

## CABINET

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

**Tuesday, 22 March 2011**, commencing at **3.30 pm**

The meeting will be held in the Ballroom, Oldway Mansion, Torquay Road,  
Paignton, TQ3 2TE

<b>Cabinet Members</b>	<b>Portfolio</b>
Nick Bye	Mayor
Councillor Aiton	Cabinet Member for Community Safety and Community Engagement
Councillor Bent	Deputy Mayor and Cabinet Member for Health and Wellbeing and Housing
Councillor Butt	Cabinet Member for Community Services
Councillor Tolchard	Cabinet Member for Children's Services

---

**Our vision is for a cleaner, safer, prosperous Bay**

---

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

**Teresa Buckley, Town Hall, Castle Circus, Torquay, TQ1 3DR 01803 207013**

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

# CABINET AGENDA

**1. Apologies**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

**2. Minutes**

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 3 March 2011.

(1 - 10)

**3. Declarations of interests**

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

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

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

**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

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

**4. Urgent items**

To consider any other items that the Chairman decides are urgent.

**5. Land at Brokenbury Quarry, Churston - Proposed Sports Fields / Community Recreation Project**

(To Follow)

To consider Report 73/2011 on proposals relating to land at Brockenbury Quarry, Churston.

6. **The Re-Provision of the St Kilda's Residential Care Home and Subsequent Disposal of the St Kilda Site** (11 - 22)  
To consider \*Report 74/2011 on the above.
- Note:** Please note that Appendix 2 contains exempt information. Consideration of this Appendix may take place in the absence of the press and public on the grounds that exempt information (as defined in Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
7. **Review of Primary School Places in Brixham: Chestnut Primary School and St Margaret Clitherow Catholic Primary School** (To Follow)  
To consider Report 75/2011 on a review of primary school places in Brixham.
- Note: this item will be discussed after 4.30 p.m.**
8. **Annual Strategic Agreement 2011/12 with Torbay NHS Care Trust** (23 - 42)  
To consider Report 76/2011 on the Annual Strategic Agreement for 2011/12 with Torbay Care Trust.
9. **Corporate Plan 2011+** (To Follow)  
To consider Report 77/2011 on the draft Corporate Plan for 2011+.
10. **Public Speaking**  
Speaking in connection with items on this agenda is at the discretion of the Mayor. Anyone wishing to speak at this meeting should submit their request by 4.00 p.m. on Monday, 21 March 2011 by contacting Teresa Buckley on 207013 or emailing [democratic.services@torbay.gov.uk](mailto:democratic.services@torbay.gov.uk)

This page is intentionally left blank



## Minutes of the Cabinet

3 March 2011

-: Present :-

Mayor of Torbay (Chairman)

Councillors Aiton, Bent and Tolchard

(Also in attendance: Councillors Addis, Amil, Ellery, Excell, Faulkner (A), Faulkner (J), Horne, Hytche, Lewis, Morey, Oliver, Pentney, Richards and Thomas (J))

---

### 571. Apologies.

Apologies for absence were received from Councillors Carroll and Butt.

### 572. Minutes.

The Minutes of the meetings of the Cabinet held on 7 and 17 February 2011 were confirmed as a correct record and signed by the Mayor.

### 573. Urgent Item.

The Cabinet considered the items in Minute 574.1, and not included on the agenda, the Mayor being of the opinion it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

### 574. Matters for Consideration.

The Cabinet considered the following matters, full details of which (including the decisions of the Mayor) are set out in the Record of Decisions in Appendix 1 to these Minutes.

- 574.1** Proposed Amendments to Planning Contributions and Affordable Housing Supplementary Planning Document: Threshold for Contributions
- 574.2** Princess Parade, Princess Gardens, Marina Car Park, Pavilion and Theatre, Torquay
- 574.3** Review of Primary School Places in Brixham: Chestnut Primary School and St Margaret Clitherow Catholic Primary School

Mayor

---

## APPENDIX 1

to the Minutes of the meeting of the Cabinet  
held on 3 March 2011

### Record of Decision

#### Proposed Amendments to Planning Contributions and Affordable Housing Supplementary Planning Document: Threshold for Contributions

##### Decision Taker

The Mayor at the Cabinet meeting held on 3 March 2011.

##### Decision

That the Council be recommended:

- (i) that paragraph 6.5 of the Planning Contributions and Affordable Housing Update and Mitigation Paper 2010 be revised to read:

**“Smaller developments must also contribute towards mitigating any adverse impacts they may have, individually and collectively, on Torbay. Consequently there is no minimum threshold for contributions. This approach also avoids creating perverse incentives, or unintended consequences (such as artificial division of planning units), which could result in no contributions towards mitigation of adverse impacts. Due to the cost of drafting and monitoring S106 Agreements, applicants for smaller schemes, specifically those where the contribution would be less than about £5,000 will be encouraged to pay the contribution before grant of permission in exchange for an agreement by the Council to return these sums in the event that development does not proceed. In seeking financial contributions from smaller schemes, regard will be had to the need for them to be reasonable (as per Circular 5/2005), and the need to avoid imposing undue costs on businesses. In addition, regard will be had to whether the application is a standalone scheme or affects part of a larger planning unit (e.g. a block of holiday apartments)”;**

- (ii) that the first sentence of Paragraph 4.19 of the Interim Guidance on Principal Holiday Accommodation Areas (March 2010) be deleted, as will any other reference to the £5,000 threshold;
- (iii) that the principle of charging smaller developments for a fair proportion of the infrastructure for which they create a need, be incorporated into the emerging Community Infrastructure Levy; and

## APPENDIX 1 (continued)

- (iv) that all references to “overage” of “clawback” be changed to read “deferred contribution”.

### Reason for Decision

To respond to the recommendation of Council.

### Implementation

The recommendation will be considered at the Council meeting on 24 March 2011.

### Information

Report 47/2011 set out the following amendment to the Planning Contributions and Affordable Housing Supplementary Planning Document: Threshold for Contributions, which were agreed at the Council meeting on 24 February 2011:

- “(i) that paragraph 6.5 of the Planning Contributions and Affordable Housing Update and Mitigation Paper 2010 be revised to read:  
  
“Smaller developments must also contribute towards mitigating any adverse impacts they may have, individually and collectively, on Torbay. Consequently there is no minimum threshold for contributions. This approach also avoids creating perverse incentives, or unintended consequences (such as artificial division of planning units), which could result in no contributions towards mitigation of adverse impacts. Due to the cost of drafting and monitoring S106 Agreements, applicants for smaller schemes, specifically those where the contribution would be less than about £5,000 will be encouraged to pay the contribution before grant of permission in exchange for an agreement by the Council to return these sums in the event that development does not proceed. In seeking financial contributions from smaller schemes, regard will be had to the need for them to be reasonable (as per Circular 5/2005), and the need to avoid imposing undue costs on businesses. In addition, regard will be had to whether the application is a standalone scheme or affects part of a larger planning unit (e.g. a block of holiday apartments)”;
- (ii) that the first sentence of Paragraph 4.19 of the Interim Guidance on Principal Holiday Accommodation Areas (March 2010) be deleted, as will any other reference to the £5,000 threshold;
- (iii) that the principle of charging smaller developments for a fair proportion of the infrastructure for which they create a need, be incorporated into the emerging Community Infrastructure Levy; and
- (iv) that all references to “overage” of “clawback” be changed to read “deferred contribution”.

## APPENDIX 1 (continued)

The following amendment to the proposal was agreed by the Council:

- (v) that the above changes are applied retrospectively to currently undetermined applications.”

In accordance with Standing Order F4.9 the Mayor considered the recommendation of the Council in (v) above.

The Cabinet noted the legal advice from the Monitoring Officer, that the proposed amendment, if adopted, could lead to complaints to the Ombudsmen and, if any such complaint resulted in the Ombudsman finding in favour of the complainant, the Council could be criticised and required to pay compensation.

The Mayor rejected the amendment in (v) above as he was concerned about how the proposal may affect the Council's reputation and about the risk of complaints to the Ombudsman, but supported the original proposal set out in (i) to (iv) above.

### **Alternative options considered and rejected at the time of the decision**

None

**Is this a Key Decision?** (Give reference number if applicable)

No

**Does the call-in procedure apply?** (If no, please give reason)

No, as the Council will make the final decision.

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

None

**Published**

Monday, 7 March 2011

## APPENDIX 1 (continued)

### Record of Decision

**Princess Parade, Princess Gardens, Marina Car Park, Pavilion and Theatre, Torquay**

#### Decision Taker

The Mayor at the Cabinet meeting held on 3 March 2011.

#### Decision

- (i) that the Chief Executive of Torbay Development Agency, in consultation with the Mayor, the Portfolio Holder for Regeneration, the Environment Commissioner and the Executive Head of Tor Bay Harbour Authority, be authorised to investigate and deliver a solution to the repairing liabilities at Princess Gardens, Princess Parade, The Pavilion and Princess Pier which may incorporate a combination of a) and b) below:**

  - (a) Private sector investment to deliver, subject to planning consent, appropriate levels of commercial and residential development on-**

    - (i) the site of the Marina Car Park;**
    - (ii) additional land on Princess Parade;**

**with such development to include the refurbishment of, and the incorporation of, the Pavilion as well as any associated car parking; and**
  - (b) Torbay Council officers being asked to identify funding sources and financial implications of meeting some or all of the costs of repairs including possible new funding sources that may become available in the near future;**
- (ii) that if the approved private sector development does not fund all of the repairs then the Chief Executive of Torbay Development Agency, in consultation with the Mayor, the Portfolio Holder for Regeneration, Environment Commissioner and the Executive Head of Tor Bay Harbour Authority, be permitted to procure the design and the costing of a schedule of works which would take into account all of the options available for the area under consideration;**
- (iii) that the Chief Executive of Torbay Development Agency be authorised, on Torbay Council's behalf, to apply for grant funding from all appropriate sources to contribute towards the cost of the repairs detailed in (ii)(b) above;**
- (iv) in addition to the grant funding in (iii), the Chief Executive of Torbay Development Agency, in consultation with the Council's Chief Finance Officer, look at and report back to the Cabinet and if necessary the Harbour Committee, on the funding options and costs to meet the works covered in (ii)(b);**
- (v) that, if necessary, once the works in (ii)(b) above have been identified and agreed, and once the funding for these works has been secured, Torbay Development Agency be allowed to procure these works in accordance with appropriate European Union Procurement Regulations, if applicable;**

## APPENDIX 1 (continued)

- (vi) that the Chief Executive of Torbay Development Agency in consultation with the Head of Legal, the Harbour Committee and the Mayor be authorised to advertise and sell, at best value, a long lease of The Marina Car Park, the Pavilion and such additional land required to carry out the development covered in (i);
- (vii) that the Chief Executive of Torbay Development Agency, working with the Harbour Committee, be asked to revisit the principle of a Torquay Inner Harbour Pontoon Berthing Project, as outlined in report 150/2009; and
- (viii) that the Chief Executive of Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority be asked to prepare a further report on the Torquay Inner Harbour Pontoon Berthing Project, including private sector investment options, for consideration by the Harbour Committee, the Mayor and/or Council.

### Reason for Decision

To agree an approach that would lead to the regeneration of the Princess Gardens, Princess Parade, Marina Car Park, Pavilion and Theatre area of Torquay in accordance with the Torbay Harbour Area Action Plan.

### Implementation

This decision will come into force and may be implemented on Tuesday, 15 March 2011 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

### Information

Report 41/2011 set out a proposal that would lead to the regeneration of the Princess Gardens, Princess Parade, Marina Car Park, Pavilion and Theatre area of Torquay in accordance with the Torbay Harbour Area Action Plan and at the same time addressing the Council's significant repairing liability for the Princess Gardens, Princess Parade, Princess Pier and the Pavilion.

The following representations were made at the meeting:

- Iris Gunther presented the petition on behalf of the Community Co-operative containing approximately 2218 signatures and spoke against any proposed development of Princess Promenade, Princess Gardens, the Pavilion and the North Quay End of Vaughan Parade;
- Susie Colley spoke in favour of the principle of development but was against the two large blocks proposed, she supported increasing the size and improving the structure of the Princess Theatre but was against increasing its footprint;
- Julie Brandon spoke against the proposals;
- Fiona McPhail spoke against the proposals;
- Carolyn Custerson, Chief Executive of the English Riviera Tourism Company Board spoke in support of the proposals;
- Alan Archer, Torbay Business Forum spoke in support of the proposals; and
- Councillor Horne, Chairman of the Harbour Committee requested more time for the Harbour Committee to consider further information before they were able to give their advice on the proposals particularly relating to the inner harbour.

## APPENDIX 1 (continued)

The following documents were circulated at the meeting:

- letters of representation against the proposals from Julie Brandon and Fiona McPhail;
- the covering letter and sample of the petition containing approximately 2218 signatures from the Community Co-operative against the proposal (a further page of the petition containing six signatures was handed to the Clerk at the start of the meeting);
- letter from Keith Richardson, Owner of the Grand Hotel in support of the proposals – which was read out at the meeting by the Mayor;
- letter from Lucy Ball, Chief Executive Officer of Torbay Town Centres Company in support of the proposals;
- email from Rob Newman, Kitsons Solicitors in support of the proposals; and
- statement from Ian Handford on behalf of Torbay Civic Society in support of the proposals – which was read out at the meeting by the Mayor.

### **Alternative options considered and rejected at the time of the decision**

The alternative options were set out in Report 41/2011 and not discussed at the meeting.

**Is this a Key Decision?** (Give reference number if applicable)

Yes – Reference Number X40/2010

**Does the call-in procedure apply?** (If no, please give reason)

Yes

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

None

**Published**

Monday, 7 March 2011

## APPENDIX 1 (continued)

### Record of Decision

#### Review of Primary School Places in Brixham: Chestnut Primary School and St Margaret Clitherow Catholic Primary School

##### Decision Taker

The Mayor at the Cabinet meeting held on 3 March 2011.

##### Decision

**That the decision regarding the Review of Primary School Places in Brixham: Chestnut Primary School and St Margaret Clitherow Catholic Primary School be deferred to 22 March 2011.**

##### Reason for Decision

To enable further information which has come to light since Report 43/2011 was published to be considered by the Mayor.

##### Implementation

This decision will come into force and may be implemented on Tuesday, 15 March 2011 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

##### Information

Report 43/2011 set out the results of the public consultation on the review of primary school places in Brixham which was held between 26 November and 7 January 2011 and centred around the following three options (the consultation also allowed for other options to emerge during the consultation):

- Option One: Status Quo – no change to school organisation;
- Option Two: Closure of Chestnut Primary School; and
- Option Three: Closure of Chestnut Primary School and the relocation of St Margaret Clitherow Catholic Primary school to the Chestnut site.

In addition to the representations received during the consultation period the Mayor had received the following representations which were circulated at the meeting:

- covering letter and sample of petition containing approximately 72 signatures from Members of Our Lady Star of the Sea Church in support of moving St Margaret Clitherow School to the Chestnut School site provided that this kept the school open;
- covering letter and sample of petition containing approximately 798 signatures from residents of Brixham requesting St Margaret Clitherow School to be kept at the Polhearne Way site;
- letter from Margaret Bickley, Chair of Governors from Chestnut Primary School setting out the results of the Governors' votes on the proposals (1 for Option One, 8 for Option Three and 2 for Option 4);
- letter from Sarah Welsh, Chair of Governors from St Margaret Clitherow Catholic Primary School advising that the Diocese and majority of Governors from the School supported

## APPENDIX 1 (continued)

Option Three but suggested that there were two separate decisions: (a) a decision whether or not to close Chestnut Primary School – a decision for the Council; and (b) a decision whether to move St Margaret Clitherow Catholic Primary School to the Chestnut site – a decision which rests with the Catholic Diocese of Plymouth.

The following representations were made at the meeting:

- Glen Page, Headteacher from Chestnut Primary School spoke on behalf of all Brixham Primary and Secondary School Headteachers in support of Option Three;
- Sarah Welsh, Chair of Governors from St Margaret Clitherow Catholic Primary School spoke on behalf of all Headteachers, Chairs of Governors in Brixham, the Catholic Community and Diocese in support of Option Three;
- Ken Kies, Headteacher from Eden Park Primary School spoke on behalf of the Headteachers in Brixham in support of Option Three.

The Mayor advised that the recommendations set out in Report 43/2011 had been prepared based on the strong feeling of the community made during the consultation. Since the report has been published he has received strong representations from the Director of Children's Services, the Head of School Leadership and Improvement, various Headteachers and Governors that the retention of Chestnut Primary School was unsustainable. The Mayor therefore felt that it was not appropriate to make a decision at the meeting and requested the People Commissioner and Director of Children's Services to prepare a further report to be submitted to the Cabinet meeting on 22 March 2011 separating the two issues of the closure of Chestnut Primary School and any consideration regarding the relocation of St Margaret Clitherow Catholic Primary School.

### **Alternative options considered and rejected at the time of the decision**

The alternative options were set out in Report 43/2011 and not discussed at the meeting.

**Is this a Key Decision?** (Give reference number if applicable)

Yes – Reference Number X42/2010

**Does the call-in procedure apply?** (If no, please give reason)

No – as the decision has been deferred to 22 March 2011

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

During consideration of Report 43/2011 Councillor Morey declared a personal interest as Chair of Governors at Brixham College.

### **Published**

Monday, 7 March 2011

This page is intentionally left blank



Report No: **74/2011** Public Agenda Item: **Yes**

Title: **The Re-Provision of the St Kilda's Residential Care Home and Subsequent Disposal of the St Kilda Site**

Wards Affected: **St Mary's with Summercombe Ward**

To: **Cabinet** On: **22 March 2011**

Key Decision: **Yes – Ref. X2/2011**

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

Contact Officer: **Chris Bouchard, Asset Management**  
Telephone: **01803 207920**  
E.mail: **Chris.Bouchard@tedcltd.com**

---

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

1.1 For Members to consider proposals put forward by the Torbay Care Trust about the re-location of the residential home to Brixham Hospital with the subsequent disposal of the St Kilda site to help facilitate the re-provision of the facilities.

## **2. Recommendation for decision**

2.1 **That the Head of Legal Services, in consultation with the Chief Executive of the Torbay Development Agency, be authorised to accept a surrender of the lease from the Torbay Care Trust and then transfer the freehold of the St Kilda site (outlined in red on plan EM932a) to the Torbay Care Trust or its chosen service provider on acceptable terms for no capital receipt under the Local Government Act 1972: General Disposal Consent 2003.**

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

3.1 St Kilda is a residential home that provides 24-hour care for up to 36 service users that are in the category of old age (but not fitting within any other category). The home offers respite, intermediate and long-term care.

3.2 The home was leased to the Torbay Care Trust (TCT) in 2005 with the TCT holding a 10-year lease from 1 December 2005. This has the protection of the Landlord and Tenant Act 1954 and therefore the TCT would be entitled to a new lease on similar terms at the end of the 10-year period. The site is shown edged red on plan EM932a, attached as Appendix 1 to this report.

- 3.3 In 2007 the TCT appointed Sandwell Community Caring Trust to run St Kilda following a tender for the service. The contract required Sandwell to improve the conditions for the clients using the facility and, if necessary, to work with the TCT to provide alternative facilities.
- 3.4 The TCT have recognised that, whilst the standard of care at St Kilda is valued by the local community, the facility needs to be re-provided as currently there are issues in terms of space, which limits the flexibility and use of the facilities.
- 3.5 The TCT has identified a site within the grounds of Brixham Hospital, which could be made available to Sandwell to lead the construction of a purpose-built facility to replace the home at St Kilda. The TCT has therefore asked that the freehold of the St Kilda site be transferred to the TCT / their chosen service provider at nil consideration so that it can subsequently be sold with the capital receipt being used to help fund the construction at the hospital.
- 3.6 The Council's position will be safeguarded when the St Kilda site is eventually sold to ensure that it receives a share of any uplift in value. The documentation will also safeguard the Council's position in respect of the Hospital site. Details are contained in sections A2.1.3 – A2.1.5.
- 3.7 Under the Local Government Act 1972: General Disposal Consent 2003 ('the Consent') allows Councils to dispose of land for less than the best consideration that can reasonably be obtained.
- 3.8 The Consent also means that specific consent is not required for the disposal of any interest in land which the Authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area.
- 3.9 It is considered that the proposal will have economic, social and environmental benefits with details being contained in sections A1.16 – A1.19.

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

**Steve Parrock**  
**Chief Executive, Torbay Development Agency**

## Supporting information to Report 74/2011

### A1. Introduction and history

- A1.1 St Kilda is a residential home that provides 24-hour care for up to 36 service users that are in the category of old age (but not fitting within any other category). The home offers respite, intermediate and long-term care.
- A1.2 The home was leased to the Torbay Care Trust (TCT) in 2005 with the TCT holding a 10-year lease from 01 December 2005. The site is shown edged red on plan EM932a, attached as Appendix 1 to this report.
- A1.3 In 2007 the TCT appointed Sandwell Community Caring Trust to run St Kilda following a tender for the service. The contract required Sandwell to improve the conditions for the clients using the facility and, if necessary, to work with the TCT to provide alternative facilities.
- A1.4 There is a grade II listed building at the front of the site, which is deteriorating in condition and now requires a substantial capital injection to rectify the external state of repair and internal problems. There is an existing 1970s 3-storey day centre/care home to the rear of this listed building. It is understood that the Grade II listed house and garden adjoining it is contained within a Conservation Area but the home and day centre forming the north western part of the site is excluded from the Conservation Area.
- A1.5 Condition surveys were carried out in 2007 by the Council which identified repairs totalling circa £50,000 for the listed building and circa £292,300 for the 1970s care home.
- A1.6 The TCT presented a 'Brixham Health and social care framework' to the Health Scrutiny Committee in September 2010. The TCT is currently working on an update to this strategy with the aim to improve the health and social wellbeing of the people of Brixham. The vision is to ensure a community health and social care infrastructure that is fit for purpose in meeting the demands of the Brixham population.
- A1.7 The strategy has looked at all aspects of health care in Brixham including (but not limited to) the provision of GP/Dental practices, mental health care, the physical disability service and the facilities at St Kilda.
- A1.8 The TCT have recognised that, whilst the standard of care at St Kilda is valued by the local community, the facility needs to be re-provided as currently there are issues in terms of space, which limits the flexibility and use of the facilities.
- A1.9 The TCT has identified a site within the grounds of Brixham Hospital, which could be made available to Sandwell to construct a purpose-built facility to replace the home at St Kilda. The TCT has therefore asked that the freehold of the St Kilda site be transferred to the TCT / their chosen service provider at nil consideration so that it can subsequently be sold with the capital receipt being used to help fund the construction of the new facility at the hospital.

- A1.10 This proposal is an opportunity to integrate the proposed St Kilda facility with other services on the Hospital site to provide a range of health and social care services at one location in Brixham.
- A1.11 The intention would be for a Conditional Contract to be entered into so that the freehold is only transferred once all of the conditions have been satisfied. One condition will be that the new facilities are built and ready for occupation. Members should therefore be reassured that no clients using the facilities at St Kilda will be displaced as a result of these proposals. The intention would be for them to remain in the existing St Kilda site whilst the new facilities were built at Brixham Hospital and only once these were ready for occupation, would the users be transferred from St Kilda.
- A1.12 As mentioned above the Council is being asked to transfer the freehold of the St Kilda site for nil consideration. Under the Local Government Act 1972: General Disposal Consent 2003 ('the Consent') allows Councils to dispose of land for less than the best consideration that can reasonably be obtained.
- A1.13 The Consent removes the requirement for authorities to seek specific consent from the Deputy Prime Minister and Secretary of State for any disposal of land where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted (the 'undervalue') is £2,000,000 or less.
- A1.14 External advice has been sought about the value of the St Kilda site and the details of such advice is contained in Exempt Appendix 2 attached to this report.
- A1.15 The Consent also means that specific consent is not required for the disposal of any interest in land which the Authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area.
- A1.16 The new St Kilda will provide up to date facilities that will allow people with complex needs to be cared for within the area e.g. local people suffering with Mental Health, Dementia and Nursing related issues. The final decision on how St Kilda will be used will be determined by Torbay Care Trust in consultation with the Council.
- A1.17 The redevelopment of this site will have economic benefits in terms of employment e.g. building/construction, care and associated support services. The conditional contract will require their chosen building contractor to work with the TDA to offer a suitable work placement/apprenticeship programme for local people.
- A1.18 Having the new St Kilda adjacent to Brixham Hospital will allow greater flexibility of use of staff and facilities.
- A1.19 The building at St Kilda is not efficient to run in terms of energy and utilities outgoings. Also the layout does not lend itself to the effective deployment of staffing/care resources. The proposed new building will be built to a modern standard and will be more efficient to run in terms of utility and general running and organisational costs although it is not currently possible to quantify these savings as detailed work has not yet been carried out. The transfer will also

mean that the TCT / their service provider do not have to finance the repairs identified in the condition surveys. As mentioned in A1.5 these total circa £342,300.

## **A2. Risk assessment**

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

A2.1.1 There is a risk that, because the TCT have not tendered for the construction of the replacement facilities on the Brixham Hospital site (likely cost in the region of £2.5 - 3M) an interested company may complain that they have not been given an opportunity to tender for this contract under European procurement rules. The TCT will be robustly checking the procurement position carefully with their legal advisors before the scheme can proceed. Their initial advice, however, is that the 2007 tendering was OJEU compliant in terms of progress with the concept of a replacement facility. The build contract itself will be subject to competitive tendering.

A2.1.2 The Council has been asked to transfer the freehold of the St Kilda site to the TCT / their chosen service provider at nil consideration. There is a risk that this could be deemed to be State Aid. The Council's Legal Department has looked into this matter and have concluded that there are no state aid implications.

A2.1.3 The intention is for the TCT / their chosen service provider use the proceeds from the sale of the St Kilda site to contribute towards the construction costs of the new facility. If they subsequently dispose of the new facility their profits will be higher as they would have profited from the Council's willingness to transfer the freehold at nil consideration. The Council's position could be safeguarded by including in the transfer documentation a requirement that the service provider is to pay the Council a percentage of any future sale proceeds (percentage to be agreed).

It could be calculated so that if, for example, the market value of the St Kilda site equated to 15% of the construction costs, then the Council would secure the equivalent percentage interest in the new facility. This would mean that if the facility was ever disposed of then Torbay Council would receive 15% of any sale proceeds with the minimum sum being the market value of the St Kilda site as at the date of transfer. This is for illustrative purposes only and the exact mechanism would need to be agreed in due course.

It is possible that Sandwell is only granted a long lease for the hospital site. In such a scenario the mechanism for safeguarding the Council's position will be different and will need to be agreed in due course.

It should however be noted that there are no plans to sell the Hospital site and the NHS is committed to remaining at this site and this is supported by investments made in the buildings in recent years and the plans to develop the site further referenced in this report.

A2.1.4 There is a risk that, once the St Kilda site has been transferred, then it is sold for more than it was valued at the time the Conditional Contract was entered into. To ensure that the Council receives value for money an overage clause would be included in the documentation to ensure that the Council receives a share of

any uplift in value.

A2.1.5 There is a risk that the service provider sells the St Kilda site for less than market value. This is considered to be a minor risk since the service provider will be obliged to obtain best value. Nevertheless the documentation could provide that the overage provision is calculated on the basis of an independently obtained assessment of the optimum market value.

## **A2.2 Remaining risks**

A2.2.1 There is a risk that, if the transaction was structured to incorporate the provisions of A2.1.3 above, then the Council would be liable for Stamp Duty Land Tax. This aspect would need to be investigated in due course by the Council's legal advisors to minimise the liability.

## **A3. Other Options**

A3.1 That the Council does not agree to the TCT's proposal. This, however, will increase the cost of the provision of the current facilities, which have limitations in terms of service delivery and are in need of a large injection of capital to cover items of repair identified in the condition surveys.

With the intended re-structuring of the Primary Care Trust, if the proposals did not proceed, then there is a risk that the responsibilities for the management of the St Kilda site would revert back to the Council if it took over the function of the Care Trust. It would therefore 'inherit' all the running costs and the repairs & maintenance liability of circa £342,300.

A3.2 If the Council decides not to agree to the proposal then, for it to proceed the TCT will need to find alternative sources of funding.

Current budget proposals highlight an un-ringfenced grant of circa £0.4M in 11/12 to the TCT for suitable capital projects. It is also understood that the TCT may have an under-spend from 10/11, which could be rolled into the new financial year. This will need to be clarified in due course but, if any under-spend is identified, then the option of using some of this instead of the full value (or part thereof) of the St Kilda site to part fund the replacement facilities could be explored.

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

A4.1 Asset Management and Legal Services will be involved with the negotiation and preparation of the necessary documentation.

Details about the amount of money the Council would be foregoing are contained in Exempt Appendix 2 attached to this report.

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

A5.1 It is considered that the recommendations within this report will not cause an impact on equalities.

- A5.2 The new facilities on the Brixham Hospital site will be more energy efficient to comply with modern Building Regulations and as such it should be more environmentally sustainable.
- A5.3 The St Kilda site is within a conservation area and therefore re-development of this site is likely to bring an opportunity for sympathetic development. This would be dealt with through any future planning application.
- A5.4 Due to the profile of the users of the existing St Kilda site and the proposed facilities at Brixham Hospital, it is not considered that the proposal will have an impact on crime and disorder.

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

- A6.1 The TCT has carried out consultation with the Brixham Hospital League of Friends, Brixham Town Council, Ward Councillors and the relevant Community Partnership.
- A6.2 The above organisations have indicated their support to the principle of relocating the facilities to the Brixham Hospital site.

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

- A7.1 There will be an implication for the Planning Department as they will need to consider the planning applications in due course for the Brixham Hospital and St Kilda sites.

#### **Appendices**

- |            |   |
|------------|---|
| Appendix 1 | Plan EM 932a                                      |
| Appendix 2 | Financial Advice about the St Kilda site - Exempt |

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

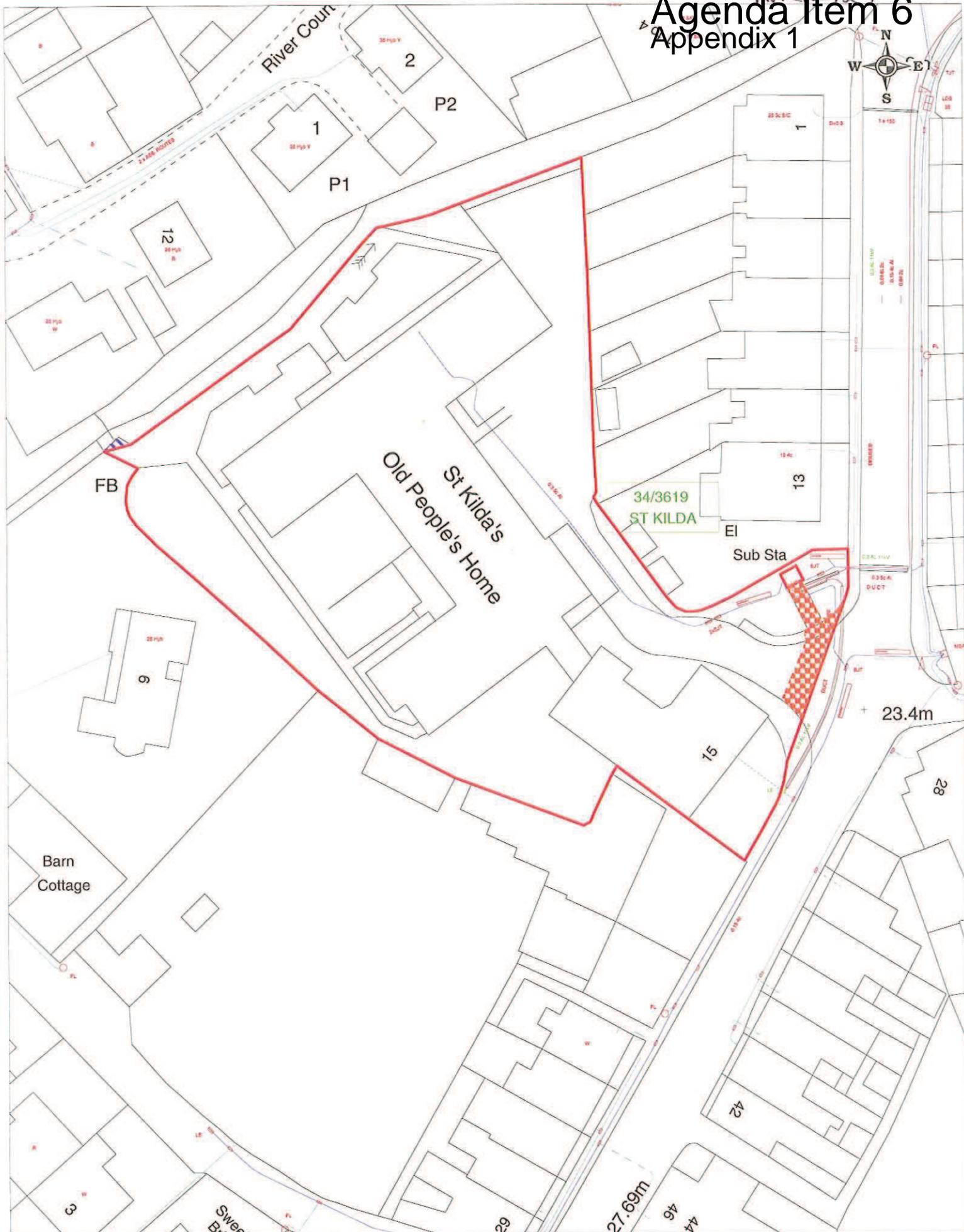
None

#### **Background Papers:**

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

File B3011 - Some of the papers are exempt.

This page is intentionally left blank



Title: St Kilda's, Drew Street, Brixham  
Lease to Adult Care Trust

OVERLAY INDICATING APPROXIMATE ROUTES OF SWEB CABLES  
FINANCE DIRECTORATE - ESTATES SERVICE

EM Plan No: EM932a

Asset No:

Date: 30th August 2005

Scale: 1:500



Reproduced from the Ordnance Survey mapping with the permission of the Controller of HMSO. (c) Crown Copyright. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. Torbay Council LA079782

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

# Agenda Item 6

## Appendix 2

Document is Restricted

This page is intentionally left blank



Report No: **76/2011** Public Agenda Item: **Yes**

Title: **Annual Strategic Agreement 2011/12 with Torbay NHS Care Trust**

Wards Affected: **All Wards in Torbay**

To: **Cabinet Council** On: **22 March 2011  
24 March 2011**

Key Decision: **Yes – Ref X35/2010**

Change to Budget: **Yes** Change to Policy Framework: **Yes**

Contact Officer: **Anthony Farnsworth**  
Telephone: **(01803) 210502**  
E.mail: **Anthony.farnsworth@nhs.net**

---

## **1. What we are trying to achieve**

- 1.1 To agree the areas of development and performance targets required of Torbay NHS Care Trust for 2011/12 as stipulated in the legally binding Partnership Agreement between the Council and Torbay NHS Care Trust.

## **2. Recommendation for decision**

- 2.1 **That, subject to any views of the Overview and Scrutiny Board, the Council be recommended to approve the Annual Strategic Agreement for 2011/12 as set out in Appendix 1 to this report.**
- 2.2 **That the remaining risk related to the delivery of the required performance outlined and the ability to deliver a balanced budget, given the level of resources allocated for the delivery of Adult Social Care, be deemed acceptable.**

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

- 3.1 The Annual Strategic Agreement (ASA) for each financial year is prepared by the Council and, subject to negotiation with the Trust, is agreed upon for implementation from the beginning of each financial year.
- 3.2 The ASA provides a 'commissioning framework' for the Council by, amongst other things, setting out the financial inputs for the year ahead (i.e. the revenue and capital budgets transferred from the Council to the Trust) and the key performance targets for the year ahead. It is important to note that the proposed budget (comprising both income and expenditure targets) to be transferred to the

Care Trust in 2010/11 is detailed in Report 20/2010.

- 3.3 The performance targets relate to the national performance indicators used by the Care Quality Commission to monitor and judge adult social care performance. It is important to note that the judgement of the performance of adult social care (star rating) is of the Council even though the Council has delegated responsibility for the delivery of adult social care. This is because the Council is accountable for the performance of these delegated statutory functions. Full details of the Care Quality Commission assessment process for 2011/12 are not known. It is expected that the Care Trust and the Council will comply with any variation to the assessment regime as it becomes known.
- 3.5 If the proposed performance targets are met in full by March 2012 the Care Trust will remain eligible for a judgement of performing well using the Care Quality Commission criteria that have existed until recently. However, other factors such as the results of any specific service inspections impact on the final performance judgement. Success also impacts on the Community Plan's priorities relating to 'stronger communities'.

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

**Anthony Farnsworth  
Chief Executive of Torbay NHS Care Trust**

## **Supporting information to Report 76/2011**

### **A1. Introduction and history**

- A1.1 The Annual Strategic Agreement (ASA) is legally binding and is produced under the auspice of the Council's Partnership Agreement with the Care Trust. It is a requirement that the ASA be agreed before the start of a new financial year.

### **A2. Risk assessment of preferred option**

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

The proposed performance targets, if met, equate to at least a performing well performance using current Care Quality Commission criteria, and assuming all other performance levels being equal to those of 2010/11, as achieved in the 2010 assessment.

The proposed targets are judged to be achievable within the envelope of resources made available to the Trust by the council. To set them at a higher level increases the risk of them not being achieved and therefore the Council would be open to criticism from the Care Quality Commission. To set them lower would not enable us to ensure a continued trajectory of improved performance overall.

### **A3. Other Options**

- A3.1 The proposed agreement is required by the legally binding Partnership Agreement between Council and Torbay NHS Care Trust. This is subject to improvement and future delivery options will be explored as part of the review of the partnership agreement detailed in Appendix 1.

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

- A4.1 Proposed performance targets are based on proposed revenue, grant and income targets laid out in Report 347/2011, which includes efficiency targets.

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

- A5.1 Achievement of the proposed ASA and its proposed targets will work towards reducing health and well-being inequalities, and promote access to services regardless of race, gender, disability, age, sexual orientation, religion or belief. Indeed, the ASA represents one of the most important vehicles by which the Council is seeking to create a more equal Bay. In addition, successful implementation of the ASA, which includes focus and targets around the community inclusion and safety of vulnerable adults will support the Council's efforts to reduce crime and disorder.
- A5.2 The key foci for 2011/12 are: greater service user involvement; additional resources for more deprived areas to reduce inequalities; adult safeguarding; personalisation (whereby people commission their own services and supports via direct payments or individual budgets); preventative services; reviewing and improving access to employment for vulnerable people; better integrated

community and services for older people and people with dementia; assisting people with mental health issues and those with substance misuse problems.

**A6. Consultation and Customer Focus**

A6.1 After a process of negotiation with the Care Trust, the draft ASA has been considered by Overview and Scrutiny.

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

A7.1 The Business Unit responsible for monitoring the ASA has been fully involved in preparing these proposals; no adverse implications have been identified.

A7.2 It is important that the ASA is fully considered by Children's Services in order to deliver improved transition between children and adult services and joint management of cases where the adult social care needs of a parent have implications for their children.

A7.3 Finance Services in scrutinising spend and in developing proposals for the future funding of Adult Social Care.

**Appendices**

Appendix 1 – Annual Strategic Agreement 2011/12

**Background Papers:**

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

None

**Annual Strategic Agreement between Torbay Council and Torbay  
NHS Care Trust for the delivery of Adult Social Care 2011/12**

**Contents**

1. Introduction
2. Performance Outcomes
3. Spending Decisions and Key Decisions
4. Revenue Budget 2011/12
5. Chargeable Services – Rates 2011/12
6. Roles and responsibilities

Version 7 updated in line with Cabinet discussions and discussions at the Integrated Governance Committee held on 14<sup>th</sup> January 2011

## **1. Introduction**

### **1.1 Overall strategy**

The Care Trust will continue to pursue a strategic direction that is designed to maximise choice and independence for those requiring adult social care support and care. As far as possible, within FACS and the constraints of resources, the Care Trust will seek to promote active and healthy lifestyles. In particular the DASS will play a lead role in developing a refreshed Active Ageing Strategy and in contributing to its implementation.

### **1.2 Financial context**

At a national level the funding arrangements for Adult Social Care (ASC) are under review. There is no immediate prospect of this review reporting in a timescale that would propose changes in 2011/12. Therefore the financial arrangements for 2011/12 are based on what is known at present.

The ability of the Care Trust to absorb financial risk from ASC spending has been reduced owing to the loss of NHS Commissioning responsibilities from the Care Trust with effect from April 2011. The Care Trust and the Council will work to secure the engagement and support of NHS Commissioners (in practice the support of Baywide GP Consortium) to any financial risk share arrangement applying in 2011/12.

### **1.3 NHS Reforms**

The NHS White Paper and the NHS policy of Transforming Community Services have implications for the arrangements between the Care Trust and Torbay Council. The requirement for PCTs to separate out NHS Commissioning and Provider functions represents a significant change.

Formal agreements between the Council and the Care Trust about exactly how the arrangements will develop are yet to be made and will need to be reflected in the finalisation of this agreement. The working hypothesis at time of writing is that the range of functions delegated under the present Partnership Agreement will continue to be delegated. The Council has supported in principle the development of a South Devon provider unit as an interim position for up to 2 years while the Council, the Torbay Care Trust and other partners continue to work on a longer term solution.

### **1.4 Health and Wellbeing Board**

The Care Trust will play a full and active role in supporting Torbay Council with the design and development of this Board. No detailed implications for delegated ASC functions have yet been seen.

### **1.5 Public Health**

The Care Trust will play a full and active role in preparing for the changes heralded in the Public Health White Paper. The Trust and the Council will support the five

outcomes for public health specified in “healthy lives/healthy people” and work to support the new statutory duties including the JSNA which accrue to local government over the next 24 months. This includes exploring the role of the South Devon provider in locality working in the Bay.

#### **1.6 CQC Assessment Regime**

This agreement remains structured on the seven outcome areas of the former CSCI/CQC performance assessment regime. No detail is available on the performance/assessment regime that will be applied by CQC in 2011/12. This agreement will need to flex to accommodate the requirements of any new performance regime as it becomes known.

## 2. Development priorities and performance outcomes

To work in partnership to set and achieve a realistic trajectory for the delivery of the Transformation in Social Care, focussing on improving safeguarding, personalisation and preventive services.

To maintain a standard of performing well overall: focussing improvement on increasing choice and control; freedom from discrimination and harassment; and economic well-being.

### 2.1 Outcome 1: Improving Health and Emotional Wellbeing

To ensure that adult social care issues are included in the development of wider integrated care opportunities

To work in partnership to close the gap in health inequalities through the development of a neighbourhood management pathfinder and assist with its development in other deprived areas subject to successful evaluation of improved outcomes in the pathfinder area.

To play a full role in developing and implementing the ASC contribution to an Active Ageing Strategy.

Develop an integrated prevention strategy to safeguard vulnerable adults in partnership with the Crime Reduction Partnership.

Maintain current performing excellently CQC rating.

Performance Framework	Definition	2010/2011 Targets	2011/2012 Targets	Top 25% CIPFA Group 2008/9	Top 25% All England 2008/9	Comparator group average
NI 125	Achieving independence for older people through rehabilitation/ intermediate care	75%	78%	83.1%	85.0%	75%
NI 131	Delayed transfers of care	17.5	9	10% Reduction Proposed (Based on December 2010 Position)		
*New Indicator	Emergency readmission rate for over 65s within 28 days	Not reported in 2010/11	10% Reduction Proposed	New Indicator No comparison data available		

*New Indicator	Emergency bed days for over 75s with 2+ admissions to acute hospital	Not reported in 2010/11	5% Reduction Proposed	New Indicator No comparison data available
*New Indicator	Falls for over 65 patients living in a care home which result in a hospital admission	Not reported in 10/11	5% Reduction Proposed	Proposed Quality Measure Establish 10/11 baseline by mid April and produce trajectory.

## 2.2 Outcome 2: Improved quality of life

In line with CQC's recommendations the Trust should improve performance on the provision of telecare, telehealth and community equipment within agreed budgets.

Implement the Dementia Strategy for Torbay.

Review and re-commission the range of services that facilitate the delivery of home care, including Home Improvement Service, Joint Equipment Store, Handypersons schemes and the allocation of Disabled Facility Grant by October 2011.

Maintain current performing well rating.

Performance Framework	Definition	2010/2011 Targets	2011/2012 Targets	Top 25% CIPFA Group 2008/9	Top 25% All England 2008/9	Comparator group average
NI 136	People Supported to live independently through social services (all adults)	2701	Leave at 10/11 Outturn Estimate outturn	3601.5	3773.8	3,200
*New Indicator	Number of people supported through telecare & telehealth	Not reported in 10/11	1100	New Indicator No comparison data available (913 clients based on December 2010)		

## 2.3 Outcome 3: Making a positive contribution

To ensure a systematic approach to knowing and understanding service users & carers experiences and levels of satisfaction and to develop a collaborative approach

with the Council and other partners to engaging them in the commissioning and monitoring of services.

Develop self assessment mechanisms to ensure the delivery of more personalised services.

To foster the broad agenda symbolised by the Government's "Big Society" intentions. Specifically to direct activity towards self care and towards fostering voluntary and community activity.

Introduce an outcomes-based accountability approach to transforming social care to ensure the intended positive effects are realised. To do this via the mechanism of goal setting and review in personal care plans.

To adopt a client led approach to commissioning, reviewing and delivering services, building on the positive lead from Supporting People.

Maintain current performing well rating.

Performance Framework	Definition	2010/2011 Targets	2011/2012 Targets	Top 25% CIPFA Group 2008/9	Top 25% All England 2008/9	Comparator group average
*New Indicator	Develop indicator demonstrating effectiveness of carer support mechanisms	Not reported in 10/11	To be determined	New Indicator No comparison data available ( Determine upon completion of evaluation of the Carer Demonstration Site Pilot In June 2011)		
* New Indicator Carer Numbers	Number of people on Carers' Register	Not reported in 10/11	10% increase	New Indicator No comparison data available (Set at 10/11 Outturn)		
Young Adult Carers	Number of young adult carers in contact with Care Trust	Not reported in 10/11	25	New Indicator No comparison data available		

#### 2.4 Outcome 4: Increased choice and control

Review and re-commission appropriate models of Information, Advice and Advocacy to support the preventative and independence agenda including further website development and the further development of information and advice consortia.

To successfully complete the review of Learning Disabilities Services and begin implementation of subsequently approved recommendations

To take forward, in partnership, the development of extra-care housing in Torbay with an associated wide range of enablement services. To extend the scope of care to a Virtual Extra Care model supported by community hubs offering care and support by piloting this approach in Shiphay.

Continue to improve partnership working with Children's Services to improve transitions from children's to adult services.  
To ensure the development of a thriving third sector through better joint commissioning that adopts the principles outlined by the Office of the Third Sector.

Improve current rating of performing adequately to performing well through the effective mainstreaming of personalisation across Paignton, supported by more widespread use of assistive technology (including Telecare) and the development of social capital, incorporating the paragraph above.

Performance Framework	Definition	2010/2011 Targets	2011/2012 Targets	Top 25% CIPFA Group 2008/9	Top 25% All England 2008/9	Comparator group average
NI 130 – <b>Note</b> calculation methodology has changed, from numeric to percentage	Social Care clients receiving Self directed support per 100,000 population	30%	40%	6.3%	8.1%	5.2
NI 132	Timelines of social care assessment (all adults)	79	Suspend and recalibrate on reduced resources	83.4%	88.8%	79%
NI 133	Timelines of social care packages following assessment	90%	Suspend and recalibrate on reduced resources	93.4%	93.7%	90%
NI 135	Carers receiving needs assessment or review and a specific carer's service, or advice and information	38%	Suspend and recalibrate on reduced resources	28.2%	25.8%	24%
NI 145	Adults with learning disabilities in settled accommodation	39%	Set at 10/11 Outturn	96.5%	85.9%	75%

Performance Framework	Definition	2010/2011 Targets	2011/2012 Targets	Top 25% CIPFA Group 2008/9	Top 25% All England 2008/9	Comparator group average
NI 149 <b>DPT Provision</b>	Adults receiving secondary mental health services in settled accommodation	29%	30%	48.6%	41.9%	29%
*New Indicator – replaces PAF C72	No. of people aged 65 or over living in residential or nursing homes	602 (Dec 10 position)	570	New Indicator No comparison data available		
*New Indicator – replaces PAF C73	No. of LD and MH <65 people living in residential or nursing homes	188 (Dec 10 position)	180	New Indicator No comparison data available		
*New Indicator	Proportion of total over 65 spend on care home placements	61% (Figure to be confirmed by Finance)	58%	New Indicator Use of Resources suggests this should be approx. 40%		
PAF D39	People receiving a Statement of Needs (TCT +DPT)	DPT – 90% TCT – 93%	95	No longer part of National Indicator Set Only outdated comparison information available		
PAF D40	Clients receiving a Review	DPT – 85% TCT - 85%	85	No longer part of National Indicator Set Only outdated comparison information available		

## 2.5 Outcome 5: Freedom from discrimination or harassment

People independently funding their own residential care will receive discretionary care management support services only if they are in need of protection or other exceptional circumstances exist. This is to balance the need for independence and autonomy whilst offering protection to those who may require it. This is to be reviewed as part of the Transformation in Social Care.

Ensure that people from black and minority ethnic groups and other equality groups have appropriate access to assessment.

To develop and then apply a more direct source of customer feedback to provide meaningful data and assurance. This will, in all likelihood, lead to the development of more meaningful metrics in this area, e.g., with reference to fulfilment of personal care plans.

To increase the CQC judgement from performing adequately to performing well.

<b>Performance Framework</b>	<b>Definition</b>	<b>2010/2011 Targets</b>	<b>2011/2012 Targets</b>
PAF E47	Ethnicity of older people receiving assessments	1.25%	1.25%
PAF E48	Ethnicity of older people with services	1%	1%

## 2.6 Outcome 6: Economic Wellbeing

Torbay Council and Torbay Care Trust work together to ensure that people in Torbay have timely access to welfare and benefits advice and assistance, as part of a whole system review, options appraisal and re commissioning of information, advice and advocacy by September 2011.

Torbay Care Trust will work to maximise benefits income of its customers and to use this to support the costs of care required.

To work with the Council and other employers to improve access to employment for the disabled and other vulnerable groups by reviewing recruitment policies and procedures and agreeing mutual targets for supported work placements.

To work with the Council and other partners to foster the development of community and social enterprises and the use of apprentices. In particular to support opportunities for older people to remain active, retain economic independence, in care and support and for the intrinsic health benefits of this.

To increase the CQC judgement from performing adequately to performing well.

<b>Performance framework</b>	<b>Definition</b>	<b>2010/2011 Targets</b>	<b>2011/2012 Targets</b>	<b>Top 25% CIPFA Group 2008/9</b>	<b>Top 25% All England 2008/9</b>	<b>Comparator Group Average</b>
NI 146 ** Note shared target across all public agencies to improve	Adults with learning disabilities in employment PSA 16	3.40%	5	9.6%	9.3%	8.5%
NI 150 <b>DPT Provision</b>	Adults receiving secondary mental health services in employment	5	5	5.0%	5.9%	3.5%

## 2.7 Outcome 7: Maintaining personal dignity and respect

Seek ways to continue to raise the standards to meet the Dignity in Care agenda.

To ensure that the findings of the independent safeguarding review are incorporated into commissioning and operational practice and improve joint working with children's safeguarding.

The Care Trust will pursue its policy of not commissioning care services from poorly rated providers. NB: CRILL data collection is no longer required.

Performance data from Adult Safeguarding activity will appear in TCT Board reports and Council reports. The annual SAB report will be reported to both TCT Board and the Council. A dashboard of Safeguarding Performance Measures is to be approved by the SAB in January 2011 and will be attached to this agreement.

To restore the CQC judgement of performing well (improving from adequate in 09/10).

Performance framework	Definition	2010/2011 Targets	2011/2012 Targets
LAA	End of life care - access to appropriate care enabling people to be able to choose to die at home	22%	27%
*New Indicator – replaces PAF D37	Mixed sex accommodation	Not reported in 10/11	Baseline to be determined on 10/11 Outturn
*New Indicator	Proportion of safeguarding calls triaged in less than 48 hours	Oct to Dec 10 Performance is 57%	80%
*New Indicator	Proportion of safeguarding strategy meetings held with 5 working days	Oct to Dec 10 Performance is 71%	75%
*New Indicator	Proportion of safeguarding case conferences held with 20 working days of strategy meeting	Oct to Dec 10 Performance is 2%	70%
*New Indicator	Number of repeat safeguarding referrals in last 12 months	10/11 Baseline to be determined by April 11	10% reduction on 10/11 outturn
*New Indicator	Proportion of partially substantiated and substantiated referrals which occur in care homes	10/11 Baseline to be determined by April 11	5% reduction on 10/11 outturn

## **2.8 Outcome 8: Leadership**

The parties work to raise the profile of Adult social care, its importance and contribution to the fabric of Torbay and work to ensure sustainability for plans and personalisation that will provide high quality services and choice for people. This should include the engagement of all elected members to promote understanding in the work of adult social care services and joint working initiatives as a result of the Care Trust arrangements.

To work with Torbay Council to explore further integrated working to improve outcomes and efficiency. To engage with the TSP and the development of the pathfinder Health and Wellbeing Board in the context of the emerging South Devon provider model.

The DASS will contribute to the corporate work of the Council and contribute to the changes mentioned in the introduction above.

## **2.9 Outcome 9: Commissioning and use of resources**

To ensure a maximisation of benefits of joint commissioning and investigate ways in which this can be further consolidated.

The Care Trust will undertake robust monitoring of its contracts to ensure safe and effective service delivery, as appropriate. Links with Commissioning Strategy, and links with the regional commissioning consortia, Provider Development in Devon will be developed.

Deliver a balanced budget, whilst seeking to deliver the outcomes articulated in Putting People First – a shared vision and commitment to the transformation of Adult Social Care, pertaining to safeguarding, personalisation and preventative services and managing the current performance of the organisation in this challenging environment.

To use the Care Trust's commissioning leverage to manage and develop the local provider market to ensure a supply of high quality local services, which provide value for money. In particular to further develop alternatives to long term residential care, focussing on the development a commissioning strategy for housing, support and care, with practical support to providers to reconfigure the current market.

To seek further integration opportunities between the partners to the agreement to obtain seamless service delivery and maximise efficient use of combined resources

Work in partnership with Torbay Council to make the most effective use of capital assets to enable improved outcomes for service users.

To complete the changes following decisions on in-house residential and intermediate care services at St Edmunds and in-house day care services at St Edmunds and Fernham.

To finalise plans for the redevelopment of St Kilda's on the Brixham Hospital site which takes account of the mayoral pledge to the long-stay residents.

To accelerate the implementation of the Learning Disability strategy and to restore learning disability spending to budgeted levels.

To work in partnership to develop reablement schemes which optimise the health and well-being of Torbay's residents.

## 2.10 Financial Risk Share and efficiency

For 2011/12 the pooled budget arrangement contains three sections. The Care Trust will accept the financial risk on the NHS component and the joint operational component (ie directly managed) will fall to the NHS. On the more volatile and demand led commissioning of social care, the normal monthly financial monitoring will be supplemented by a quarterly review and re-profiling of commissioned spend to retain both financial control, performance and statutory responsibility.

Torbay Care Trust demonstrate the delivery of required efficiencies in a timely and robust manner in line with former indicator NI 179 equating to £1.9m efficiency savings.

<b>Performance framework</b>	<b>Definition</b>	<b>2010/2011 Targets</b>	<b>2011/2012 Targets</b>
NI 179	Value for money – total net value of gains that have impacted since the start of the financial year	4%	4% (£1.9m)

### **3 Decision making**

- 3.1 This agreement reiterates section 22.3 of the Partnership Agreement, i.e. the Care Trust may not make decisions unilaterally if they meet the criteria of a 'key decision'.
- 3.2 Key decisions are made by Torbay 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 Partnership Agreement.

When agreeing what constitutes a key decision, consideration should be given to the 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 key.

### **4 Social Care Revenue Budget 2011/12**

	2010/11	2011/2012
	£	£
Base budget	42,103	39,089
Transforming Social care Grant	877	0
<b>Sub-Total</b>	<b>42,980</b>	<b>39,089</b>
Central Govt Funding		2,322
<b>TOTAL</b>	<b>42,980</b>	<b>41,411</b>

- 4.1. For 11/12 there is an additional non-recurrent sum of money (recurrent for the CSR period but years 3 and 4 have yet to be confirmed) made available by Central Government for Adult Social Care of £2.3m which is built into the above baseline.

## 5 Charges for Services 2011/12

### a) Non-residential Services:

	Rates 2009/10	Rates 2010/11	2011/2012
	£	£	£
Domiciliary care P/H	14.50	15	15.50
Day Care charge	24.00	28	28
Night Care rate (per night)			50
Maximum Rate (Day & Dom Care)	300.00		No Maximum
Transport	Nil		Nil
Community Meals	3.50	4	4.25

As part of the personalisation agenda the Care Trust like all other Local Authorities has to formulate and implement a policy on calculating an individual's contribution to their personal budget. This matter is currently under consideration by the Personalisation Board and a policy is in the process of being developed and will be implemented in 2011/12.

### b) Residential Services:

The Residential and Nursing increases will not be known until the CRAG (Charging for Residential Accommodation Guide) Regulations are published in 2011.

Residential charges to be implemented each April as directed by the Department of Health CRAG (Charging for Residential Accommodation Guide).

Client contributions for both long and short stay placements are based on an individual financial assessment of capital and income.

There is no charge for services provided under Intermediate Care or Continuing Care.

The Care Trust will ensure that all clients in receipt of a chargeable service receive a full welfare benefit check from the FAB team and an individual financial assessment in accordance with Department of Health circular LAC(2001) 32.

## **6 Roles and Responsibilities**

### **Torbay Council**

- **Role of Torbay Council Chief Executive** – has delegated her authority to the Care Trust for the provision of Adult Social Services and will monitor performance of the DASS in line with the honorary contract. To hold the DASS to account.
- **Role of Adult Social Care Cabinet Member** - to provide political steer to the Trust and the Council in adult social care. To challenge/monitor and drive performance.
- **Role of Adults and Operations Commissioner** - Provide client function
- **Executive Head Finance** – to take a lead responsibility on behalf of the Council in relation to the delegated budget.

### **Torbay Care Trust**

- **Role of Torbay Care Trust Chief Executive** – to fulfil the statutory role of the designated Director of Adult Social Services (DASS). When performing this role, the Chief Executive will be directly accountable to the Chief Executive of Torbay Council and contribute to the Commissioning Officers Group (COG) and report to Cabinet.
- **Role of Torbay Care Trust Chief Operating Officer** – to fulfil the role as the Trust's Nominated Director and to take lead responsibility for the provision of adult social services and to lead responsibility for the relationship with the Council and for managing performance.
- **Role of Deputy Director of Finance** – to take a lead responsibility on behalf of the Trust for managing the pooled budget.
- **Role of Company Secretary** – to lead on the self assessment process and performance management of adult social care with the Care Quality Commission.
- **Role of Head of Information** – to be responsible for the quality of all the performance data contained in this Annual Strategic Agreement and to be the lead for target setting within the Trust.

This page is intentionally left blank