments as quickly as possible.
- Producer payments must be adequate to deliver full net cost recovery.
- Model must be able to allow for export of waste for recycling.

Q58. Do you have any concerns about the feasibility of implementing any of the proposed governance models?

a) Yes

b) No

c) If yes, please provide specific reasons and supporting information for each governance models that you have concerns about.

Model 1 – this would require more resources for local authorities to manage due to the need to renew contracts with the bidding compliance scheme. We have found that due to the higher costs of managing WEEE in a rural area, there have been issues with attracting a WEEE compliance scheme.

Model 3 – For local authorities this would result in duplication of contact due to the need to deal with waste from businesses and waste from households separately.

Model 4 – Potential payment mechanisms and cash flows appear to be complicated compared to other models. Model 4 also refers to producers needing to pay more than full net cost. Model 4 is not proven and is not currently in operation in another country, making it un-proven and a greater risk for the UK to implement.

Q59. Do you think that any of the governance models better enable a UK-wide approach to packaging producer responsibility to be maintained whilst respecting devolved responsibilities?

Model 2 as one single central body would be able to have a strategic oversight which can benefit the UK as a whole.

Q60. Stakeholders have suggested that a compliance fee mechanism similar to the arrangements currently in place under the WEEE producer responsibility scheme should be introduced if a competitive evidence market continues to operate such as in Model 1. Do you agree?

(a) Yes

(b) No

(c) I don't know / I don't have enough information

Please briefly state the reasons for your response and provide any information to support your view.

Torbay Council does not support the use of Model 1. The fact that the WEEE compliance scheme is not currently meeting the targets set and producers are having to pay top up fees suggests that the model for the WEEE system is not suitable to be applied to EPR.

If a similar model to that used for WEEE was used, Torbay Council would be looking for assurances that all local authorities would be partnered with a compliance scheme and that none were left unrepresented and unable to benefit from full net cost recovery.

Q61. Should a Packaging Advisory Board be established to oversee the functioning of the EPR system and the compliance schemes in the competitive compliance scheme model 1 or do you think other arrangements should be put in place?

(a) Packaging Advisory Board

(b) Other – please provide details

Please briefly state the reasons for your response and provide any information to support your view.

Torbay Council does not support Model 1 and believes that a Packaging Advisory Board would add to the complexity of this model. As a result of EPR the UK needs guided and considered plans for developing infrastructure. A strategic oversight from one organisation is more likely to provide this.

Q62. Please let us know your thoughts as to whether the proposed single management organisation should be established on a not-for-profit basis or as a government Arm's Length Organisation.

Torbay Council does not have strong views on this, but is keen to see a transparent and accountable organisation, with representation of all stakeholders, including local authorities.

Q63. If such a management organisation is established as not-for-profit, one option is for government to invite proposals from potential operators and then issue a licence to operate for a defined period of time. Do you agree with this approach?

(a) Yes

(b) No

(c) If no, would you like to suggest an alternative approach?

Providing that the requirements of the scheme are clearly defined and an appropriate analysis of the bids was completed. The length of the licence period would need to be carefully considered in order for it to be long enough for strategic decisions to be made. The organisation would need to be independent from the main stakeholders of EPR.

Q64. Should a single scheme be established for household/household-like packaging and C&I packaging as described for model 2?

(a) Yes

(b) No

(c) I don't know / I don't have enough information

Please briefly state the reasons for your response and provide any information to support your view.

Torbay Council supports Model 2 and believes that it should be used to ensure compliance across all sectors.

Q65. Or, should there be a separate system for managing compliance for household/household-like packaging and C&I packaging as described for model 3?

(a) Yes

(b) No

(c) If yes: could model 3 work as described? Or would additional mechanisms be required to make this approach work effectively, please indicate what these might be?

(d) If no: do you have suggestions on an alternative approach?

Torbay Council does not support Model 3 and believes that Model 2 should be used.

Q66. Under model 4 are producers more likely to?

(a) Manage their own compliance?

(b) Join a compliance scheme?

Please briefly state the reasons for your response and provide any information to support your view.

Torbay Council does not support Model 4.

Responsible management of packaging waste domestically and globally

Q67. Do you agree that government should seek to ensure export of packaging waste is undertaken in a transparent and environmentally responsible manner?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

To ensure sustainable waste management and legal compliance. Communication is required to build confidence in exported waste and what happens to it when it leaves the country.

Q68. Do you agree that measures identified here would help ensure the export of packaging waste is undertaken in a transparent and environmentally responsible manner?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

Providing that adequate resources are made available for regulators, the measures will improve compliance with legal exportation requirements and will help to ensure reliable export markets for materials.

Q69. Have we missed potential measures that you believe need to be considered alongside those measures we have proposed?

(a) Yes

(b) No

(c) If yes, please explain which potential measures should be considered.

Q70. Do you have any concerns about the feasibility and / or costs of implementing any of the proposed measures?

(a) Yes

(b) No

(c) If yes, please provide specific reasons and supporting information for each measure that you have concerns about.

With regard to measure ten (10) and the sorting and cleaning of packaging before reprocessing and/or export, we would be concerned about the additional cost burden that might be placed on local authorities to facilitate this. We are also concerned that this might not always be required and would prefer to see this as a requirement only if it was necessary.

A more transparent system

Q71. Do you agree that accredited reprocessors and exporters should be required to report their financial information?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view. If you answered no, how would you suggest transparency is provided on how income from the sale of evidence has been used to support capacity building?

As transparency is one of the main issues with the current PRN system, this needs to be tackled as part of an EPR system.

It will be important to make sure that the information requested is of sufficient detail to be able to ensure transparency. High level accounts may not be adequate for this.

Q72. Should accredited reprocessors and exporters be required to generate evidence for every tonne of packaging waste that they process?

a) Yes

b) No

c) I don't know

Please briefly state the reasons for your response and provide any information to support your view.

This will help to ensure that EPR is auditable and transparent and local authorities have to account for every ton of waste that comes under their control via Waste Data Flow so why should this not the case for reprocessors.

Q73. Should accredited reprocessors and exporters be required to report on the packaging waste they handle monthly?

a) Yes

b) No

c) I don't know

Please briefly state the reasons for your response and provide any information to support your view.

Timely data will help to smooth out market conditions if there is to be a market element to the model chosen.

Q74. Do you think that any additional measures to those already described would be required to ensure transparent operating of the evidence market in model 4?

(a) Yes

(b) No

(c) I don't know

If yes, please provide details

Torbay Council does not support Model 4 due to concerns about the way that the current PRN system operates and the similarities between Model 4 and the current PRN system.

Q75. Are there any additional requirements that should be placed on compliance schemes to ensure greater transparency of their operations and reporting?

(a) Yes

(b) No

(c) I don't know

If Yes, please briefly state the reasons for your response and provide any information to support your view.

Torbay Council supports Model 2, which does not require compliance schemes.

Q76. Under a reformed system do you think compliance schemes should continue to be approved by the existing regulators or do you think a different approach is required?

(a) Yes, approved as now

(b) Other, please explain

However the EPR scheme is regulated, sufficient resources are required to ensure its full and thorough regulation.

Q77. Are there any additional requirements of a single producer organisation to ensure transparency of its operation and reporting?

(a) Yes

(b) No

(c) I don't know

If yes, please briefly state the reasons for your response and provide any information to support your view.

Further work is required to develop a potential single producer organisation. Local authorities should be represented in the governance arrangements.

Q78. Do you think there is a need to make more information on packaging available to consumers?

a) Yes

b) No

Please briefly state the reasons for your response and provide any information to support your view.

Information on packaging needs to be easy to understand and not contradictory or misleading. The correct information in a place that is trusted and reliable could help to inform purchasing habits and to drive behaviour change.

This information would be best provided at a National level rather than locally for consistency.

Compliance Monitoring and Enforcement

Q79. Are there other datasets that will be required in order to monitor producers in any of the proposed models?

(a) Yes

(b) No

If yes please explain which datasets will be needed.

As EPR is only in the early stages of development in the UK it will be important to remain open minded about whether further data sets are required.

As a local authority data appears to be missing particularly surrounding litter composition and the percentage of this that is packaging. Further information is also required about where packaging is captured (eg litter bin, litter clearance, mechanical sweeping, recycling banks, HWRCs, kerbside recycling, kerbside residual waste). Information about the composition of residual waste sent for disposal will also be important so that true net cost recovery can be achieved.

Q80. Is there a specific material, packaging type or industry sector whereby producing accurate data is an issue?

(a) Yes

(b) No

If yes, please provide further information on where producing accurate data may be an issue.

N/A

Q81. Do you think a single database, as opposed to the current range of methodologies available, would be an effective alternative?

(a) Yes

(b) No

Please briefly state the reasons for your response and provide any information to support your view.

This would be a simple and straight-forward system which will offer clarity and transparency to all stakeholders, which should help to ensure greater confidence in it. It will also help to ensure a consistent application and calculation of obligations.

Q82. Do you agree that compliance schemes (models 1 and 3), the producer management organisation (model 2) or the scheme administrator (model 4) should be responsible for carrying out audits of producers, which should be reportable to the regulators?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

This will help to ensure transparency and prevention of fraud. However if a compliance scheme was to be auditing its own members this could be seen as a conflict of interests. To combat this, the regulator could review a sample of audits.

Q83. Do you support the broadening of legally enforceable notices to obtain required information?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

A strong legal framework is needed to enable the regulator to enforce the scheme. All stakeholders will be keen to see a fair and transparent system with all obligated producers contributing towards the cost of managing packaging waste.

Q84. Are there other enforcement mechanisms that should be considered which would be timely and effective to bring producers into compliance, for example in relation to free riders?

a) Yes

b) No

If yes, please explain which other enforcement mechanisms should be considered.

Fines and ultimately prosecution. We would also like regulators to have powers to request information from accountants and suppliers about the financial and business activities of a suspected free-rider.

Q85. Are there any further data that should be required to be collated / collected via compliance schemes or a single management organisation?

Please provide brief details.

N/A

Q86. Do you think a penalty charge, as described, is the correct lever to ensure packaging recycling targets are met?

a) Yes

b) No

c) I don't know

Please briefly state the reasons for your response and provide any information to support your view.

If a penalty was applied, Torbay Council would be keen to see it set at a level that is more expensive than compliance, so that non-compliance based on cost is not viable.

Q87. Should stakeholders other than reprocessors or exporters be able to issue evidence of recycling?

a) Yes

b) No

c) I don't know

Please briefly state the reasons for your response and provide any information to support your view.

Torbay Council supports LARAC's view that the fewer places within the chain that can issue evidence, then the less likelihood there is for unintended consequences or possible attempts to make commercial gains from the EPR system. By leaving the evidence point at the reprocessor / exporter this also means that there will be no need to adjust weights for non-target or rejected materials, which will help to simplify the system and make it more efficient.

Q88. Are there any additional enforcement powers that should be applied to waste sorters, MRFs and transfer stations handling packaging waste?

a) Yes

b) No

If yes, please explain which other enforcement powers should be available.

Q89. Do you agree with the proposed amendments to enforcement powers relating to reprocessors and exporters?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

Q90. Do you have any evidence to indicate that under any of the proposed governance models the likelihood of waste packaging being imported and claimed as UK packaging waste might increase?

(a) Yes

(b) No

If yes, please provide information on any evidence you have.

Q91. Is the current requirement for a sampling and inspection plan and subsequent auditing by the regulator sufficient to address any misclassification of imported packaging waste?

(a) Yes

(b) No

Please briefly state the reasons for your response and provide any information to support your view.

N/A

Q92. Are there other mechanisms that could be considered that would prevent imported UK packaging waste being claimed as UK packaging waste under the proposed governance models?

a) Yes

b) No

c) If yes, please explain which other mechanisms could prevent imported packaging waste being claimed as UK packaging waste.

Torbay Council supports LARAC's view that a central database similar to question 100 of Waste Data Flow could be used to help the regulator identify anomalies between reporting and evidence of recycling.

Estimated Costs and Benefits

Q93. Do you have any additional data or information that will help us to further assess the costs and benefits (monetised or non-monetised) that these reforms will have?

N/A

Q94. Do you have further comments on the associated Impact Assessment, including the evidence, data and assumptions used? Please be specific.

There is not sufficient detail in the Impact Assessment to be able to comment on this. The Impact Assessment is not meaningful nor detailed enough in the areas that it should be and is not clear enough.

Better information is required on the assumptions underpinning the data and a clearer explanation of how the costs have been built up is required. It is difficult to provide scrutiny and comment on the Impact Assessment in a meaningful way.

Q95. If you have any other views or evidence that you think we should be considering when reforming the packaging waste regulations, which you have not yet shared, please add them here

N/A



Plastic Packaging Tax

Consultation response submission form

Publication date: 11 March 2020

Closing date for comments: 20 May 2020

Subject of this consultation:	The Plastic Packaging Tax which from April 2022 will apply to plastic packaging manufactured in or imported into the UK containing less than 30% recycled plastic.
Scope of this consultation:	At Budget 2020, the government announced key decisions it had taken for the design of Plastic Packaging Tax in light of stakeholder responses to the previous consultation in 2019. This document provides more information on these announced areas, as well as asking for views on areas of the tax design which have been further refined as we move closer to the implementation date.
Who should read this:	The government would like to hear from businesses, individuals, tax advisers, trade and professional bodies and other interested parties.
Duration:	11 March 2020 to 20 May 2020 (10 weeks).
Lead official:	Alex Marsh, HM Revenue and Customs.
How to respond or enquire about this consultation:	Responses or enquiries should be sent by 20 May 2020, by email to indirecttaxdesign.team@hmrc.gov.uk or by post to: Alex Marsh, 3rd Floor Ralli Quays, Stanley Street, M60 9LA.
Additional ways to be involved:	In order to engage with businesses and individuals who would be affected by the proposals in this consultation, the government will be consulting key stakeholders and interested parties on the proposals through meetings. If you would like to be included in a consultative meeting, please contact us via the email above.
After the consultation:	The government will aim to analyse responses and publish a formal responses document within 12 weeks after the end of the consultation period.
Getting to this stage:	The responses to the government's Call for Evidence on single-use plastic waste in 2018 highlighted that using recycled plastic is often more expensive than using new plastic. At Budget 2018, the government proposed to use a new tax to encourage the use of recycled plastic and has taken the responses from the first consultation, published in 2019, into consideration to develop the proposals presented here.
Previous engagement:	During the first consultation period, the government had meetings with various stakeholders to discuss the impact of the initial proposals. The government also conducted market research to improve understanding of the packaging industry.

Consultation

This response form is to be used for responding to HMRC's consultation on a Plastic Packaging Tax. The consultation in full can be found on the following link - <https://www.gov.uk/government/consultations/plastic-packaging-tax-policy-design>.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018, General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that under FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with, amongst other things, obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on HM Revenue and Customs.

Consultation privacy notice

This notice sets out how we will use your personal data, and your rights. It is made under Articles 13 and/or 14 of the General Data Protection Regulation.

Your data

The data

We will process the following personal data:

Name
Email address
Postal address
Phone number
Job title

Purpose

The purpose for which we are processing your personal data is: The Plastic Packaging Tax Consultation.

Legal basis of processing

The legal basis for processing your personal data is that the processing is necessary for the exercise of a function of a government department.

Recipients

Your personal data will be shared by us with HM Treasury.

Retention

Your personal data will be kept by us for six years and will then be deleted.

Your rights

- You have the right to request information about how your personal data are processed, and to request a copy of that personal data.
- You have the right to request that any inaccuracies in your personal data are rectified without delay.
- You have the right to request that any incomplete personal data are completed, including by means of a supplementary statement.
- You have the right to request that your personal data are erased if there is no longer a justification for them to be processed.
- You have the right in certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted.

Complaints

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113
casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

Contact details

The data controller for your personal data is HM Revenue and Customs. The contact details for the data controller are:

HMRC
100 Parliament Street
Westminster
London SW1A 2BQ

The contact details for HMRC's Data Protection Officer are:

The Data Protection Officer
HM Revenue and Customs
7th Floor, 10 South Colonnade
Canary Wharf, London E14 4PU
advice.dpa@hmrc.gsi.gov.uk

About you

Your name

Ruth Edwards

Your email address

Ruth.edwards@torbay.gov.uk

Who are you submitting this response on behalf of? (Please only tick one)

Business representative organisation/trade body

In the case of representative bodies please provide information on the number and nature of people you represent

Packaging designer

Packaging manufacturer / converter

Product manufacturer / pack filler

Distributor

Online marketplace

Fulfilment house operator

Retailer

Plastic packaging importer

Plastic packaging exporter

Waste Management Company

Re-processor

Local government

Community group

Non-governmental organisation

Charity or social enterprise

Consultancy

Academic or research

Individual

Other

If you answered 'Other' above, please provide details:

Please provide the name of the organisation/business you represent (if applicable)

Torbay Council

If you are in business, where is your business established?

- England
- Scotland
- Northern Ireland
- Wales
- Isle of Man
- Other EU - please state
- Non EU - please state

If you are in business, how many staff do you employ across the UK?

- Fewer than 10
- 10 - 49
- 50 - 249
- More than 249
- Prefer not to say

Are you an obligated packaging producer under Producer Responsibility (Packaging Waste) Regulations in the UK?

No

If you are a business that manufactures or imports plastic packaging, how many tonnes of plastic packaging do you manufacture or import annually?

N/A

Please provide any further information about your organisation or business activities that you think might help us put your answers in context.

Unitary Local Authority

Would you like your response to be confidential? Why? (please note the information on confidentiality on page 3)

No

Liability for the tax – chapter 4

Businesses who manufacture in the UK, or import plastic packaging into the UK will be liable to pay the tax, subject to relevant exemptions and the small operator threshold explained in chapter 5. This chapter outlines the government's proposals for when the tax will be chargeable and who the chargeable person will be.

Question 6. Do you agree the proposed charging conditions will ensure that the UK manufacturer of plastic packaging is liable for the tax? If not, please explain why.

Torbay Council supports LARAC's opinion that the rate of 30% recycled content for plastic packaging may not have the intended outcome of stimulating reprocessing and local markets. If producers are able to source cheaper recyclates from non-UK supplied sources the desired stimulation in local markets and infrastructure would not be achieved. If Circular Economy principles are to be supported materials collected within the UK should be prioritised for inclusion in new packaging and should be considered as an additional condition to trigger the tax.

Question 7. Do you foresee any issues for specific packaging components due to the proposed approach of disregarding further ancillary processes for the purposes of the tax? Please explain what these issues are.

No comment

Question 8. Do you have any observations on the proposed treatment of imports of plastic packaging, particularly linking the tax point to "first commercial exploitation" i.e. when it is controlled, moved, stored, is subject to an agreement to sell, or otherwise used in the UK in the course or furtherance of business?

The first point of 'commercial exploitation' seems reasonable.

Question 9. Do you agree the "consignee" on import documentation is likely to be the taxable person for imports of plastic packaging? In what scenarios might someone else be the person on whose behalf the plastic packaging is commercially exploited?

No comment

Question 10. Do you agree that packaging that is damaged after the tax has become due should not be relieved? If not, please explain why you think this packaging should be relieved.

This approach appears reasonable

Question 11. Do you foresee any difficulty or added costs with the proposal for the taxable person to incorporate the amount of Plastic Packaging Tax onto the sales invoice, and if so, could this information be provided to customers in any other way?

No comment

Question 12. Are the proposals for joint and several liability reasonable? If not, please say why?

The proposals appear reasonable

Question 13. Do you envisage any problems with extending joint and several liability to online marketplaces and fulfilment house operators who knew, or had reasonable grounds to suspect that the tax had not been accounted for on sales made through their platform?

No comment

Question 14. Will extending joint and several liability to third-party fulfilment house operators and online marketplaces be sufficient to deter overseas sellers from non-compliance with the tax? If not, what other steps should HMRC consider?

No comment

Excluding small operators ('de minimis') – chapter 5

The government wants to ensure that the administrative burdens for businesses manufacturing and/or importing small amounts of plastic packaging, and the costs of administering and collecting the tax, are not disproportionate to the environmental harms the tax seeks to address. To achieve this, the government proposed in the previous consultation that only businesses over a minimum threshold, or a 'de minimis', would be in scope of the tax. This chapter sets out more detail on the government's de minimis proposals.

Question 15. Do you agree with the proposed guidance and tools to help business determine if they are above or below the de minimis? What other help could the government provide?

No comment

Question 16. Do you agree with the approach to record keeping for businesses below de minimis? If you disagree, please suggest what alternative approaches would be more appropriate and why.

No comment

Question 17. Do you agree with the proposed forward and backward look test to apply the 10 tonne threshold? If you disagree, please suggest what would be more suitable and provide evidence to support your view.

No comment

Evidence requirements – chapter 6

This chapter sets out the government’s updated proposals to help businesses fulfil their Plastic Packaging Tax obligations and safeguard the tax from avoidance and evasion.

Question 18. Do you agree with the government’s proposal to restrict calculations of recycled plastic content to approved methods? If not, please explain why. What methods other than the proposed mass balance approach should be considered?

No comment

Question 19. Where businesses are importing plastic packaging with at least 30% recycled content, will it be feasible for them to obtain the mass balance evidence from overseas manufacturers? What other ways could importers demonstrate the proportion of recycled plastic?

Businesses should also detail where the recycled content was sourced. For local markets to be stimulated, using locally sourced recycle needs to be prioritised/incentivised.

Question 20. Do you agree with the government’s proposed method for calculating the weight of the packaging? If not, please explain why and how you would calculate it.

No comment

Question 21. Are the types of evidence within the government’s list appropriate for proving recycled plastic content and the other information required by HMRC? Are there any additional sources of evidence which could be used? If so, please provide details.

No comment

Question 22. What further due diligence could businesses reasonably conduct to ensure their products meet the relevant specifications for tonnage and recycled plastic?

If possible businesses should be encouraged to source UK supplied recycled plastic packaging to strengthen demand for locally collected plastics which will provide a more secure and reliable material market for plastics for local authorities and their contractors.

Exports – chapter 7

This chapter sets out the government’s updated approach for exports of plastic packaging. As set out in the government’s initial consultation, UK manufacturers will not be disadvantaged because exported plastic packaging will be relieved from the tax.

Question 23. Are there any observations or issues you can see with the government’s proposals to provide relief for exported plastic packaging through direct exports, REPs and tax credits? Please provide details of any alternative methods of relieving exports you would recommend.

Torbay Council would prefer to see packaging that is exported liable to tax. By not taxing exported packaging there is concern there will be insufficient pull through of end markets for reprocessing plastic to achieve the stimulus to maintain viable markets. If viable and economic end markets for plastic recycling are not available local authorities could continue to be challenged with establishing secure long term markets for plastics which they will be obligated to collect as part of the consistency requirements.

Question 24. Do you agree with the proposed information requirements to evidence the proposed export reliefs? If not, please explain how you could evidence the export.

No comment

Question 25. Do you agree with the proposal not to relieve transport packaging used on exports? If not, do you have any suggestions on how transport packaging could be offered relief?

No comment

Registrations, returns and enforcement – chapter 8

This chapter sets out the registration and returns requirements for the tax, and the compliance and enforcement regime HMRC will operate to ensure a level playing-field for all.

Question 26. Do you consider these registration requirements to be appropriate? If not, please specify why.

No comment

Question 27. Do you agree that the group eligibility criteria are appropriate? If not, please specify why.

No comment

Question 28. In your view, are businesses eligible to form a group likely to make use of this facility? If so, please estimate the value of savings that may be offered by registering and reporting as a group.

No comment

Question 29. Do you agree that these deregistration requirements are appropriate? If not, please specify why.

No comment

Question 30. In your view, will the reporting requirements be straightforward to comply with? If not, please provide details of any issues you expect.

No comment

Question 31. Do you intend to use a third-party agent to help meet your obligations for the tax or are you an agent expecting to provide this service? Would you expect their responsibilities to include filing your returns?

N/A

Question 32. Please provide details of the expected costs to your business of registering for the tax, and any expected one-off and on-going costs of completing, filing and paying the return, excluding any expected tax liability.

N/A

Question 33. Do you consider that HMRC's approach to powers and penalties is appropriate? If not, please specify why.

No comment

Understanding commercial practices – chapter 9

Question 34. Unless already covered in your responses to other questions within this document or the previous consultation, please tell us about the plastic packaging manufactured or imported by your business and how you think your business would be impacted by the tax, including additional administrative burdens?

N/A

Assessment of impacts – chapter 10

Question 35. Do you have any comments on the assessment of equality and other impacts in the Tax Impact Assessment?

Stimulation of the UK recycling market is Torbay Council's primary concern regarding the plastic packaging tax and agrees with LARAC's viewpoint that the assumption the tax will create a greater demand for the material and stimulate recycling and reduced residual waste will only apply if businesses source the recycle from UK supplied organisations. If the recycled plastic is sourced from non-UK collected plastics there will be no change and local authorities may continue to be faced with an unstable market for collected material.

Submitting your response

Your response should be sent by 20 May 2020, by email to indirecttaxdesign.team@hmrc.gov.uk or by post to: Alex Marsh, 3rd Floor Ralli Quays, Stanley Street, M60 9LA.

Paper copies of this document or copies in Welsh and alternative formats (large print, audio and Braille) may be obtained free of charge from the above address. This document can also be accessed from [HMRC's GOV.UK pages](#). All responses will be acknowledged, but it will not be possible to give substantive replies to individual representations.

When responding please say if you are a business, individual or representative body. In the case of representative bodies please provide information on the number and nature of people you represent.

Meeting: Cabinet

Date: 22 September 2020

Wards Affected: All Wards

Report Title: Introduction of Permit Scheme for Street Works in Torbay

Is the decision a key decision? No

When does the decision need to be implemented? November 2020

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

Supporting Officer Contact Details: Ian Jones – Highways and Transport Service Manager

1. Proposal and Introduction

- 1.1 Permit Schemes provide a way to manage activities on the public highway and were introduced by Part 3 of the Traffic Management Act 2004 to improve authorities' ability to minimise disruption from street and road works.
- 1.2 It is not currently mandatory for Local Highway Authorities (LHA's) to operate Permit schemes, however the Parliamentary Secretary of State for the Department for Transport (DfT) has urged all LHA's to give serious consideration to the benefits of introducing a Permit Scheme.
- 1.3 Torbay Council currently operates street works under the more traditional Noticing Scheme. The DfT appear keen to move away from this form of street works management.
- 1.4 The DfT has commissioned the introduction of a dedicated web based software for the management of road and street works, 'Street Manager', which all LHA's have been directed to introduce and use from 1st July 2020. The software has been specifically developed for use with a Permit Scheme.
- 1.4 A permit scheme is deemed to provide an LHA the opportunity to better evaluate each proposed works upon its network to enable the authority to reject incorrect or incomplete Permit applications. Works promoters will effectively book occupation of the street for specific periods and purposes rather than the current system of informing the Torbay Council of its intention to occupy the street.
- 1.5 The majority of LHA's have already adopted a Permit Scheme or will be adopting them in 2020.

2. Reason for Proposal and associated financial commitments

- 2.1 Torbay Council were directed by the Secretary of State for Transport in a letter sent to the Chief Executive in July 2018 to give consideration to the introduction of a Permit Scheme. The letter requested that consideration was given to moving to a permit scheme by March 2019. Torbay Council, like many other South West authorities were not in a position to make a judgement in that timescale, however a feasibility report was commissioned from our partner consultant Jacobs prior to this date. Members should however be mindful of the following statement from the Secretary of State in the letter:

'I hope that the case for introducing a permit scheme is sufficiently strong for your authority to take this decision. I would much prefer this to be a change that is made willingly and done in a way that best suits your local area.'

I do have powers under section 3(2) of the 2004 Traffic Management Act to direct an authority to introduce such a scheme. I hope that it will not be necessary to use these powers. I will, however, be minded to consider this approach if your local authority continues with what I believe are out-dated and ineffective noticing arrangements.'

It is therefore important that the authority makes a formal decision with respect to moving to a Permit Scheme.

- 2.2 The proposals contained in this report will commit the Council financially in respect of start-up costs, based on the estimated costs of ICT software and hardware, project management costs and the costs of the additional staff required to run the scheme during the start-up/shadowing period. Most of these costs are expected to be met from existing highways and transport capital funding.

The proposals will be expected to be self-financing following implementation with funding being provided by the income generated from the Permit charges. The proposed charges have been set using a DfT fee structure, as set out in their Statutory Guidance, and are included in 'Appendix 2'. The fee income is expected to be sufficient to cover all additional operating costs, including additional staff resources. The scheme is not however expected to produce income over and above the actual running costs and will therefore expected to be cost neutral.

3. Recommendation(s) / Proposed Decision

- (i) That Cabinet supports the implementation of a Permit scheme to manage road and street works in Torbay as detailed in this report, and:
- (ii) That Cabinet approves the proposed Policy for Torbay Council's Permit Scheme for Road and Street Works, as detailed in Appendix 1 and the proposed Fee Structure as detailed in Appendix 2 to manage the Highway Permit scheme, and:

- (iii) That Cabinet gives support to the Director of Corporate Services to make the Legal Order under Part 3 of the Traffic Management Act 2004 to provide the required legal powers for Torbay Council to operate a Highway Permit Scheme.

Appendices

Appendix 1: Draft Policy For Torbay Council's Permit Scheme for Road and Street Works

Appendix 2: Proposed Fee Structure for Torbay Council's Permit Scheme for Road and Street Works 2020/21.

Background Documents

Statutory Guidance for Highways Permit Schemes produced by the Department for Transport:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/465803/statutory-guide-for-permit-schemes.pdf

Report Clearance

When you have submitted your draft report by the deadline provided by Governance Support, it will be sent to the people listed below for clearance. Reports not submitted by the deadline and not cleared will be delayed until the next meeting.

Report clearance:	This report has been reviewed and approved by:	Date:
Chief Executive	Anne Marie Bond	
Monitoring Officer	Amanda Barlow	
Chief Finance Officer	Martin Phillips	
Relevant Director/Assistant Director	Kevin Mowat	

Section 1: Background Information

<p>1.</p>	<p>What is the proposal / issue?</p> <p>It is proposed the Torbay Council as the Local Highway Authority introduces a Street Works Permit Scheme to replace the existing Noticing process. The benefits of such a scheme would be to provide Highways Officers with increased control over works undertaken on its highway network, with the potential to reduce disruption to road users and residents.</p> <p>In July 2018 the Secretary of State for Transport wrote to all South West Highway Authorities to request that serious consideration was given to the introduction of Highways Permit Schemes in their respective areas, stating that he may consider using his powers to direct authorities to introduce such a scheme.</p> <p>Most South West LHA's have now either introduced a Permit Scheme, or are due to introduce a scheme during 2020. The introduction of a scheme in Torbay requires a significant amount of officer time to fully implement, however it may be possible to implement a scheme in late 2020/early 2021, subject to Officer and Member approvals for the set up costs, additional staff and the required Legal Order.</p> <p>A permit scheme requires Statutory undertakers to book time to work on the highway, which is then agreed by the LHA by the issue of a Permit or refused.</p> <p>Under a Permit Scheme activities undertaken by the LHA, its partners or agents are also treated in the same manner as a statutory undertaker.</p> <p>The Permit Authority may apply conditions, attached to Permits, which impose constraints on the dates and times of activities and the way that the work is carried out.</p> <p>The Permit allows the LHA control over variations to Permit conditions, particularly time extensions, giving a greater incentive to complete activities within timescales.</p> <p>The costs of providing and operating a Permit Scheme is expected to be fully recovered from the chargeable permit fees, which are set in line with DfT guidance. The costs incurred for setting up a Permit Scheme cannot however be recovered through the fee charges.</p>
<p>2.</p>	<p>What is the current situation?</p> <p>Torbay Council's existing Street Works Operations road bookings process is set out in the New Roads and Street Works Act 1991. Statutory Undertakers are required to give notice of any works they propose to carry out, the Notice periods are dependent on the category of work. The works are recorded on a Street Works Register.</p>

	<p>Torbay Council has a 'Traffic Sensitive Streets' Strategy, which outlines key traffic routes and the requirements to avoid working on these routes during key periods and holiday periods. In general Statutory Undertakers have adhered to this strategy in Torbay.</p> <p>Permit schemes provide an alternative to the Noticing Process as instead of informing an authority about its intention to carry out works on the highway, a statutory undertaker has to book time on the highway by obtaining a Permit and paying the appropriate fee.</p> <p>A Permit Scheme for Torbay will require additional resources to operate and it is anticipated that 2 additional members of staff will be required, who have the required level of knowledge and skills to control and supervise street works and the associated traffic management requirements. These costs are expected to be fully recovered from the fee income. This ensures that more control and enforcement can be carried out to Statutory Undertakers works on the highway than can currently be provided from existing staff levels.</p> <p>It should however be noted that without the additional resources, Torbay Council would be unable to operate a compliant permit scheme and would be unable to justify charging the permit fees. It is also likely that the posts may be of interest to internal candidates, who may have already acquired the level of knowledge and skills required.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>There is no statutory requirement to implement a Permit Scheme, however a clear directive from the former Secretary of State for Transport suggests that there is an expectation that all LHA's will operate a permit scheme. There is a case to argue that the current Noticing scheme in Torbay has worked well to date and may choose not to implement a Permit scheme. The directive has indicated that such a stance may not be accepted by the DfT and the Secretary of State may consider instructing the implementation of a Permit Scheme. In view of this, retaining the current process is not recommended.</p> <p>A Permit scheme may cover all or some of the roads under the LHA's control. As Torbay has a relatively small network, mainly consisting of urban roads, it is recommended that a scheme should cover all of its roads, however consideration may be given to some elements, such as Skip and Scaffold licences, which may benefit from being kept outside of a Permit scheme, at least in the initial period of the scheme operation.</p>
<p>4.</p>	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</p> <p>The introduction of a Permit scheme contributes to the priorities of a 'Thriving Economy' and a 'Council Fit for The Future' by managing works on Torbay's highway network to ensure that disruption is kept to a minimum and that works are completed to the required standard making use of web based IT applications.</p>

	<p>The scheme contributes to the principle of 'Reduce demand through prevention and innovation' by managing works on the highway network using technology and increased enforcement and coordination to modernise the way in which works are carried out on the public highway.</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</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. The impacts of this proposal will however affect any organisation, which carries out works or provides utility services on or within the public highway network. The current statutory rights of these organisations to undertake maintenance to their apparatus will be reduced as a result of a permit scheme.</p> <p>Consultation with statutory undertakers will be therefore be undertaken prior to implementation of a Permit Scheme. There is however no requirement to consult with the wider community. It should be noted that similar consultations by other LHA's in the South West do not appear to have resulted in significant objections from utility companies.</p>

Section 2: Implications and Impact Assessment

9.

What are the financial and legal implications?

Financial

There will be costs associated with setting up a Permit Scheme. A commissioned pre-feasibility report in 2019 suggested significant costs in setting up the system, however subsequent investigations and confirmation from the DfT on software costs have reduced these expected costs and current estimates are detailed below:

ICT software and Hardware - £10,000
Staff Costs for Shadowing Period - £9,000
Project Management Fees - £5,000
Training - £1,000

Total Estimated Start Up Costs - £25,000

It should be noted that the ICT software costs are related to the DfT's 'Street Manager' on-line Street Works Management tool. The DfT have directed that all LHA's must adopt this system for managing works on their networks from 1st July 2020 and therefore these costs will be incurred, whether or not a Permit scheme is implemented. The ongoing operating costs of this software can be recovered from Permit fees.

The estimated costs include for a shadowing period for 2 additional members of staff to ensure they are in place and are competent with the process in time for the system to 'go live'. This is expected to be a 2 month lead in period.

The Project Management costs and training costs are provisional and yet to be fully determined and are likely to be less than the figure above.

Permit schemes will allow the authority to charge fees, in line with DfT guidance, which are expected to fully recover the ongoing costs of operating a permit scheme, including the additional resources proposed, so there is expected to be a cost neutral impact of operating the scheme. The scheme will not however allow for fees to recover any start-up costs.

The expected fee income is based on a normal annual level of street works applications, therefore actual income could be below or exceed this amount, dependent on the level of utility and other third party permit applications. A financial assessment of the likely income and expected operating costs has been undertaken and this concurs that the level of fees proposed in appendix 2 are appropriate to recover the costs in full. The level of fees are also at a similar level to neighbouring LHA's fees and therefore likely to be acceptable to the DfT and the Utility Companies.

The costs of IT software and hardware, project management and training will be funded from the authority's Highways and Transport capital allocations, however the remaining fees would need to be found from Revenue funding.

	<p>Flexibility around a current vacant post in the highways team should enable the majority of the staff costs for the shadowing period to be covered within existing budget provision, therefore the amount of Revenue required for the expected set up fees is relatively low.</p> <p>The additional resources that can be provided from the fees will however enable additional enforcement of utility works in Torbay and this is likely to result in an increase in financial penalties being issued to utilities for defective works or breach of permit conditions. This is likely to provide some additional income, however more importantly, this will reduce the likelihood of defective street works resulting in a future maintenance liability to the authority.</p> <p><u>Legal</u></p> <p>The Traffic Management Act 2004 was amended in 2015 to enable LHA's in England to make their own Permit Schemes and to vary or revoke existing schemes.</p> <p>Torbay Council will be required to make a Legal Order under Section 33A(2) and Part 3 of the Traffic Management Act 2004 to ensure that they have the authority to operate a Road and Street Works Permit Scheme.</p>
<p>10.</p>	<p>What are the risks?</p> <p>A risk that the Secretary of State for Transport may exercise powers to instruct its introduction. This is likely to affect the relationship between the authority and the DfT and this could impact on future funding bids.</p> <p>If a Permit scheme is not introduced in Torbay, it is likely that Torbay Council will be the only highway authority in the South West, which does not manage works on its network in this manner within the next year.</p> <p>If a Permit scheme is not introduced in Torbay, the authority will remain subject to a DfT directive to operate their 'Street manager' software as the management tool for Road and Streetworks, however there will be no opportunity to recover the annual costs of operating the system.</p> <p>The introduction of a Permit Scheme will however provide little flexibility to amend the timings of works once a Permit has been granted. There may currently be expectations from Elected Members and the Community that the highway authority can vary timings and notice periods of works planned by Statutory Undertakers or other occupiers of the highway space in some instances, however under a Permit Scheme, occupation of the highway will be fixed by the permit as issued and the notice periods that apply to the issue of a permit.</p> <p>If a Permit scheme is introduced without the required additional resources in place, it is highly likely that applications will not be considered within required timescales. If Permit applications do not have official responses within required timescales, then legislation states that a permit is 'deemed', i.e. a Permit would be granted by default and no fee would be chargeable,</p>

	<p>irrespective of whether or not this conflicts with other works on the highway network. This would pose a serious risk to disruption and congestion on the highway network and reduce the level of fee income to the authority.</p> <p>There is a risk that the level of income from the Permit fees will not cover the operating costs in full if the amount of street works applications are lower than expected in any annual period. Fees may however be reviewed annually in accordance with DfT guidance.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>LHA's are required to purchase and operate the DfT 'Street Manager' software. Whilst this is a requirement for processing a Permit Scheme, LHA's are required to use this system to publish road and street works, whether they operate a permit scheme or not, therefore the purchase cost and ongoing running costs of this system are already being incurred by the authority irrespective of the decision to proceed with a Permit scheme. The software went live on 1st July 2020 and is now in use by the authority</p> <p>In setting up the scheme it is likely that some further assistance will be required from either from Torbay's partner consultant Jacobs, under the Residual Services arrangement with the previous Transportation and Engineering Consultancy Services Contract or with Yotta, as the provider of the authority's internal street works management system. This may incur additional costs, however these are shown above within the allowance for Project Management and Training.</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Torbay Council is a member of the South West Highways Alliance and has attendance on its programme Board and Traffic Managers Group. As the directive for the DfT was aimed at all South West LHAs, the Alliance has been collectively working to share information between authorities and provide a further link to the DfT.</p> <p>There is little data to evidence whether a Permit scheme would be advantageous to Torbay, however feedback from authorities in other parts of the Country is that such schemes have been considered successful. It should however be noted that Torbay Council has for many years successfully operated a Traffic Sensitive Streets arrangement with Statutory Undertakers and therefore a Permit Scheme may not offer the same level of improvements that have been seen in areas where such arrangements have not been in place to manage their Street Works.</p> <p>Authorities which have introduced permit schemes have confirmed that their scheme costs have generally been fully recovered from the permit fees.</p>
13.	<p>What are key findings from the consultation you have carried out?</p>

	<p>Initial consultation with Utility Companies has been carried out through meetings of the South West Highway Authorities and Utilities Committee through their recent meetings, however a period of formal consultation is currently in operation.</p> <p>Initial findings are that Utilities accept that LHA's are required to implement a Permit scheme.</p> <p>Initial feedback from South West LHA's who have implemented Permit schemes recently indicates that the systems have worked well and have not been met with opposition.</p> <p>Should any issues be raised by Utility companies during the formal consultation period, then these will be raised with the Cabinet Member for Infrastructure, Environment and Culture for direction.</p>
<p>14.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>No amendments have been made to the proposal as a result of initial feedback.</p>

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)	There is no differential impact	
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Public Utilities will be legally bound by the conditions set out in the Policy For Torbay Council's Permit Scheme for Road and Street Works and this may have implications on their future works programming and provision of services.	

Policy for Road and Street works Permit Scheme

July 2020

This document can be made available in other languages and formats.
For more information please contact hrpolicy@torbay.gov.uk

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DRAFT

Forward

The purpose of this document is to explain and demonstrate the requirements set out by the Department for Transport (DfT) and to explain how Torbay Council is going to exercise their version of the Permit Scheme.

Introduction

What is a Streetworks Permit Scheme?

The Torbay Council Permit Scheme is a new way of managing requested access for use or excavation of the highway, developed in accordance with the DfT Statutory Guidance for Highway Permit Schemes (October 2015).

The Permit Scheme is designed using Part 3 of the Traffic Management Act 2004(Sections B2-39)(TMA), the Traffic Management Permit Scheme (England) Regulations 2015 and the DfT advice note for Local Authorities developing new or varying existing permit schemes (June 2016).

Torbay will be operating a Single-Authority Permit Scheme, Torbay Council will be managing submitted permits in accordance with the statutory guidance and this policy.

What has changed in terms of the Permit Scheme?

EToN v6.0 is) is the term used for the two way transmission of notices between Statutory Undertakers and Highway Authorities in England and Wales. Systems and Techniques vary across the UK, Torbay operates EToN through Yotta Mayrise Streetworks.

EtoN v6.0 originally pre-determined that unconfirmed notices were classified as “denied” by the highway authority and as such, statutory undertakers were not granted permission to work, occupy or excavate the public highway. The Permit Scheme changes this, and as such; puts the responsibility on the authority to ensure that permits are answered within their pre-determined time scales and are either accepted or denied.

In return, changes to the charges system for the permit scheme encourage “utilities and statutory undertakers” (to be referred to as “Promoters” to assess the impact that their work has on the highway network and to reduce the amount of time they occupy the network, as applicable charges must be sought by the authority for the administration of the permit scheme and the occupation of the highway.

What is the objective of the Permit Scheme?

The key objective of the DfT, and participating Highways Authorities, is to make the highway network more efficient in terms of traffic congestion and to minimise the disruption on the highway caused by vital utility works.

How was the Streetwork Permit Scheme Policy developed and how will it operate?

The Streetworks Permit Scheme Policy was developed in conjunction with PART 3 of the TMA and the Traffic Management Permit Scheme Regulations 2007, and has been designed in line with guidance from the DfT and Secretary of Transport which has set out the guidelines for authorities moving to the permit scheme.

The Streetworks Permit Scheme Policy will operate in accordance with the HAUC Guidance and Statutory Guidance for Highway Permit Schemes. The Streetwork Permit Scheme will be operated by Torbay Council, and within Network Management.

Rather than the industry standard term of “Statutory Undertakers” Torbay Council will now refer to those undertaking works on the highway as “Promoters” which will include utility companies previously referred to “Statutory Undertakers”, the Highways Authority itself and its Contractors (both Short Term and Long Term Maintenance Contractors) as well as Private Undertakers works.

Permitting Applicable Area

Area covered by the Permit Scheme

The area covered by the Streetworks Permit Scheme Policy is within the boundary defined areas of Torbay Council.

Chargeable Permits will apply to all sections of the carriageway defined as a “Street” below.

Definition of “Street”

The Term “Street” refers to any length of a highways carriageway asset associated with a ‘Unique Street Reference Number’ (USRN), and where by a site intersects more than one USRN, an application for multiple permits will be required; one for each USRN concerned.

Streets or section of Streets with a USRN which are not Publicly Maintainable/Adopted do not require a permit, however permission must still be sought by the owner of the Street. If works on a “Private Street” fall outside of the Private Streets Boundary and USRN into a street which is publicly maintainable, then a permit must be applied for.

Streets which are not currently listed with USRN do not require a permit for works.

Motorways and Trunk Roads

Torbay currently has no Trunks Roads or Motorways under its jurisdiction.

Streets covered by the Streetworks Permit Scheme

The Streetworks Permit Scheme will apply to all adopted and publicly maintainable streets.

Torbay Council currently operates a Street Gazetteer, and this information is published through GeoPlace.

Streets not covered by the Streetworks Permit Scheme

Streets which are not covered by the Streetworks Permit Scheme are defined below

1. Roads which are not currently listed by Torbay as Publicly Maintained or Adopted
2. Roads which are not currently listed by Torbay as Publicly Maintained or Adopted, but are expected to be adopted.
3. Works on a Public Right of Way, which is not part of the Adopted Highway Network.

Registerable/Non-Registerable Activities, and Exemptions

Activities covered by the Permit Scheme

The following activities or works are registerable for all promoters and will require permitting on “streets” as defined above;

1. Works involving the excavation/reinstatement or resurfacing of the surface of any part of the adopted highway or USRN assigned street.
2. Works involving traffic management on the carriageway or cycleway of a traffic sensitive street within restriction times; this includes road closure, stop and go, traffic lights or reduction in width of lanes/carriageway.
3. Works which involve a Temporary Traffic Regulation order or the suspension of pedestrian crossing facilities or implementation of temporary crossing facilities.

Highway Authority Activities covered by the Permit Scheme

The Permit Scheme covers both Statutory Undertakers and Highway Authorities (and their Promoters) However, Direct Highway Authority works (by itself, subcontractors or promoters) will not be charged the permitting fee.

Ruling on classification of works and sensitive streets will apply to all works, regardless of undertaker or promoter.

Non-Registerable Activities

The following activities are non-registerable and do not require a permit.

1. Traffic Census Surveys
2. Pole Testing
3. Lifting or Replacing Covers – (Where the surface or frame is not disturbed)
4. Replacing of poles, bollards, columns or signs - (Where the surface is not disturbed or broken)

Activities not requiring a permit before they start

1. Immediate or Emergency works, where the situation is deemed urgent and there is risk to public safety and/or damage to surrounding infrastructure.
2. A Promoter can start work before applying for a permit, providing that they apply for a permit within 2 hours of work being undertaken, unless the work is undertaken out of hours, then a permit application must be submitted before 10am the next working day

Section 50 Activities

Activities which involve a Section 50 under the 'New Roads and Street Works Act (1991)' (NRSWA) are covered by the Streetworks Permit Scheme; a new Section 50 Licence must be applied for, and the use of Road Space and excavation are to be applied for as a "Permit" under the Streetwork Permit Scheme.

Permitting – General Guidance

What does a permit do?

Any Promoter looking to undertake any activity that requires highway space, or excavation needs to obtain a permit from the permitting authority (in this case, Torbay Council)

The Permit, when granted by Torbay Council will allow the Promoter to

1. Undertake a predetermined activity
2. At a specific location
3. Between the specified dates and times.
4. And meeting all conditions or restrictions that may be agreed.

Activities that cover several streets

A single Permit application can only be for a single street, which applies to a single USRN. Where by an activity or phased work affects more than one USRN, a permit will be needed for each activity, per USRN.

Discounts may be applied where applications or works are phased or grouped together.

Activities or Works that cover multiple phases

Only one permit can be submitted for one phase of works or activities. A phase is defined as "an activity or scheme of works which results in the continuous occupation of a street."

As such, separate permits would be required for works for temporary or interim reinstatements. The dates submitted as part of the permit application and in the agreed permit will denote, and where multiple permits are submitted for different phases of works, these works must have the same works reference and be related to the other phases.

Interruptions, Delays and Stoppages

Interruptions or Delays to works will be the responsibility of the promoter; the promoter will be required to contact Torbay Council in the first instance, and it is to be agreed with the Streetworks Coordinator on what action should be taken.

Potential Actions to be considered:

1. Closure of Site, temporarily reinstate and to defer phased works: this will require the submission of a new permit, the promoter may be charged for a new permit to the discretion of the Streetworks Coordinator.

2. Extended open of site: A variation of a permit should be submitted and is to be confirmed by Torbay Council.

The decision on the potential actions will be considered using a variety of factors such as;

1. Traffic Sensitivity
2. Overall Time of Delay or Extension.
3. Extent of works.
4. Other activities in the area.
5. Other permits submitted within the phase for the promoter.

Cross Boundary Activities

Where Works or Activities cross a boundary between two authorities, two permits will be required; one for each authority.

Whereby cross boundary activities operate different processes for streetworks, one as NRSWA and one permitting, then the two authorities must collaborate to agree on the ruling for timing and restrictions.

A single project reference should be included for all phases, applications, notices/permits, so that both authorities can correctly consider the impact of the works.

Collaborative Working.

One of the key aspects of the Permit Scheme is the encouragement of collaborative working on both Streetworks and Authority Schemes. Every opportunity should be taken to ensure that collaborative working can be done.

Where an agreement is made between two promoters to undertake collaboration; one promoter should be the lead promoter with responsibility for the activities and will be the primary point of contact for the authority. The details required of collaborative working should be:

1. Details of Promoters involved in collaborative working
2. Dates of Promoters expected to be working on site (where site is shared throughout different dates)

Remedial Works

Where works are required after the expiry of a permit, an application should be made for a new permit, with reference made to the previous permit using the works reference number and phase number.

Starting and Ending of Works

For roads which meet the following criteria

1. Category 0, 1, 2
2. and/or Traffic Sensitive Streets

The start and end dates submitted with the permit are the commencement and finish dates, Permits are not valid outside of these dates, unless a variation is granted with co-ordination from the Streetworks Coordinator.

For roads which meet the following criteria

1. Category 3 and 4
2. And Non Traffic Sensitive.

The Start Date is designated as a “proposed” start date, which can be altered with 5 Days either side as long as the change is agreed between the Streetworks Coordinator and no significant effect to Traffic flow will be anticipated.

Early Starting

Where ‘Early Starts’ are considered, the promoter will have to submit a variation to the authority with a revised start and end date.

The permit should be of the same duration as initially submitted, with a revised start and end date. Should the original permit submission be already confirmed, then a variation charge may be required.

It is at the discretion of the authority to grant early start permissions, reasonable considerations should be taken to ensure minimal disruption caused by an early start.

Overrunning Duration and Working without a Permit

Where works may overrun their duration or permitted area, it is the responsibility of the promoter to alert the permitting authority to this at the earliest instance.

Where works will be considered for an extension, a fee will be applied as well as a variation fee. The authority reserves the right, where it is reasonable to instruct the promoter to temporarily reinstate the site and return when a newly submitted and agreed permit is issued, once proper warning has been given to the authority and traffic user.

Where an overrun or occupation of site exceeds the agreed permit duration without any notification, a penalty will be applied in accordance with Section 74 of the NRSWA, as well as a variation cost to change the permit dates, and the authority reserves the right to charge a site attendance fee to the promoter.

If works are found to be undertaken without a permit submission, and are found to not be of an urgent nature, then the permit authority will assign the promoter a fixed penalty notice, as well as a site attendance fee. A result of this may be that the site is closed immediately, and if not possible, then the promoter will have to temporarily reinstate the site immediately and apply for a permit and be liable for all associated costs.

Permits

There are two types of Permit covered under the Permit Scheme

1. PAA – Provisional Advance Authorisation
2. Permit

PAA

A PAA is used in place of an advanced notice under the NRSWA, and is used as an advanced permit to warn of Major Activities, to enable the authority and its Streetworks officers to appropriately coordinate, plan and identify the needs of the public, while the proposed major works are undertaken.

In order for a PAA to be considered, the following criteria must be met:

1. A PAA for Major Activities must be submitted 3 months in advance to any works being undertaken on the highway, in regards to any promoter.
2. Any Permits in relation to works that are submitted, but not preceded by an authorised PAA will be refused automatically.
3. Each PAA will be limited to a single USRN/Street
4. A full Description of activity being undertaken must be submitted
5. A full list of contractors and/or subcontractors must be provided, if this is known at the time of submission, if it is not known, then this can be submitted later as a variation and will be free of charge.
6. A PAA will be subject to a Fee.
7. The agreement of a PAA does not prevent the refusal of subsequent permits in relation to the PAA; should the authority believe that circumstances have been subject to change, an explanation will be provided by authority and works reviewed and re-coordinated by the streetworks team.

Permit Classes

There are 4 key classes of Permit, covered under the Permit Scheme.

- Major
- Standard
- Minor
- Immediate

Major Activities are defined as follows:

1. Activities that are identified in an organisation's (whether authority or promoter) yearly operating programme, or have been part of a planned works scheme with 6 months advanced notification in advance of the start date.
2. Works that require a Temporary Traffic Regulation Order (That do not fall under the immediate works category)

Further to these two designations, there are 3 sub-categories which will affect how "major works" are defined

- Major Works Category 1 - Over 10 days duration and all major works requiring a Traffic Regulation Order (that doesn't fall under immediate works)
- Major Works Category 2 – Works that run from 4 to 10 days duration and fall under major Activities
- Major Works Category 3 – Up to 3 days duration, and fall under Major Activities

A major activity may be subject to individual conditions set out by the authorities' Streetworks Coordinator or permitting officer, these may include restrictions on working times, which will be pre-agreed with a promoter.

Standard Activities are defined as:

Standard Activities are activities that have a planned duration between 4 to 10 days duration inclusive. If works last less than 10 days, but require a 'Temporary Traffic Regulation Order' (TTRO), then they shall be classified as Major Works and will be subject to the rules set out in Major Activities

Standard Activities shall be submitted within the allotted timescales and shall include the following details

- Proposed Activity
- Proposed Start Date
- Proposed End Date

A standard activity may be subject to individual conditions set out by the authority's Streetworks Coordinator or Permitting Officer, these may include restrictions on working times, which will be pre-agreed with a promoter.

Minor Activities are defined as:

Works which last 3 days duration or less; however if works last 3 days or less, but require a TTRO, then they shall be classified as Major Works.

Minor Activities shall be submitted within the allotted timescales and shall include the following details

- Proposed Activity
- Proposed Start Date
- Proposed End Date

Immediate Activities

Immediate Activities are either Emergency or Urgent

Emergency Works are defined in Section 52 of the NRSWA

Urgent Activities are defined as works undertaken:

- To prevent or stop an unplanned interruption of any supply to service provided by the permit promoter
- To avoid substantial loss to a promoter in relation to an existing supply or service
- To reconnect supply where the Promoter would be under civil or criminal liability if the connection is delayed until after the expiration of the permit period.

Works that are considered as Emergency or Urgent can commence without a permit, however where an excavation is necessary, the promoter should contact the Authority immediately by Email or Telephone and then in any case, the Promoter must apply to the permit authority within 2 hours of the activity starting.

Permit Applications Timings

Below are the Minimum application timings for Promoters (TABLE 1)

Permit Class - Activities	PAA – Provisional Advance Authorisation	Permit Application	Minimum period before Permit Expires to apply for variations (whichever period is longer)
Major	3 Months	10 Days	2 working days or 20% of original time
Standard	NA	10 Days	2 working days or 20% of original time
Minor	NA	3 Days	2 working days or 20% of original time
Immediate – Urgent or Emergency	NA	2 Hours after work commences, or before 10am next working day	2 working days or 20% of original time

Below are the contact timings for response to Permit Applications for the Authority (TABLE 2)

Permit Class - Activities	PAA – Provisional Advance Authorisation	Permit Application	Minimum period before Permit Expires to apply for variations (whichever period is longer)
Major	1 Month	5 Days	2 working days
Standard	NA	5 Days	2 working days
Minor	NA	2 Days	2 working days
Immediate – Urgent or Emergency	NA	2 Days	2 working days

Refusal of Permit Application

The authority reserves the legal right to refuse a permit or request a permit application modification where they deem that elements of the permit are unacceptable or not feasible.

The authority will abide by “contact timings for response to Permit Applications” set out in Table 2 and provide an adequate response or reason as to why the refusal or modification has been requested, this information may be used to resubmit or modify the application by the promoter to allow a successful granting of a permit application.

Error Identifying and Correction

Where the Authority identifies an error with a permit application, it will either; depending on previous discussions and the scale of the error:

- Send a modification request
- Send a clarification request
- Refuse the Permit entirely.

Whereby the promoter sends a modification request, the promoter should include any details of agreed verbal agreement between the authority's staff and the promoter's staff.

Permitting Conditions

Torbay Council recognises the DfT 2015 guidance; the nationally agreed conditions and, will adopt any approved changes set out and issued by the DfT

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878497/statutory-guidance-document.pdf

Breach of Conditions

If Torbay Council considers that a Promoter is failing to comply with the conditions of a Permit, then they may revoke the Permit.

Should this be considered, then a Permitting Officer will contact the Promoter to inform them of the intention to revoke the Permit and begin discussion, and depending on the severity and risk presented in the Breach, the Permitting Officer reserves the right to completely close a site.

Conflicting Conditions

Any Promoter applying for a Permit should bring all issues or conflicts with conditions to the attention of a Permitting Officer at the earliest opportunity.

Granting and Refusal of Permits

Permit Granting will be issued electronically through Torbay Council's Streetworks Management System, which is currently Yotta Mayrise. The Authority will endeavour to meet the time scales for responses listed above in Permit Application Timings

Permit Refusals will be issued electronically through Torbay Council's Streetworks Management System, which is currently Yotta Mayrise, an explanation of refusal will be given.

Right of Appeal

The Promoter has the right of appeal, which is set out below in Dispute and Appeals if an agreement cannot be reached with the Permitting Officer

Should activities be stopped by a Permitting Officer, then a defined reason and evidence will be issued, including any associative legislation.

Permit Application – Deemed to be Approved (Failure to Acknowledge)

Torbay Council is required to reply within the Timescale for an application for a permit. If the authority fails to do so, the Permit is deemed “approved” or “granted” under the full terms of the Permit Application.

In such cases, all details pertaining to the Permit Application will be deemed accepted. There will be no fee applied when Permits are automatically “Deemed to be to Approved”

Permits – Review, Variations and Conditions

Once the permit has been accepted or approved, the Promoter should have reasonable confidence and expectation that the road space will be available to them during the approved period.

Torbay Council will avoid, wherever possible, to seek to make changes to an already approved permit, however circumstances outside of Torbay Council’s control will inevitably mean that a small minority of permits will need to be changed. These events may include

- Flooding
- Interfering Emergency Works
- Dangerous Buildings
- Traffic Collisions

These circumstances may mean that the occupied road is closed, or the occupied road may be used as a vital traffic diversion route.

If at any time such instances should occur, Torbay Council will contact any affected promoters immediately, and a variation or revocation may be discussed, and may be submitted with no charge.

Powers of the Authority

Any activities that run past the agreed permit period will be committing an offence under Section 74 of the NRSWA 1991 and the Promoter will be charged if they do not have a reasonable excuse for additional occupation and not notifying Torbay Council.

Within the Permit Scheme, Torbay Council has the power to review, vary or revoke permits on its own initiative or on behalf of the Promoter. Torbay Council is under no obligation to allow Promoters activities to run past the permitted dates.

Promoter Variation/Revocation of a Permit

If a Promoter wishes to withdraw or cancel a permit, they must do so through an electronic management system.

Permits cannot be “lengthened” or “shortened”. In any case where a change is needed, a variation must be submitted.

Permits cannot be “postponed” or “delayed”. In any case where a change is needed, a variation must be submitted.

Immediate Activities – Variations

Where an immediate activity takes place, the promoter must submit a permit within the required timescales.

Some immediate activities may require more than one single excavation, where fault finding is necessary. The first application should therefore note the initial location.

1. Any successive locations within 50m should be either advised to the Permitting Officer by telephone or emailed to Streetworks@torbay.gov.uk, no variation will be required.
2. Permit variations will be required for each successive excavation 50m away from each other, extra excavations in these locations will require Torbay Council to be notified.
3. Where the works go into another USRN or street, a new permit will be required.

Disagreement on Variations

Where a variation cannot be agreed, Torbay Council will issue an Imposed Variation on the terms that the Permitting officer deems reasonable.

If the Promoter disagrees with this, they have the option to invoke a dispute resolution.

Non Compliance and Review

Where Torbay Council believes that a Promoter is failing to comply with conditions of a permit, they will collect evidence of the issue and where they are satisfied conditions have been breached, shall either:

- Revoke the current permit
- Issue a fixed penalty notice.

The Promoter will be warned of any impending revocation in such cases.

If the Promoter refuses to cease activity where instructed to do so (except to secure site or temporarily reinstate), it will be classified as an offence and any penalty or prosecution will be pursued by Torbay Council.

Cancellation of Permits

If a Promoter wishes to withdraw or cancel a permit, they must do so through an electronic management system.

Torbay Council is not obligated to either refund or waive the request for payment for these cancelled notices.

Sanctions

Sanctions will be considered by Torbay Council against Promoters that “Operate without a Permit”

It is a criminal offence for a Promoter or Sub-Contractor operating on behalf of a Promoter to operate without a permit (except where works are classed as immediate or emergency and a permit is to be submitted)

The following actions shall be sought by Torbay Council against a Promoter or Sub-Contractor operating on behalf of a Promoter, operating without a permit, using the following steps

1. Serve a notice that requires the Promoter to take reasonable action to remedy the situation within a specified time scale.
2. Failing Step 1. The authority may undertake the steps to remedy the situation itself and will seek to reclaim the costs either via Invoice or Legal Action.
3. Issue a Fixed Penalty Notice against the Promoter or Sub-Contractor operating on behalf of a Promoter
4. Seek Prosecution.

Step 1 and 2 may include; Closure of Site and either temporary reinstatement or measure to make the site safe. The promoter should then re-apply for a permit to return at a suitable time to undertake works.

Any other offences relating to breach of NRSWA 1991 may still include separate fixed penalty notices or actions.

Fees

Regulation 30 gives Torbay Council the power to charge a fee for the following processes. Fees will be charged for the following

1. The Application for a PAA in order to arrange Major Activities
2. The assessment and granting of a Permit
3. The submission and assessment of a Permit Variations.
4. Instances where a Permit Variation would change the nature of the works and place it in a higher category. In this instance the Promoter would have to pay for a variation fee as well as an uplifted rate for the higher classification of works

Fees will not be charged

for the following

- By the Highway Authority in respect of its own works and schemes
- Any work undertaken on a fire hydrant
- Where a permit is “Deemed to be to Approved” because Torbay Council failed to assess and approve a permit within the specified time scale.
- If a Permit variation is initiated by Torbay Council or a revocation through no fault of the Promoter.
- Where a Promoter cancels a Permit which has not yet been granted.

Discounted Fees

will apply to the following, the rate of discount will be 30%

- Where multiple Permits for works that are part of the same project and affect multiple USRN's but adjoin at a junction of 2 roads or corner of a road that does not require regulation order
- The Permitting officer will assess these sites where possible and adjust the Permit fees accordingly.
- Where multiple promoters are working within the same site and submit applications through collaboration. The promoter should liaise with Torbay Council with this matter.
- Where works take place completely outside of traffic sensitive times.
- Where the works are proven to provide economic benefit to Torbay.

Fees and Review

Torbay will review its Permit fees on a yearly basis, to ensure that the overall fee income does not rise above allowable costs, and in return, Torbay Council has the right to raise fees, up to the maximum permissible level, set out by the DFT to fund the Permitting Scheme.

Torbay Council will seek to manage fee systems as efficiently as possible, but whereby overhead costs surpass charged fees, Torbay Council will seek to raise fees to cover the extra expenditure incurred, this will not exceed the maximum allowable costs.

The Annual Fee Review will take place (TBD)

Payment of Fees

Costs of Fees will be calculated automatically by Yotta Mayrise.

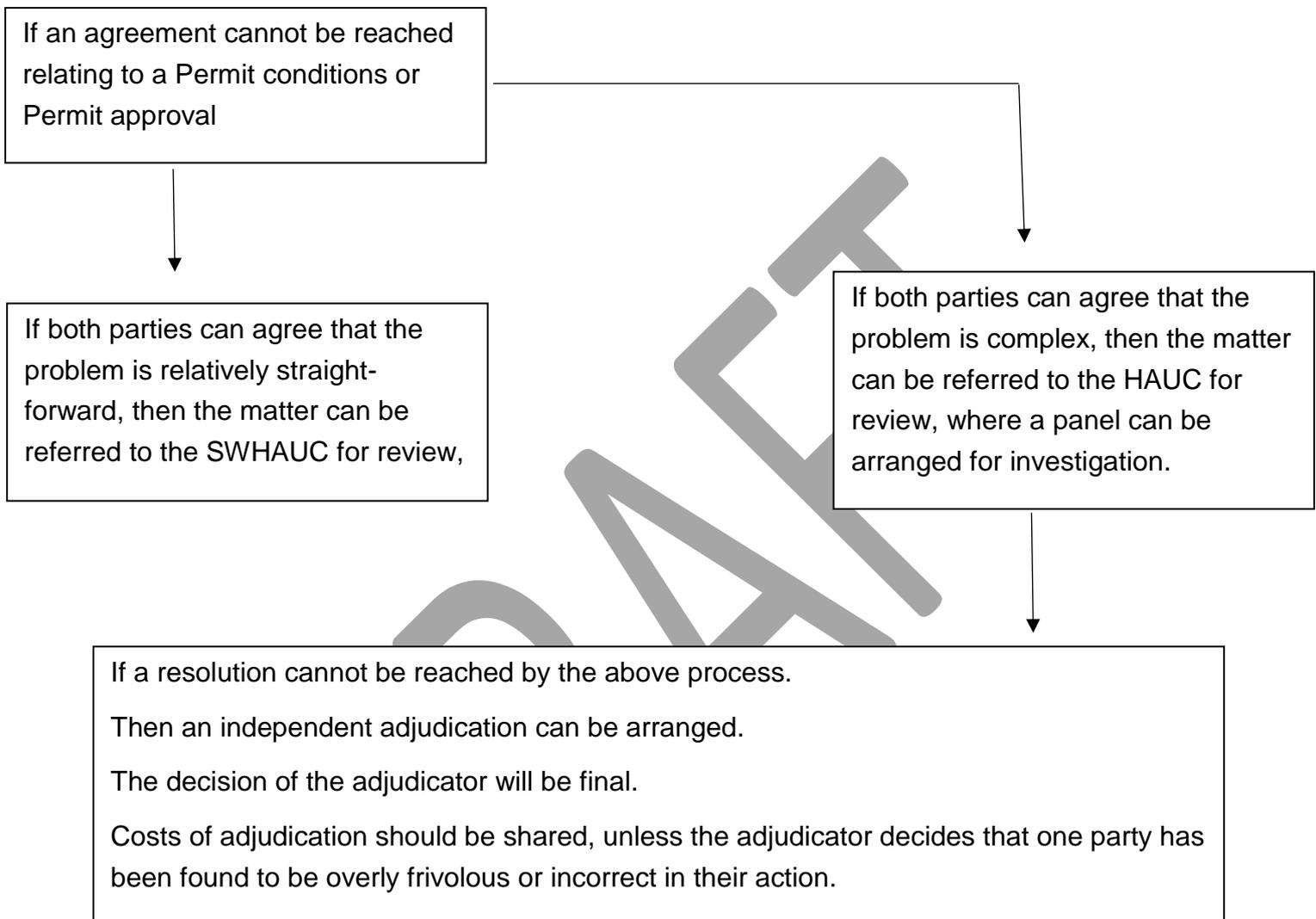
A monthly invoice will be produced by a Permitting Officer and forwarded onto the Promoter via their preferred means of communication.

Dispute and Resolution

Torbay Council would like to commit to opportunities for discussion and collaborating together with Promoters to resolve working issues than resort to formal Dispute Resolutions.

Once a dispute has been opened, after 14 days if the dispute is not resolved, then it will be forwarded to HAUC England/SWHAUC

Dispute Resolution Process



Register of Works

Torbay Council operates an Electronic Streetworks Management system with Yotta Mayrise, this handles incoming and outgoing permits, as well as storing information.

The management system stores information on old, current and upcoming works, as well as information held under noticing and EToN.

USRN and GIS (Easting, Northing) information is used to locate works.

Transition from Noticing to Permitting

Torbay Council intends to transition from September to October 1st, with September as a transitional period for internal works and fault finding.

Document Information	
Date	June 2020
Policy Name	Torbay Council Streetworks Permit Scheme
Service Area	Highways
Directorate	Customer and Community Services
Author	Chris Lazenby – Asset Improvement Officer
Version:	Draft V1.1

Draft Versions	
Initial Draft V1	Chris Lazenby – Jan to May 2020
Review 1	Tim Northway – June 2020
Draft V1.1	Chris Lazenby – June 2020

Type of Work	Maximum Permit Charge (DfT Guidance)		Proposed Torbay Council Permit Charges	
	Traffic Sensitive	Non Traffic Sensitive	Traffic Sensitive	Non Traffic Sensitive
Provisional Advance Authorisation	£105	£75	£105	£35
Major Works (>10 Days)	£240	£150	£240	£75
Major Works (4 to 10 Days)	£130	£75	£130	£40
Standard Works (4 to 10 Days)	£130	£75	£130	£40
Major Works (< 3 Days)	£65	£45	£65	£25
Minor	£65	£45	£55	£25
Immediate	£60	£40	£55	£25
Permit Variation	£45	£35	£45	£35

**Anti Poverty Task and Finish Group Final
Report and Recommendations
Report to Cabinet
August 2020**



1. Background and Scope of the Task and Finish Group

1.1 The Overview and Scrutiny Task and Finish Group met over a series of meetings review and discuss the themes identified within the Marmot Report 'Fair Society, Healthy Lives'. Each meeting was tailored to focus on a specific them with a final report and all the Board's recommendations being captured in one report. The themes identified in the Marmot report and explored at meetings were:

- Strengthen the role and impact of ill health prevention
- Give every child the best start in life
- Enable children and young people and adults to maximize their capabilities and have control over their lives
- Create fair employment and good work for all (inclusive growth and good work for all)
- Ensure a healthy standard of living
- Create and develop healthy and sustainable places and communities

At their first meeting Members were advised that in November 2008, Professor Sir Michael Marmot was asked by the Secretary of State for Health to chair an independent review to propose the most effective evidence-based strategies for reducing health inequalities in England from 2010. The strategy would include policies and interventions that address the social determinants of health inequalities. Marmot's Review had four tasks:

- 'Identify, for the health equalities challenge, facing England, the evidence most relevant to underpinning future policy and action;
- Show how this evidence could be translate into practice;
- Advise on possible objectives and measures, building on the experience of the current PSA target on infant mortality and life expectancy; and
- Publish a report of the Review's work that will contribute to the development of a post-2010 health inequalities strategy'.

The Task and Finish Group sought to identify the necessary work which needed to be undertaken to support residents and protect them from falling into poverty; identify the immediate support required for those residents who may be in poverty; and identify the support required for residents to stay out of poverty.

At each meeting, Members received a presentation and heard from Directors and/or Senior Managers on how the Council was addressing each theme to promote equality and the measures needed to be implemented to meet relevant requirements. The meetings attracted members of the public to participate and partner organisations, such as the Community Development Trust, were also invited to contribute.

At the conclusion of each meeting members prepared a set of outcomes which would be included in their final report. The recommendations are set out in (2) below.

Prior to finalising their findings, members of the Board took into consideration the recent pandemic Covid-19 and the impact on the population, particularly those living in Torbay. The Board questioned whether the statistics presented at each meeting were still applicable and whether the pandemic had created greater inequalities or had the issues raised been magnified as a result.

With regard to 'Creating Fair Employment and Good Work for All' the Board discussed the requirements of employees having to work from home more now and the need for employers to adapt how they operate their businesses. The Board questioned whether working from home would be a positive step for young people, especially those who migrate from the area. Further discussions with the Director of Economic Strategy confirmed that investigation into why residents in the 39-45 age bracket move away would be undertaken by online surveys, focus groups, data and intelligence available to the TDA and would complement any Census data available. The Director of Economic Strategy further advised that the impact of Covid-19 also saw a shift in the economy and how people shop, as one example. It was believed there had been economic repositioning and the private and public sector needed to work together to understand the shift and the requirements of the workforce.

2. Outcomes

Strengthen the role and impact of ill health prevention

This Council will take steps to:

- (i) ensure that the Housing Strategy supports ill health prevention; and
- (ii) ensure prevention treatment programmes are funded effectively to safeguard and reinforce their current positive work, in particular addressing addictive behaviours which can lead to poor mental wellbeing.

Give Every Child the Best Start in Life

This Council will take steps to:

- (i) implement the Torbay Promise and ensure it is embedded in the budget setting process;
- (ii) further integrate early help and 0–19 services; and
- (iii) promote the Home Learning Campaign – Chat Play Read;

Enable Children and Young People/Adults to Maximise Their Capabilities & Have Control Over Their Lives

This Council will take steps to:

- (i) promote the need for independent advice in accordance with the GATSBY standards to all young people;
- (ii) create a post 16 strategy within the Local Area;
- (iii) form a stronger connection between the business community and local education board;
- (iv) support the development of T Level Courses at South Devon College;
- (v) help to secure more young people with an Education Health and Care Plan (ECHP) access to work; and
- (vi) encourage Members and businesses to support holiday/wrap around care schemes.

Under this theme the Panel also agreed that:

- the Head Teacher of Coombe Pafford School would be invited to a future meeting of the Overview and Scrutiny Board to explain how the School are promoting young people with ECHPs into work
- members of the Board would attend “Meet members of the Senior Leadership Team at South Devon College.

Further, the Board had reservations about the Marmot recommendation for schools to extend their roles in supporting families, in particular the impact on pastoral teams and ensuring schools seek the relevant professional support.

Creating Fair Employment and Good Work for All

This Council will take steps to:

- (i) promote and support the Apprenticeship Strategy and the Apprenticeship Fair;
- (iii) promote positive working relationships between TDA and the Council’s Planning Department and to support TDA in exploring opportunities to ensure employment space in Torbay is viable; and
- (iv) work with TDA to undertake further research on the migration of the 39 to 45 age group who move away from Torbay.

Under this theme the Panel also supported the drafting of the revised Economic Strategy and asked that it be presented to a future Board meeting before submitted to Council for approval. As part of the Strategy revamp the Board proposed that the local MP reviewed the draft to ensure it fitted with Government aspirations.

Ensure a Healthy Standard of Living

In relation to housing, this Council will take steps to:

- (i) consider how we can improve our advocacy role as a result of the work being done to understand what enables and deters people from coming forward with their housing issues;
- (ii) consider options to address poor quality housing in specific and defined areas. To include:
 - i. A selected licensing scheme
 - ii. A housing company owned and managed by the council

- (iii) ensure the new Climate Change Officer addresses energy efficiency issues in housing under their remit.

In relation to debt, this Council will take steps to:

- (iv) re-design support services to better enable individual needs to be met in a holistic (instead of silo-ed) way;
- (iv) consider a Home and Money Hub – and link to on-going discussions in relation to Health and Wellbeing Hubs with volunteers and third sector organisations as potential providers; and
- (v) provide information so that front-line health and social care staff can understand needs and service options around housing and financial advice.

Creating and Developing Healthy and Sustainable Places and Communities

This Council will take steps to support independent community initiatives through:

- (i) working with the Community Development Trust and the Community Builders to enable community action;
- (ii) working with partners to develop and implement a volunteer strategy for Torbay;
- (iii) reviewing Torbay Council offers of community funding opportunities e.g. Community Enablement Fund and Crowdfunding;
- (iv) implementing Ward Ambassadors to support ward members; and
- (v) reviewing Council policy to promote volunteering by officers.

3. Recommendation

That the Cabinet approve the outcomes identified in this report and that the Council continues to work with the partner organisations and the community/voluntary sector to reduce health inequalities within Torbay.

Cabinet Response to the findings of the Overview and Scrutiny Board's Anti-Poverty Task and Finish Group

Outcomes of Anti-Poverty Task and Finish Group	Cabinet Response
<p>Strengthen the role and impact of ill health prevention</p> <p>This Council will take steps to:</p> <ul style="list-style-type: none"> (i) ensure that the Housing Strategy supports ill health prevention; and (ii) ensure prevention treatment programmes are funded effectively to safeguard and reinforce their current positive work, in particular addressing addictive behaviours which can lead to poor mental wellbeing. 	<ul style="list-style-type: none"> ii) It is vital that we ensure that Public Health funding is continued and as a Cabinet we continue to lobby government on this matter. Whilst appropriate funding is required, we should not ignore the important work of Public Health England's health improvement and prevention arm. It is imperative that this element of Public Health England's role is not lost in government restructure as such a move would hinder work on prevention. <p>It is important that there is full and ongoing support for the Multiple Complex Needs project.</p> <p>During COVID-19 the local authority and the Torbay and South Devon NHS Foundation Trust, further built upon the strong relationship between the two organisations, the various health related funding announcements will further assist with tackling these issues.</p>
<p>Give Every Child the Best Start in Life</p> <p>This Council will take steps to:</p> <ul style="list-style-type: none"> (i) implement the Torbay Promise and ensure it is embedded in the budget setting process; (ii) further integrate early help and 0–19 services; and (iii) promote the Home Learning Campaign – Chat Play Read. 	<p>At the time of the Overview and Scrutiny task and finish group Children's Services were undertaking a review of the wider Early Help delivery in Torbay. This review was a key strand of the Children's Service's Improvement Plan that was ratified as the vehicle to drive forward the prioritised actions to deliver good or better services to children and young people in the area. The review team, led by PeopleToo, included representation from the wider partnership and key community stakeholders and identified that services were not aligned. Although there was some good practice, Early Help was not delivered in ways best</p>

Outcomes of Anti-Poverty Task and Finish Group	Cabinet Response
	suited to achieving the Council's goal of enabling families to consistently and easily access the 'right services at the right time'. Consequently, PeopleToo have been tasked with co-ordinating the implementation of an integrated early help approach, supported by a newly constituted Early Help Board that will incorporate the vision of the Torbay Promise and the 0 to 19 services. It will report at regular prescribed intervals to the Torbay Improvement and Sufficiency Boards.
<p>Enable Children and Young People/Adults to Maximise Their Capabilities & Have Control Over Their Lives</p> <p>This Council will take steps to:</p> <ul style="list-style-type: none"> (i) promote the need for independent advice in accordance with the GATSBY standards to all young people; (ii) create a post 16 strategy within the Local Area; (iii) form a stronger connection between the business community and local education board; (iv) support the development of T Level Courses at South Devon College; (v) help to secure more young people with an Education Health and Care Plan (ECHP) access to work; and (vi) encourage Members and businesses to support holiday/wrap around care schemes. 	<p>As part of the 16 plus strategy. There is ongoing work across all the various service areas to ensure a coordinated approach. The 16 plus accommodation and commissioning strategy is in place. The next stage is to create a multi-agency sub-group (CS, Housing, Adult, Health, Community /Third Sector.)</p> <p>The development of a Child Friendly Torbay Strategy will also enhance these activities.</p>
<p>Creating Fair Employment and Good Work for All</p> <p>This Council will take steps to:</p> <ul style="list-style-type: none"> (i) promote and support the Apprenticeship Strategy and the Apprenticeship Fair; (ii) promote positive working relationships between TDA and the Council's Planning Department and 	<p>The Covid Economic Response (https://www.torbay.gov.uk/council/policies/economic-regeneration/economic-strategy/) has been developed with a short term focus on immediate recovery progressing through to a repositioning of the local economy to provide better opportunities for the community. There are key pillars of wealth building and</p>

Outcomes of Anti-Poverty Task and Finish Group	Cabinet Response
<p>to support TDA in exploring opportunities to ensure employment space in Torbay is viable; and</p> <p>(iv) work with TDA to undertake further research on the migration of the 39 to 45 age group who move away from Torbay.</p>	<p>skills development which directly respond to the issues around poverty, deprivation and fair employment in Torbay. This includes working with the business community to adopt the lessons learnt from the high value apprenticeship programme to increase the number of apprentices in Torbay at all levels.</p> <p>Addressing the challenges that the community is experiencing through investment into the town centres, bringing forward new employment space, supporting local business to grow and, critically, increasing the skill levels in the local community will provide more and better opportunities for people.</p>
Ensure a Healthy Standard of Living	
<p>In relation to housing, this Council will take steps to:</p> <p>(i) consider how we can improve our advocacy role as a result of the work being done to understand what enables and deters people from coming forward with their housing issues;</p>	<p>(i) An initial scope had been agreed and work instigated with the communications team to engage with different target groups to understand the barriers to engagement and use of nudge and insight theory to interact with individuals. This work has been suspended due to the COVID response and reallocation of staff during the height of the pandemic. This will be resumed in November 2020.</p>
<p>(ii) consider options to address poor quality housing in specific and defined areas. To include:</p> <ul style="list-style-type: none"> i. A selected licensing scheme ii. A housing company owned and managed by the council 	<p>(ii) i. A piece of research work has been concluded and a paper is being finalised outlining the options available for additional / selective licensing along with the associated business case. This will be available for further consideration in October 2020.</p>
<p>(iii) ensure the new Climate Change Officer addresses energy efficiency issues in housing under their remit.</p>	

Outcomes of Anti-Poverty Task and Finish Group	Cabinet Response
<p>In relation to debt, this Council will take steps to:</p> <p>(iv) re-design support services to better enable individual needs to be met in a holistic (instead of silo-ed) way;</p>	<p>(iv) A review of Crisis support, DHP and financial hardships payments has been undertaken. This has provided a detailed analysis into who is asking for support and what support. It is the intention to redesign the services to provide a single simplified front door for financial hardship, taking a holistic assessment to also understand why people need assistance and hence provide a mechanism by which to also undertake preventative activity. This service will form part of the initial phase of Council Redesign due to commence in October 2020 and will call upon best practice identified by fellow members of the Co-operative Council Network..</p>
<p>(iii) consider a Home and Money Hub – and link to on-going discussions in relation to Health and Wellbeing Hubs with volunteers and third sector organisations as potential providers; and</p> <p>(v) provide information so that front-line health and social care staff can understand needs and service options around housing and financial advice.</p>	<p>This work has been suspended due to COVID and will need to be reconsidered based on different operating models. As part of the COVID response wider networks of collaboration have been developed. Initial work has been undertaken by the newly formed Advice Network providing connectivity between statutory and voluntary sector organisations including CAB, Salvation Army etc especially around debt and humbleness.</p>
<p>Creating and Developing Healthy and Sustainable Places and Communities</p> <p>This Council will take steps to support independent community initiatives through:</p> <p>(i) working with the Community Development Trust and the Community Builders to enable community action;</p> <p>(ii) working with partners to develop and implement a volunteer strategy for Torbay;</p>	<p>The Council has established a very good relationship with the Community and Voluntary Sector, offering staffing, PPE and grants to address the COVID crisis and wider poverty.</p> <p>In Quarter 3, the council will focus on working with TCDT and the wider Voluntary Sector to maintain Helpline and offer debt advice, support to Torbay food alliance and to support wider community development.</p>

Outcomes of Anti-Poverty Task and Finish Group	Cabinet Response
<ul style="list-style-type: none"> <li data-bbox="241 236 987 341">(iii) reviewing Torbay Council offers of community funding opportunities e.g. Community Enablement Fund and Crowdfunding; <li data-bbox="241 341 987 416">(iv) implementing Ward Ambassadors to support ward members; and <li data-bbox="241 416 987 491">(v) reviewing Council policy to promote volunteering by officers. 	<p data-bbox="1070 236 2004 448">The Torbay Voluntary Sector Steering Group will continue to plan for sharing and enabling volunteering in Torbay, including with Torbay and South Devon NHS Foundation Trust. The Council will continue to offer Crowdfunding to support community projects and will review the use of ASC precept to focus on community resilience.</p>

Meeting: Cabinet
Council

Date: 22 September 2020

Date: 24 September 2020

Wards Affected: Barton with Watcombe

Report Title: Proposed disposal of Council owned land at Hatchcombe

Is the decision a key decision? Yes

When does the decision need to be implemented? ASAP

Cabinet Member Contact Details: Cllr Swithin Long, Cabinet Member for Economic Regeneration, Tourism and Housing, Swithin.long@torbay.gov.uk.

Supporting Officer Contact Details: Liam Montgomery, Director of Assets, Investment and Housing, Liam.montgomery@tda.uk.net.

1. Proposal and Introduction

- 1.1 Hatchcombe Nurseries is a housing development site jointly owned by Torbay Council and Sanctuary Housing.
- 1.2 In order to unlock the site and improve the access arrangements to the proposed new development Sanctuary are requesting that the piece of land located at the lower end of the site to be transferred to them.
- 1.3 The approved Capital Strategy (February 2020) states that “the policy is to pool all receipts from the sale of all assets sold to support the Capital Plan in line with funding the Council’s priorities. The current Capital Plan has a capital receipts target to support previously incurred expenditure that has not yet been met. All capital receipts received should be allocated to support this target and not allocated to new schemes”.

2. Reason for Proposal and associated financial commitments

- 2.1 By transferring this piece of land it will enable the development to come forward and maximise the site density. The alternative access options are very expensive to facilitate, are not favoured by the Highways team and impact on the density of the homes that can be developed.
 - 2.2 The proposals contained in this report will see the Council forgo maximising any potential income this land to meet the existing capital receipt target in return for the delivery of affordable housing for local people.
-

3. Recommendation(s) / Proposed Decision

That Cabinet recommends to Council:

- (i) To authorise the disposal of the land shaded yellow on the plan at Appendix 1 to a Housing Association in return for nomination rights into 100% of the properties in perpetuity under the Local Government Act 1972: General Disposal Consent Order 2003.
- (ii) To delegate authority to the Chief Executive in consultation with the Portfolio holder to agree the detailed terms of any transfer including agreed timescales for the development.

Appendices

Appendix 1: Plan of Hatchcombe site

Background Documents

Torbay Local Plan: <https://www.torbay.gov.uk/media/6836/lp-2012to2030.pdf>

Torbay Council's Housing Strategy: <https://www.torbay.gov.uk/media/14432/housing-strategy.pdf>

Report Clearance

Report clearance:	This report has been reviewed and approved by:	Date:
Chief Executive	Anne-Marie Bond	
Chief Finance Officer	Martin Phillips	
Relevant Director/Assistant Director	Liam Montgomery	26/08/20

Section 1: Background Information

1.

What is the proposal / issue?

Hatchcombe Nurseries site is located between Beechfield Rd/Beechfield Ave and Hatchcombe Lane in the Barton area to the North East of Torquay and shaded blue on the plan at Appendix 1. The site is jointly owned by Sanctuary Housing and Torbay Council and over the past circa 10 years there have been a number of attempts to find a viable solution for the site to bring forward affordable housing.

Due to its topography Hatchcombe has proved to be a difficult site to develop and find a viable engineering solution. Currently with the only access in and out of the site from Beechfield Avenue/Beechfield Place which is narrow and certainly far from ideal. Then providing a road network within the site to access and the various parts to maximise the density become very difficult due to the topography and the cost of this has meant the site has not been viable. As part of discussions with the Highways team they have been very clear and would much prefer the site to be accessed from this new proposed location.

More recently the Council has been approached by Sanctuary who are reviewing various options for the site which include the purchase of the land shaded green on the plan at Appendix 1, which coupled with the land proposed within this report provides a much improved arrangement. It is anticipated the scheme will deliver between 50 – 60 affordable homes with a variety of tenures for local people in housing need.

The opportunity for Sanctuary to purchase the land shaded green will allow a new design of the scheme to be produced whereby more of the development will be located within the bungalow site and access in and out of the new development will be from the land currently owned by the Council.

Land would be disposed of with certain conditions and will ensure the site will be used for affordable housing in perpetuity unless otherwise agreed by the Council.

2.

What is the current situation?

The Hatchcombe site has been empty for a number of years, it is jointly owned by Torbay Council and Sanctuary Housing and has been identified on the local plan as a committed site.

As of 8th August 2020 there were close to 1300 households on the Devon Home Choice waiting list. By assisting in the delivery of affordable housing on this key site it will help provide much needed affordable housing for local people.

	<p>Torbay Council's latest Housing Strategy 2020 – 2025 is around 'improving the delivery, affordability and quality of housing in Torbay with an aim to 'ensure that all our residents have access to good quality homes, which are affordable and meet their particular needs'. The Housing Strategy's priorities are around:</p> <p>Housing supply – increase overall supply Housing demand – appropriate and affordable housing to meet people's housing needs and aspirations Sustainability –improve environmental, economic and social sustainability of our housing Quality – improve the quality of housing in Torbay Council</p>
3.	<p>What options have been considered?</p> <p>Option 1 to dispose of the land for affordable housing</p> <p>Option 2 to do nothing and allow the site to remain empty or for a less desirable scheme to be delivered</p> <p>Option 3 sell the site on the open market.</p>
4.	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</p> <p>Community and Corporate plan Thriving people – Improve the delivery, affordability and quality of housing</p>
5.	<p>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>Ensuring that all our residents have access to good quality homes which are affordable and meet their particular needs is a vital part of tackling poverty, deprivation and vulnerability.</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>Ensuring that all our residents have access to good quality homes which are affordable and meet their particular needs including those residents 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 proposed development will create a mixed community to meet a broad range of housing needs for local people including disabled persons, key workers, older people and families.</p> <p>A wide range of the community will benefit from this proposal as it will produce a wide range of housing solutions for local people.</p>
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Section 2: Implications and Impact Assessment	
<p>9.</p>	<p>What are the financial and legal implications?</p> <p>By transferring the land to a Housing Association the Council will have to forgo maximising the potential land value. The Housing Association will be required to submit a detailed proposal including a financial appraisal to support the transfer of council land for affordable housing.</p> <p>The approved capital strategy (February 2020) states that “the policy is to pool all receipts from the sale of all assets sold to support the Capital Plan in line with funding the Council’s priorities. The current Capital Plan has a capital receipts target to support previously incurred expenditure that has not yet been met. All capital receipts received should be allocated to support this target and not allocated to new schemes”.</p>
<p>10.</p>	<p>What are the risks?</p> <p>Not receiving planning permission for the site must be considered a risk albeit it with pre-app discussions the risks would be relatively low.</p> <p>Any delay in disposing of the land will result in the delay in the purchase of the bungalow which is needed to help bring a viable scheme forward.</p>
<p>11.</p>	<p>Public Services Value (Social Value) Act 2012</p>
<p>12.</p>	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Advice from the Highways department has been sought along with having engineers consider a variety of alternative access options.</p>
<p>13.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>Previous/historic engagement with local residents preferred not to access the site via the narrow Beechfield Place.</p>

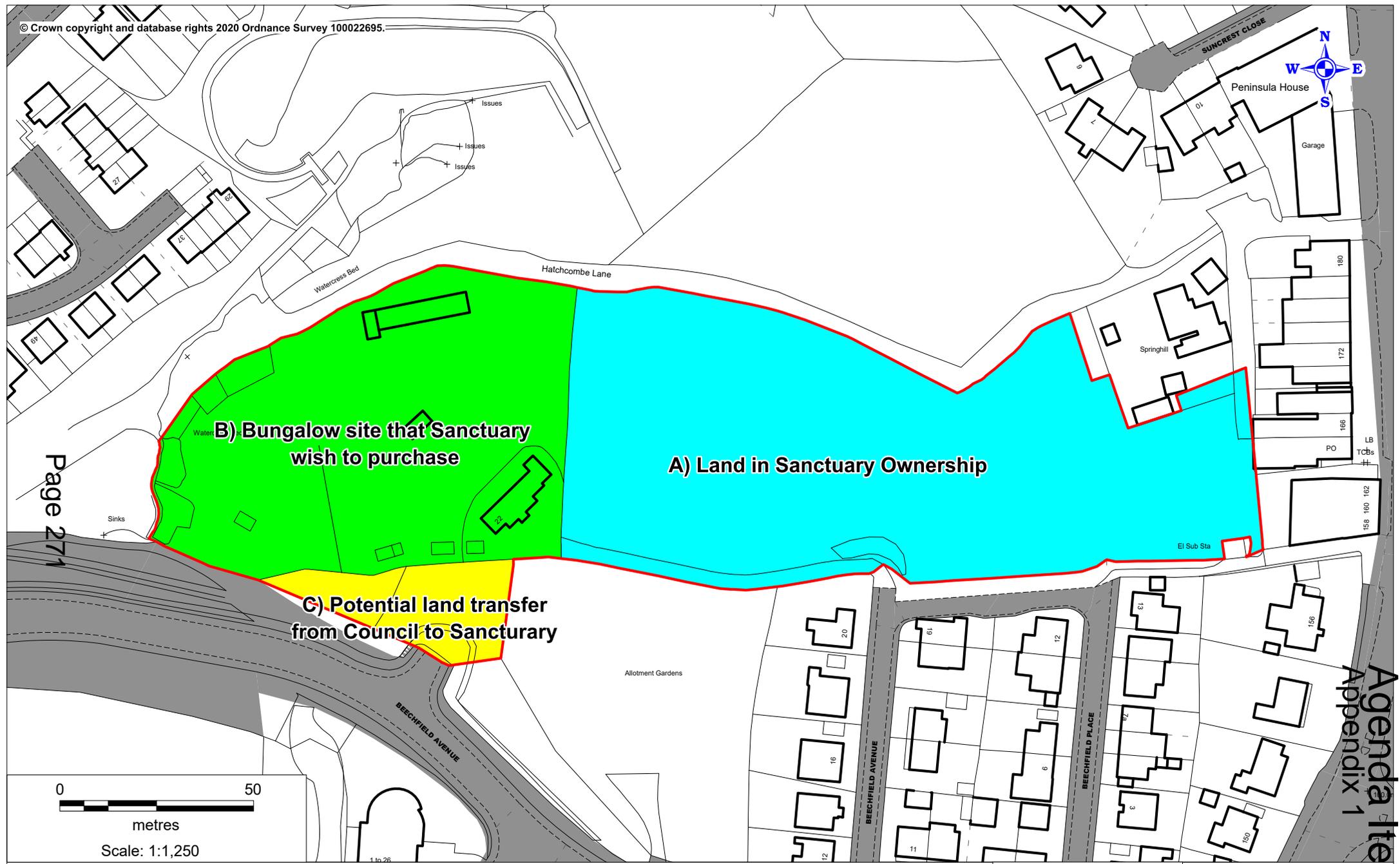
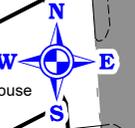
14.	Amendments to Proposal / Mitigating Actions None
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Equality Impacts

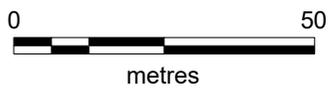
15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			Everyone in housing need are eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and because of that there will be no differential impact.
	People with caring Responsibilities			Everyone in housing need are eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and because of that there will be no differential impact.
	People with a disability	Wheelchair adapted units will be delivered on this scheme which will have a positive impact on those people with a disability who are allocated a property.		
	Women or men			Everyone in housing need are eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and because of that there will be no differential impact.
	People who are black or from a minority ethnic background (BME) <i>(Please</i>			Everyone in housing need are eligible to apply for accommodation via Devon Home

<i>note Gypsies / Roma are within this community)</i>			Choice and would be able to bid on this scheme and because of that there will be no differential impact.
Religion or belief (including lack of belief)			Everyone in housing need are eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and because of that there will be no differential impact.
People who are lesbian, gay or bisexual			Everyone in housing need are eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and because of that there will be no differential impact.
People who are transgendered			Everyone in housing need are eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and because of that there will be no differential impact.
People who are in a marriage or civil partnership			Everyone in housing need are eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and because of that there will be no differential impact.
Women who are pregnant / on maternity leave			Everyone in housing need are eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and because of

			that there will be no differential impact.
	Socio-economic impacts (Including impact on child poverty issues and deprivation)		Everyone in housing need are eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and because of that there will be no differential impact.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		
16.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)		
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)		



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Scale: 1:1,250

EM Plan No: EM3573
Date: 25th August 2020
Title: Land North of Beechfield Avenue, Torquay.

Scale: 1:1250
Area: 18,075m²



By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted