



Town Hall, Castle Circus,
Torquay, Devon TQ1 3DR
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Wednesday, 20 February 2013

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in the **Rosetor Room, Riviera International Centre, Chestnut Road, Torquay, TQ2 5LZ** on **Thursday, 28 February 2013** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

Caroline Taylor
Chief Operating Officer

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

Working for a healthy, prosperous and happy Bay

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

Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207012537

Email: governance.support@torbay.gov.uk

(i)
THE MJ
2010
Achievement Awards
COMMENDED

Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

To confirm as a correct record the minutes of the meetings of the Council held on 6 and 13 February 2013.

(Pages 1 - 28)

4. **Declarations of interests**

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

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

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

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

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

5. **Communications**

To receive any communications or announcements from the Chairman, the Mayor, the Overview and Scrutiny Co-ordinator or the Chief Operating Officer.

6. **Petitions**

To receive petitions and any oral representations from the public in accordance with Standing Order A12 as set out below:-

- (a) Petition requesting the installation of a dog receptacle for Lower Fowey Avenue and Huntacott Way, Shiphay

Petition submitted as follows:

'Installation of a Dog Receptacle for Lower Fowey Avenue and Huntacott Way, Shiphay'.

Approximately 29 signatures, this petition has been referred to the decision maker (Highways Services Manager, Patrick Carney in consultation with the Executive Lead for Strategic Planning, Housing and Energy Councillor David Thomas).

(b) Petition in respect of the closure of Chestnut Nursery

Petition submitted as follows:

'We the undersigned petition the council to halt the planned closure of the Chestnut Nursery in 2013. If they are to close the nursery there is not adequate nursery and preschool places with wrap around care within Brixham to house all the children in the area who require this service. Chestnut's is a purpose built facility with outstanding OFSTED reports'.

Approximately 358 signatures, this petition has been referred to the decision maker (Director of Children's Services, Richard Williams in consultation with the Executive Lead for Children, School and Families, Councillor Chris Lewis).

7. Public question time

To hear and respond to any written questions or statements from members of the public which have been submitted in accordance with Standing Order A24.

8. Members' questions

To answer the attached question asked under Standing Order A13.

(Page 29)

9. Notice of motion - Capital Receipts

To consider the attached motion, notice of which has been given in accordance with Standing Order A14 by the members indicated.

(Page 30)

10. Council Tax for 2013/2014

To consider a report on the setting of the Council Tax for 2013/14.

(To Follow)

11. Transfer of Public Health Functions to Torbay Council

To consider a report on the above.

(To Follow)

12. Proposals for the Chief Executive Functions

To consider a report setting out long term proposals for the Chief Executive Functions.

(To Follow)

13. Clennon Valley Cycling Facilities

To consider a report on proposed cycling facilities at Clennon Valley.

(Pages 31 - 83)

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|------------|---|-------------------|
| 14. | Strategic Agreement between Torbay and Southern Devon Health and Care NHS Trust
To consider a report on the above. | (Pages 84 - 115) |
| 15. | Corporate Plan 2012 - 2015
To consider the above report. | (Pages 116 - 136) |
| 16. | Joint Health and Wellbeing Strategy
To consider the draft Joint Health and Wellbeing Strategy. | (Pages 137 - 182) |
| 17. | Torbay Growth Fund
To consider a report on Torbay Growth Fund. | (Pages 183 - 204) |
| 18. | Local Validation List for Planning Applications
To consider a report recommending the adoption of a local validation list for planning applications. | (Pages 205 - 261) |
| 19. | Revenue Budget Monitoring Quarter 3
To consider the attached report. | (Pages 262 - 278) |
| 20. | Provisional Calendar of Meetings for 2013/14
To consider a report setting out the provisional calendar of meetings of 2013/14. | (Pages 279 - 282) |
| 21. | Chairman/woman and Vice-Chairman/woman select
In accordance with the Council's Standing Orders (A9.1) to select, by elimination ballot, the Chairman/woman-Elect and Vice-Chairman/woman-Elect for the Municipal Year 2013/14. | |
| 22. | Composition and Scheme of Delegation of Executive Functions
To receive an amendment to the composition and constitution of the Mayor's Executive, together with a revised record of delegations of Executive Functions (in accordance with Standing Order C4.2(a)). | (Pages 283 - 291) |



Minutes of the Council

6 February 2013

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

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

96 Opening of meeting

Members observed a minute's silence as a mark of respect in memory of:

- (i) fisherman Andy Westaway who lost his life when his fishing boat sank off Torquay;
- (ii) the Torquay man who also lost his life when swept into rough seas off Princess Pier; and
- (iii) Damien Damerell, former Mayor in 1973/74, who had recently passed away.

The meeting was then opened with a prayer.

97 Apologies for absence

An apology for absence was received from Councillor Kingscote.

98 Minutes

The Minutes of the meeting of the Council held on 6 December 2012 were confirmed as a correct record and signed by the Chairman.

99 Declarations of interests

The following interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Amil	104	Non pecuniary – mother is in a care home in Torbay
Councillor McPhail	104	Non pecuniary – husband presently in nursing home care
Councillor Stocks	103	Non pecuniary – trustee of Play Torbay
Councillor Stocks	106	Non pecuniary – trustee of Torbay Shopmobility
Mayor Oliver	106	Pecuniary – owns property close to Town Hall Car Park

100 Communications

The Overview and Scrutiny Co-ordinator, on behalf of the Overview and Scrutiny Board and Priorities and Resources Review Panel, thanked all those who participated in the consultation meetings on the budget proposals.

101 Members' questions

Members received questions, as attached to the agenda, notice of which had been given in accordance with Standing Order A13.

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered on all the questions.

Question 1 was deferred to the adjourned meeting to be held on 13 February 2013 as it related to the budget.

102 Notice of motion - Fuel Poverty

Members considered a motion in relation to fuel poverty, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Darling and seconded by Councillor Pentney:

This Council notes:

1. Already 1 in 4 households in the UK are in fuel poverty, meaning they need to spend more than 10% of their income on keeping their homes warm. The problem is likely to get worse, with 1 in 3 households projected to be in fuel poverty by 2016.
2. The main reasons for this crisis are that gas, oil and coal prices are high, and the UK's homes are some of the most energy inefficient in Europe – leaking heat from their doors, walls and windows.
3. Cold homes are damaging the health of vulnerable members of society, including children, older people and people with disabilities. Diseases such as asthma are made worse, and people are more likely to have strokes and heart attacks. Illnesses caused by cold homes cost the NHS nearly one billion pounds each year.
4. Over the next 15 years the Government will raise an average of £4 billion every year in carbon taxes through the European Emissions Trading Scheme and the Carbon Floor Price. Recycling this revenue back into households could bring 9 out of 10 homes out of fuel poverty, lower people's bills, cut carbon emissions and create jobs.

This Council therefore resolves to:

1. Support the Energy Bill Revolution campaign calling for the Government to recycle revenues from carbon taxes into improving the energy efficiency of UK homes.
2. Notify local Members of Parliament of its support for the campaign and urge them to sign Early Day Motion 47 – “Reducing Fuel Bills through Energy Efficiency.”

In accordance with Standing Order A14.3(a), the Monitoring Officer advised the motion stood referred to the Mayor. The Mayor did not accept the motion on the grounds outlined in a letter dated 4 February 2013 from Sarah Wollaston MP (copy attached to these minutes).

103 Future of Chestnut Children's Centre Nursery - Mayoral Decision

The Council made the following recommendation to the Mayor:

It was proposed by Councillor Lewis and seconded by Councillor Thomas (J):

That Chestnut Nursery be closed with effect from the 31 August 2013 subject to the decision being reconsidered should a viable alternative become available by no later than 2 April 2013.

An amendment was proposed by Councillor Baldrey and seconded by Councillor James:

That discussions continue with Play Torbay (or any other potential provider) with a view to providing nursery facilities at the Chestnut site and that a final decision be deferred until the Council meeting on 15 May 2013.

In accordance with Standing Order A19.4 a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Addis, Baldrey, Bent, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Parrott, Pentney, Pountney, Stocks and Stockman (17); Against: The Mayor, Councillors Amil, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Lewis, McPhail, Mills, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (18); Abstain: Councillor Stringer (1); and Absent: Councillor Kingscote (1). Therefore, the amendment was declared lost.

A further amendment was proposed by Councillor Pritchard and seconded by Councillor Mills:

That the date be extended from 2 April 2013 to 15 May 2013.

In accordance with Standing Order A19.4 a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors The Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Davies, Ellery, Excell, Faulkner (A), Faulkner (J), Hernandez, Hill, Hytche, Lewis, McPhail, Mills, Parrott, Pritchard, Richards, Scouler, Stocks, Thomas (D), Thomas (J) and Tyerman (26); Against: Councillors Baldrey, Cowell, Darling, Doggett, James, Morey, Pentney, Pountney and Stockman (9); Abstain: Councillor Stringer (1); and Absent: Councillor Kingscote (1). Therefore, the amendment was declared carried.

The substantive motion (the original motion with the addition of the second amendment) was then before Members for consideration.

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

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

(Note: During consideration of Minute 103, Councillor Stocks declared a non pecuniary interest as she was a trustee of Play Torbay.)

104 Care Home Fees

Members considered the submitted report which set out the proposed fees for care homes for 2012-2014. The Council, through Torbay and Southern Devon Health and Care Trust was required each year to set the costs it would pay for residential and nursing care provision. The report set out details of a review which had been undertaken, the proposal formulated and consultation undertaken on the proposed fee rates.

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

- (i) the Council approves the basis of the calculation for the 'usual cost' of residential and care home fees, as set out in the submitted report; and

- (ii) the Council authorise funding to Torbay and Southern Devon Health and Care Trust in the sum of £494,000 in 2012/13 and recognises the additional costs £412,000 in 2013/14 in order to meet Care Home fees for that year.

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

105 Clennon Valley Cycling Facilities

The Chairman advised that this item had been deferred.

106 Disposal of Town Hall Car Park - Mayoral Decision

The Council made the following recommendation to the Deputy Mayor:

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

- (i) That the Council to enter into a conditional contract to lease the Town Hall Car Park to Hawkstone PLC on the terms set out below;
- (ii) That the Chief Executive of the TDA be instructed to negotiate terms for a conditional contract to grant a 199 'peppercorn' year ground lease to Hawkstone PLC in return for the developer paying a premium sum of not less than £2.5m;
- (iii) That the contract to lease the land be subject to the developer achieving a detailed planning approval for a food store development together with associated car parking. The developer to submit a detailed planning application within 6 months and the development should be commenced within 12 months of planning approval;
- (iv) That the terms of any contract shall not result in a reduction of the number of parking spaces currently available for the public on the site;
- (v) The remaining terms of the contract negotiated shall be approved by the Deputy Mayor; and
- (vi) The approval to be subject to contract, planning approval and the TDA obtaining an independent valuation of the scheme so as to ensure the Council has (and is seen to have) obtained best value. In the event there are changes to either the proposed scheme or the contract terms after the terms are agreed that further independent valuation advice will be sought.

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

- (ii) That the Chief Executive of the Torbay Development Agency be instructed to negotiate terms of a conditional contract to grant a 199

year lease with an annual ground rent of not less than £50,000 plus existing car parking income (rent to be reviewed every 5 years, upwards only) together with a substantial capital receipt or a capital receipt of not less than £2.5 million, provided that such an arrangement is confirmed by the District Valuer to be in the best financial interests of the Council.

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

The substantive motion (the original motion with revised paragraph (ii)) was then before Members for consideration.

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

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

(Note: Prior to consideration of this item:

1. the Mayor declared a pecuniary interest and withdrew from the meeting room. In the absence of the Mayor the Deputy Mayor made the decision; and
2. Councillor Stocks declared a non pecuniary interest as she was a trustee of Torbay Shopmobility.)

107 Inner Harbour Pontoon Berthing Project

The Council considered the submitted report setting out the recommendations of the Harbour Committee to replace the existing chain moorings with new pontoon moorings in Torquay's inner harbour.

It was proposed by Councillor Richards and seconded by Councillor Ellery:

- (i) That the Harbour Committee's recommendation to replace the existing chain moorings in Torquay's inner harbour be approved;
- (ii) That the Torquay Inner Harbour Pontoon Berthing Project be added to the Council's Capital Plan and the use of prudential borrowing of approximately £800,000 be approved to enable the scheme to proceed; and
- (iii) That, the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee and the Mayor, be authorised to use his delegated powers to proceed with the Torquay Inner Harbour Pontoon Berthing Project and that the Torbay Development Agency be asked to provide the necessary project management services.

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

108 Revenue Budget Proposals 2013/14

At the invitation of the Chairman, the Mayor outlined his budget proposals for 2013/14. A copy of the record of decision setting out the recommendations of the Mayor in respect of the budget proposals (both revenue and capital) is attached to these Minutes.

The Chairman advised that in accordance with Standing Orders F2.13 and F3.12 in relation to the Budget and Policy Framework this item was referred to an adjourned meeting of Council to be held on 13 February 2013 to enable full consideration to be given to the implications of the proposals set out in the report circulated on 6 February 2013.

(Note: Following the publication of the agenda for this meeting, items 13 (Revenue Budget 2013/14) and 14 (Capital Plan Budget 2013/14 to 2016/17 were combined.)

109 Composition and Scheme of Delegation of Executive Functions

Members noted the submitted report which provided details of changes made by the Mayor to his Executive.

Chairman

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House of Commons
London
SW1A 0AA

SW/ns

4th February 2013

Cllr David Thomas
Deputy Mayor

Letter by email: David.Thomas@torbay.gov.uk

Page 1 of 1

Dear David,

Thank you very much for taking the time to contact me with regard to the motion that is being put in front of the council.

The Energy Bill Revolution Campaign and related EDM 47 are both contrary to government policy. I appreciate the idea of recycling revenues from carbon taxes into improving the energy efficiency of UK homes, however I do not think it is likely to occur at this time.

I do think that energy efficiency can make a real contribution to cutting the UK's carbon emissions and helping consumers with their energy bills. It is therefore good news that the Government published the first comprehensive National Energy Efficiency Strategy last year. This Strategy sets out the additional steps the Government will be taking to stimulate the energy efficiency market, connecting finance with demand, encouraging innovation and making energy efficiency information more accessible to the consumer.

The new Green Deal – the government's flagship policy around energy efficiency - will revolutionise energy efficiency in the UK by offering households upfront finance to make energy efficiency improvements, paid for by energy bill savings. This scheme will provide extra financial help for the most vulnerable through an Energy Company Obligation (ECO), worth £1.3 billion, which will assist around 230,000 low income households a year.

Alongside this, the Government's Warm Home Discount Scheme will provide over 2 million households, including over 600,000 vulnerable pensioners, with a £120 discount on their electricity bills. In addition, Ministers are maintaining the spending on Winter Fuel Payments, spending £2.1 billion this winter. Cold weather payments have been permanently increased from £8.50 to £25, helping the most vulnerable when extremely cold weather strikes.

Email: sarah.wollaston.mp@parliament.uk

Website: www.drSarah.org.uk

Twitter: @drwollastonmp

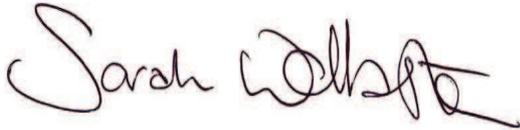
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Energy policies are already benefitting from direct funding from the Exchequer, including £860 million for the Renewable Heat Incentive to help those who are off the gas grid and £200 million in incentives for early take up of the Green Deal start up.

I do hope you find this information of use and that this clarifies the matter.

Best wishes,

A handwritten signature in black ink that reads "Sarah Wollaston". The signature is written in a cursive, flowing style.

Dr Sarah Wollaston MP

Email: sarah.wollaston.mp@parliament.uk
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Record of Decisions

Future of Chestnut Children's Centre Nursery

Decision Taker

Mayor on 06 February 2013

Decision

That Chestnut Nursery be closed with effect from the 31 August 2013 subject to the decision being reconsidered should a viable alternative become available by no later than 15 May 2013.

Reason for the Decision

There is no evidence to demonstrate that an alternative viable option is available. If a viable alternative option does become available by 15 May 2013, the option is considered at this time.

The consultation process highlighted public support for the nursery, but did not identify substantial alternative options. The most credible alternative to closure would be to outsource the nursery to an outside provider and the decision provides for this to be explored with an extended period up to 15 May 2013.

Implementation

This decision will come into force and may be implemented on 19 February 2013 unless the call-in procedure is triggered (as set out in Standing Orders in relation Overview and Scrutiny).

Information

Torbay Council established, delivered and financially subsidised the running of Chestnut Children's Centre Nursery through funding to deliver statutory Children's Centres. In 2010 the statutory duty to provide childcare from 8 am to 6 pm was removed and the amount of funding provided to the Council was reduced. The Council recognises its duties to provide childcare is best achieved through working with partners. Procurement exercises were carried out in 2009 and 2011 to offer Chestnut Nursery to an alternative provider and on both occasions little interest was expressed in the nursery.

The demand for nursery placements at Chestnut Nursery has declined. As a result the Council consulted on the future of the nursery to inform the decision regarding its viability. Without Chestnut Nursery there remains a sufficient number of alternative childcare placements to accommodate children.

Alternative Options considered and rejected at the time of the decision

The consultation carried out by Children's Services explored three alternative options, the results of which are set out in the report. Amendments were also proposed and considered during the Council meeting – please refer to the Council minutes for 6 February 2013 for further details.

Is this a Key Decision?

Yes – Reference Number: I011201

Does the call-in procedure apply?

Yes

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

Councillor Stocks declared a non pecuniary interest as she is a trustee of Play Torbay.

Published

February 2013

Signed: _____
Mayor of Torbay

Date: 11 February 2013

Record of Decisions

Disposal of Town Hall Car Park for Redevelopment

Decision Taker

Deputy Mayor Executive Lead for Strategic Planning, Housing and Energy on 6 February 2013

Decision

- (i) That the Council to enter into a conditional contract to lease the Town Hall Car Park to Hawkstone PLC on the terms set out in the submitted report;
- (ii) That the Chief Executive of the Torbay Development Agency be instructed to negotiate terms of a conditional contract to grant a 199 year lease with an annual ground rent of not less than £50,000 plus existing car parking income (rent to be reviewed every 5 years, upwards only) together with a substantial capital receipt or a capital receipt of not less than £2.5 million, provided that such an arrangement is confirmed by the District Valuer to be in the best financial interests of the Council;
- (iii) That the contract to lease the land be subject to the developer achieving a detailed planning approval for a food store development together with associated car parking. The developer to submit a detailed planning application within 6 months and the development should be commenced within 12 months of planning approval;
- (iv) That the terms of any contract shall not result in a reduction of the number of parking spaces currently available for the public on the site;
- (v) The remaining terms of the contract negotiated shall be approved by the Deputy Mayor; and
- (vi) The approval to be subject to contract, planning approval and the TDA obtaining an independent valuation of the scheme so as to ensure the Council has (and is been seen to have) obtained best value. In the event there are changes to either the proposed scheme or the contract terms after the terms are agreed that further independent valuation advice will be sought.

Reason for the Decision

For the Council to enter into a lease agreement to allow the development of the Town Hall Car Park, Torquay.

The Council is seeking a step change in the pace of regeneration and strives to support proposals that lead to job creation in Torbay. This decision leads to the delivery of retail investment in Torquay Town Centre where it would encourage shoppers to adopt a town centre first approach and thereby best support other town centre retail businesses.

Implementation

This decision will come into force and may be implemented on 19 February 2013 unless the call-in procedure is triggered (as set out in the Standing Order in relation to Overview and Scrutiny).

Information

The submitted report set out proposals for the authorisation of a lease to a developer who wishes to promote a food retail development on the site of the Town Hall Car Park, Torquay. The proposal will make best use of the Council assets and will ensure the Council obtains best value.

Alternative Options considered and rejected at the time of the decision

Alternative options are set out in the submitted report. An amendment was also proposed and considered during the Council meeting – please refer to the Council minutes for 6 February 2013 for further details.

Is this a Key Decision?

Yes – Reference Number: I010809

Does the call-in procedure apply?

Yes

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

The Mayor declared a pecuniary interest as he owns property close to the Town Hall Car Park and withdrew from the meeting.

Councillor Stocks declared a non pecuniary interest as she is a trustee of Torbay Shopmobility.

Published

11 February 2013

Signed: _____
Deputy Mayor of Torbay

Date: 11 February 2013

Record of Decisions

Revenue Budget Proposal 2013/2014

Decision Taker

Mayor on 06 February 2013

Decision

- (i) That it be recommended to Council:
 - (a) the revenue budget for 2013/14 (paragraph 6.3 of the submitted report) and the associated fees and charges (appendix 1 of the submitted report), be approved;
 - (b) the final notified Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (paragraph 6.1 (a) of the submitted report) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;
 - (c) that the Members' Allowances Scheme will be implemented in 2013/2014 in accordance with the decision of the Council at its meeting on 1 February 2013 subject to the annual local government pay percentage increase (paragraph 6.1 (b) of the submitted report); and that Members acknowledge that they are not to be auto enrolled to the Local Government Pension Scheme for the reasons given in the report;
 - (d) the Chief Finance Officer in consultation with the Mayor and Executive Lead Member for Finance be authorised to approve expenditure from the Comprehensive Spending Review reserve and Budget Pressures reserve;
 - (e) in accordance with the requirement of the Local Government Act 2003, to consider and note the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (sections 8 and 9 of the submitted report);
 - (f) the Chief Finance Officer in consultation with the Mayor and Executive Lead Member for Finance be authorised to make adjustments to and introduce new fees and charges within the budget during 2013/14 if it is in the best interest for the Council;
 - (g) the Chief Finance Officer, in consultation with the Mayor, Executive Lead Member for Finance and appropriate officers, be authorised to determine the allocation and expenditure of any new grant monies, unallocated grants or other additional income that may be received during the year 2013/14;
 - (h) the Chief Finance Officer be authorised to make adjustments to the budgets for any technical changes;
 - (i) the Chief Finance Officer prepare the appropriate documentation for the Council to approve the Council Tax setting at the meeting on 28 February 2013 and all

other returns to be made by the appropriate date;

- (j) impact assessments as shown in appendix 2 of the submitted report are noted;
 - (k) that Council note the Review of Reserves report and approve the transfer of the surplus on a number of individual reserves to the Comprehensive Spending Review Reserve (appendix 3 of the submitted report);
 - (l) that Council approve and endorse the Capital Strategy and Asset Management Plan as set out in appendices 4 and 5 of the submitted report;
 - (m) that Council notes the latest position on the 4 year Capital Investment Plan as set out in Appendix 11 of the submitted report;
 - (n) that Council approve and endorse the Treasury Management Strategy and the recommendations in the submitted report as set out in appendix 6;
 - (o) that Council note the updated Medium Term Resource Plan as set out in appendix 7 of the submitted report;
 - (p) that Council note commissioning agreements from EDC, Torbay Coast and Countryside Trust and English Riviera Tourism Company as set out in appendix 8 of the submitted report;
 - (q) that the Council note that Torbay has joined a Devonwide Pool as part of the Business rates Retention scheme - the agreement and arrangements for the pool are shown in appendix 9 of the submitted report;
 - (r) that Council approve a premium of 50% on the full Council Tax charge to be applied to all properties that have been empty and unfurnished in excess of two years - see paragraph 5.21 to 5.22 of the submitted report.
 - (s) that Council note the completed NNDR1 form as set out in appendix 10 of the submitted report, which forms part of the Council's overall income to fund the 2013/14 budget – paragraph 10.10 to 10.12 of the submitted report.
- (ii) Due to the size of the reductions required to deliver a balanced budget and their impact, Council accept the risks in preparing this budget. These risks have been identified in detail in this report and associated budget proposals prepared by officers for their respective Business Units.

Reason for the Decision

The Council has a statutory obligation to set a budget each year. The approval of the 2013/14 budget will assist the Council in delivering its key objectives.

For the Mayor to respond to the recommendations of the Priorities and Resources Panel.

Implementation

The recommendations of the Mayor will be considered at the adjourned meeting of Council to be held on 13 February 2013.

Information

Further to the Mayor's Provisional Spending Targets issued on 29 November 2012 for consultation, the submitted report outlined the basis of the Mayor's budget proposals for 2013/14, provided a summary of the approach for developing the proposals and the outcome of the local government finance settlement and its effect on the overall financial position of the Council. The report also included the Chief Finance Officer's statement on the robustness of the budget estimates.

The report had been compiled, taking into account the findings and conclusions reached by the Priorities and Resources Review Panel who had considered the views expressed by members of the public and a range of stakeholder representatives as part of the budget consultation process.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the report and not discussed at the meeting.

Is this a Key Decision?

Yes – Reference Number: I011136

Does the call-in procedure apply?

No

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

None

Published

February 2013

Signed: _____
Mayor of Torbay

Date: _____

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Minutes of the Council

13 February 2013

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

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

110 Members' Questions

Further to the meeting of the Council held on 6 February 2013, the Mayor responded to question 1 together with a supplementary question.

111 Revenue Budget 2013/14

The Chairman advised that, following publication of the agenda for this meeting, items 13 (Revenue Budget 2013/14) and 14 (Capital Plan Budget 2013/14 to 2016/17) had been combined.

Further to the meeting of the Council held on 6 February 2013, members considered the recommendations of the Mayor in relation to the Revenue Budget 2013/14 and Capital Plan Budget 2013/14 to 2016/17, as set out in the submitted report.

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

- (i) That it be recommended to Council that:
 - (a) the revenue budget for 2013/14 (paragraph 6.3 of the submitted report) and the associated fees and charges (appendix 1 of the submitted report), be approved;
 - (b) the final notified Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (paragraph 6.1 (a) of the submitted report) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;

- (c) that the Members' Allowances Scheme will be implemented in 2013/2014 in accordance with the decision of the Council at its meeting on 1 February 2012 subject to the annual local government pay percentage increase (paragraph 6.1 (b) of the submitted report); and that Members acknowledge that they are not to be auto enrolled to the Local Government Pension Scheme for the reasons given in the report;
- (d) the Chief Finance Officer in consultation with the Mayor and Executive Lead Member for Finance be authorised to approve expenditure from the Comprehensive Spending Review reserve and Budget Pressures reserve;
- (e) in accordance with the requirement of the Local Government Act 2003, to consider and note the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (sections 8 and 9 of the submitted report);
- (f) the Chief Finance Officer in consultation with the Mayor and Executive Lead Member for Finance be authorised to make adjustments to and introduce new fees and charges within the budget during 2013/14 if it is in the best interest for the Council;
- (g) the Chief Finance Officer, in consultation with the Mayor, Executive Lead Member for Finance and appropriate officers, be authorised to determine the allocation and expenditure of any new grant monies, unallocated grants or other additional income that may be received during the year 2013/14;
- (h) the Chief Finance Officer be authorised to make adjustments to the budgets for any technical changes;
- (i) the Chief Finance Officer prepare the appropriate documentation for the Council to approve the Council Tax setting at the meeting on 28 February 2013 and all other returns to be made by the appropriate date;
- (j) impact assessments as shown in appendix 2 of the submitted report are noted;
- (k) that Council note the Review of Reserves report and approve the transfer of the surplus on a number of individual reserves to the Comprehensive Spending Review Reserve (appendix 3 of the submitted report);
- (l) that Council approve and endorse the Capital Strategy and Asset Management Plan as set out in appendices 4 and 5 of the submitted report;

- (m) that Council notes the latest position on the 4 year Capital Investment Plan as set out in Appendix 11 of the submitted report;
- (n) that Council approve and endorse the Treasury Management Strategy and the recommendations in the report as set out in appendix 6 of the submitted report;
- (o) that Council note the updated Medium Term Resource Plan as set out in appendix 7 of the submitted report;
- (p) that Council note commissioning agreements from Economic Development Company, Torbay Coast and Countryside Trust and English Riviera Tourism Company as set out in appendix 8 of the submitted report;
- (q) that the Council note that Torbay has joined a Devonwide Pool as part of the Business rates Retention scheme - the agreement and arrangements for the pool are shown in appendix 9 of the submitted report;
- (r) that Council approve a premium of 50% on the full Council Tax charge to be applied to all properties that have been empty and unfurnished in excess of two years - see paragraph 5.21 to 5.22 of the submitted report; and
- (s) that Council note the completed NNDR1 form as set out in appendix 10 of the submitted report, which forms part of the Council's overall income to fund the 2013/14 budget – paragraph 10.10 to 10.12 of the submitted report; and
- (ii) Due to the size of the reductions required to deliver a balanced budget and their impact, Council accept the risks in preparing this budget. These risks have been identified in detail in this report and associated budget proposals prepared by officers for their respective Business Units.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Davies and seconded by Councillor Pountney:

This Council notes that there is likely to be a significant increase in demand for the services from the Citizens Advice Bureau in Torbay due to benefits reform. In light of this, this Council should ensure stability for this service by guaranteeing the current funding for a three year period.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Darling and seconded by Councillor Doggett:

This Council notes the findings of the 2012 Experian report into poverty that found 37 percent of Torbay households are at risk of falling into poverty, this equates to 22,000 homes. In light of this the Council has grave concerns regarding the withdrawal of discretionary school and further education bus passes. It is particularly perverse that South Devon College is an out of town campus and hence remote from our deprived communities in Torquay. This cut should be withdrawn.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Pentney and seconded by Councillor Baldrey:

This Council notes with concern that the ongoing cost of the Riviera International Conference Centre (RICC) since opening has now topped £20,000,000. With the massive cuts to Council finance this Council requires a business plan for the RICC, as previously promised, that would demonstrate significant reductions to the grant passed to the RICC.

In accordance with Standing Order A19.4, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Parrott, Pentney, Pountney, Stocks, Stockman and Stringer (16); Against: The Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (21). Therefore, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Pountney and seconded by Councillor Faulkner (A):

This Council objects to the new proposed policy on the allocation of Community Alarms and the budget reduction, which has not been fully thought through. In particular, no consideration has been given to the effects that this proposal will have on elderly people who live on their own and have an accident.

Both the ensuing costs of additional care and the fact that their lives may potential be at risk, will far outweigh the proposed savings of £30,000. In addition this will become a service only for the better off and this is socially unacceptable.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Baldrey and seconded by Councillor Faulkner (A):

This Council objects to the removal of funding for beach staffing as this will have the regrettable effect of the loss of the Blue Flags. While the English Riviera Tourism Company is working very hard and is achieving positive results even on a reduced budget it can only be a negative step for us to lose these 'tokens of high beach-worthiness'.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Darling and seconded by Councillor Pentney:

This Council notes that 30% of the Government indicative grant for roads maintenance equating to £1.5 million has been used elsewhere in the capital budget. As £1 million of this money has been spent on capital projects through the Employment Scheme on the Riviera International Conference Centre, the balance of £0.5 million should be reallocated to the Structural Repairs and Integrated Transport Capital Project (roads maintenance).

In accordance with Standing Order A19.4, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Parrott, Pentney, Pountney, Stocks and Stockman (15); Against: The Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (21); Abstain: Councillor Stringer (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Darling and seconded by Councillor Faulkner (J):

This Council notes that adults services has a projected overspend of approx. £700,000 and Children's Services has a projected overspend of approx. £2,900,000 in the current financial year. In light of the planned £1,400,000 cuts to some of the areas of children's services and £2,000,000 cuts to some of the areas of Adult Social Care, this Council has fears that the Council's abilities to protect those most vulnerable in our community will be significantly reduced.

In accordance with Standing Order A19.4, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Pentney, Pountney, Stocks and Stockman (14); Against: The Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (21); Abstain: Councillors Parrott and Stringer (2). Therefore, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Cowell and seconded by Councillor Parrott:

- (i) that £45,000 is re-allocated to Safer Communities and that this money re-instates the deleted posts of two Street Wardens in recognition of the positive 'invest to save' contribution these posts make to safeguard our communities and reduce levels of anti-social behaviour; and
- (ii) that £45,000 be reduced from the grant to the Riviera International Conference Centre to support (i) above.

In accordance with Standing Order A19.4, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Parrott, Pentney, Pountney, Stocks and Stockman (15); Against: The Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Richards, Scouler, Stringer, Thomas (D), Thomas (J) and Tyerman (22); Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Cowell and seconded by Councillor Ellery:

- (i) that £20,000 is granted to assist the emerging Torbay Community Development Trust to establish itself as a vehicle to provide services that Torbay Council will be forced to reduce as a result of the 30% cut in local government finance imposed by central government; and
- (ii) that £20,000 be reduced from the grant to the Riviera International Conference Centre to support (i) above.

On being put to the vote, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Stockman and seconded by Councillor Parrott:

- (i) that £30,000 be re-allocated to the budget of Torbay and Southern Devon Health & Care NHS Trust and that this money reinstate the community alarms service thereby safeguarding some of the Bay's most vulnerable adults through continued public funding of the service; and
- (ii) that £30,000 be removed from the grant to the Riviera International Conference Centre to support of the above service.

In accordance with Standing Order A19.4, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Parrott, Pentney, Pountney, Stocks, Stockman and Stringer (16); Against: The Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Excell, Hernandez,

Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (21); Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor James and seconded by Councillor Cowell:

To add at 2.3:

That the Council will aim to deliver a rolling three year Business Plan as recommended by the Priority and Resources Review and supported by the Mayor in 5.9 (a) of the Revenue Budget Proposals 2013/14 report.

Council recognises the constraints on detail due to the spending plans announced by central government, but nonetheless recognises that a strategic direction can be established.

On being put to the vote, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor James and seconded by Councillor Ellery:

That in the event external funding is not found for opening the Park and Ride at Churston in time for 2013 tourist season, £30,000 be taken from the RICC Reserve Fund and reallocated to the facility for that purpose for 2013.

On being put to the vote, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor James and seconded by Councillor Morey:

In the event that current negotiations with outside bodies looking to take over the management of Shoalstone Pool are unsuccessful, £25,000 per annum is taken from the Comprehensive Spending Review Reserve Fund for each of the next four financial years (2013/2014, 2014/2015, 2015/2016 and 2016/2017 equating to £100,000) and used to fund this vital tourist and resident facility.

On being put to the vote, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Tyerman and seconded by Councillor Pritchard:

That the revenue budget for 2013/14 be amended to reduce the grant allocated to the Riviera International Conference Centre by £46,000 to a sum of £599,000.

That the reduction in expenditure of £46,000 be added to the contingency held to cover unforeseen demands on the Council's budget in 2013/14.

On being put to the vote, the motion (to refer the amendment to the Mayor) was declared carried.

At the invitation of the Chairman, the Mayor informed the Council that he would accept the amendment (as set out above). Therefore, as the Mayor accepted the amendment the matter could be dealt with at this Council meeting.

The substantive motion (the original motion with the addition of the amendment) was then before members for consideration and on being put to the vote, the substantive motion was declared carried.

Chairman

Meeting of the adjourned Council

Wednesday, 13 February 2013

Questions Under Standing Order A13

Question (1) by Councillor Faulkner (J) to the Mayor – Mayor Oliver	How have the Council taken Account of Child poverty during the budget setting process for 2013/14?
Mayor Oliver	<p>As part of our Equality Impact Assessments (EIAs) we have now included a section on Socio-economic impacts (including child poverty) under question 8 (Positive and Negative Equality Impacts) of the EIAs. Officers completing EIAs will need to outline what impacts their proposals will have on socio-economic issues i.e. deprivation and child poverty issues, both positive and negative. This is new addition to the EIAs and will be built upon over the coming year.</p> <p>This process will develop as the Child Poverty Commission develops its work. I welcome the creation of the Commission and the value of the contribution from the Independent Chair and hope that we can all work together to develop a positive set of actions to tackle this most serious of issues.</p>

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Agenda Item 8

Meeting of the Council

Thursday, 28 February 2013

Questions Under Standing Order A13

Question (1) by Councillor Cowell to the Executive Lead for Finance – Mayor Oliver	Can the Exec lead for Finance update me on what progress has been made towards delivering a Living Wage following the motion referred to the Business Policy Development Group in September 2012.

Agenda Item 9

Council Meeting

28 February 2013

Council Motion – Capital Receipts

This Council notes recommendation 6.2 of the Resources and Priorities Review Panel in relation to point (f) in section 2.5 (prioritisation) of the Corporate Capital Strategy which is recommended to read as follows:

‘In the interests of transparency, openness and accountability, proposed specific capital schemes within the approved Capital Plan in (e) above should be submitted to the Chief Operating Officer for consideration in consultation with the Mayor, Executive Lead for Finance and Chief Finance Officer. If the proposed scheme is supported, it will be considered by the Council with a recommendation of approval.’

This Council resolves to adopt the recommendation of the Resources and Priority Review Panel as set out above.

Proposer Cllr Steve Darling

Seconded Cllr Cindy Stocks



Meeting: Full Council

Date: 28th February 2013

Wards Affected: All Wards

Report Title: Cycling Development, Clennon Valley

Executive Lead Contact Details: Sue Cheriton, Executive Head – Residents & Visitor Services – Ext 7972

Supporting Officer Contact Details: Ian Williams

1. Purpose

- 1.1 To increase the number of active sports participants and to promote and encourage cycling as a recreational sport by the provision of two sports facilities at Clennon Valley.
- 1.2 Negotiations are ongoing with British Cycling for the provision of £780,000 of funding by them towards:-
 - (i) 1.5km Closed Road Cycling Circuit; and
 - (ii) An outdoor velodrome.

However this funding would have to be matched by the Council.

- 1.2 The development of the above facilities would benefit the local economy as this will be the only such facility in the South West and therefore of regional significance attracting users from outside of Torbay and visitors for competitions and events.

2. Proposed Decision

- 2.1 £780,000 of capital monies are made available for the development of a 1.5km Closed Road Circuit and an outdoor velodrome at Clennon Valley subject to match funding be provided by British Cycling and subject to planning permission being obtained.

3. Reasons for the Decision

- 3.1 The decision to agree to allocate Capital Money for the required match funding of 50% of the total development costs with British Cycling providing the remaining 50% costs would allow council officers to continue negotiations with British Cycling and to apply for the funding available.

3.2 An agreement would allow Torbay Council to progress the scheme development, carry out the required consultations and investigations and designs for planning requirements. The funding opportunity would only be available for a limited time period and it would be important that Torbay Council are fully prepared and ready to carry out the development within the set time scales

4. **Summary**

4.1 A business case for this development is included with this report (**Appendix 1**) and it puts forward the reasoning behind the proposal to build the cycling facilities. The proposal if agreed would have significant economic and health benefits for the residents of Torbay and surrounding areas. The business case highlights the importance of these benefits and the possible scales of increase to the prosperity of Torbay. Increasing the tourism offer, encouraging regional and national events to use the facilities, these events would increase media coverage and consequently raise the profile of Torbay. A report produced by Sport England showed that the consumer expenditure on sport in the South West is £1.8 billion per year with 44,000 people employed in sport in the South West alone.

4.2 The decision to allocate the match funding is critical to take the project forward and to show that Torbay is keen to take the opportunity provided by British Cycling to enhance the sports provision within Torbay. British Cycling have made the development of cycling facilities in the South West a priority. Torbay is their preferred location but if no decision is reached then the offer would be made to other authorities within the South West as they must have the facilities developed during 2013-2014.

Supporting Information

5. **Position**

5.1 The scheme involves the development of a 400m outdoor 'velodrome' and a 1.5km 'Closed Road Circuit' both facilities would be for community use and competitive cycling and would be located at Clennon Valley in Paignton. Torbay Council would own the facility on completion and be responsible for future maintenance and any liabilities. Clennon Valley has been chosen as it has the infrastructure already in place to support this type of facility and therefore, is a sustainable location.

5.2 The British Cycling (BC) has identified the regional need for a Velodrome and a Closed Cycle Circuit in the South West Region. The BC are on record as saying the provision of these facilities in the South West are one of their highest National Priorities. Torbay is stated to be the BC preferred location. As a result British Cycling has agreed to receive an application to jointly fund this project providing 50% match funding can be secured and the required criteria met.

5.3 The nearest cycling facilities to Torbay for an outdoor velodrome is Bournemouth for the Closed Road Cycle Circuit is either Birmingham or London. A closed road is

to be developed in Bath during 2013. Manchester and London are the only areas that have both a Closed Road Circuit and Velodrome.

- 5.4 The building of a Closed Road Cycling Circuit would offer a much wider range of activities other than cycling and would greatly enhance the Council's ability to deliver the health and well being programs. The Closed Circuits also allows for the safe training and confidence building for novice cyclists. Closed road circuits also provide a facility for a wide range of sports, such as jogging, roller blading and disabled sports, while ensuring that they can be undertaken in a safe controlled manner.
- 5.5 The concept of a Velodrome and the uses to which it can be put will be understood. The overwhelming advantage of an outdoor track over a timber indoor circuit is the very significant reduction in the capital and revenue costs. These savings greatly outweigh any diminution in the quality of the track or restrictions that will be placed on its use.
- 5.6 As the resource will be of regional significance it will be considered an iconic facility. The Council is hoping to provide another sports resource of regional significance which then allows Torbay to apply for the iconic facilities grant and other high value funding opportunities.

6. Possibilities and Options

- 6.1 Do Nothing – British Cycling will be advised that Torbay Council would not want to pursue the project. British Cycling would look at other options within the South West.
- 6.2 To provide a capital allocation of £780k towards the project funded through Prudential Borrowing. The Council would intend to fund the prudential borrowing through income gained from the facility if this was not possible it would require a revenue budget of £57,700 per annum. An income/expenditure prediction is contained within the business case.

7. Preferred Solution/Option

- 7.1 Option 6.2 would be the preferred option. Whilst it must be understood that the project contains a risk that the income may not cover the expenditure and the cost to repay the prudential borrowing revenue costs the benefits to the local economy and health provide significant opportunity for Torbay.

8. Consultation

- 8.1 Public consultation has not yet been carried on the development of these facilities as a specific opportunity but has been carried out on the general development of sports at Clennon Valley. When the funding is agreed in principle a full consultation process will be undertaken.

8.2 Initial consultation has taken place with stakeholders to establish how the facility may be managed in the future, the likely usage and how the facility would be constructed. This information has been included within the Business Case financial estimates. A stipulation from British Cycling that we should not negotiate with cycling clubs or possible users in the South West until the funding is allocated.

9. Risks

9.1 The key risks are outlined within the business case attached as **Appendix 1**. However, they are summarized as follows:-

9.2 Consultation exercise indicates the local population, do not want the development to go ahead or the facility does not receive planning approval.

9.3 Torbay Council fails in their application to British Cycling for the award to develop both facilities at the same time.

9.4 Geotechnical investigation reveals problems that can't be dealt with through construction. These issues will be revealed before contracts are signed for main construction project. No indications of issues through surveys and desktop assessments.

9.5 Tenders above original estimates for track. The project would be redesigned to reduce standards where possible to reduce costs or retender.

9.6 The income received from the facility does not cover the running costs and the prudential borrowing replacements. Discussion with stakeholders indicates that they are confident income would cover running costs but may not be sufficient to cover the prudential borrowing cost unless additional income from car parking, for example, is included. This is outlined within Income/Expenditure section of the business case (**Appendix 1**). Should the income not cover the prudential borrowing costs this would have to be funded from the Residents & Visitor Services revenue budget. However, should the facility be successful then additional income from the leasing of an area for a cycle shop, for example, could lead to the site making a significant profit.

Appendices

Appendix 1 - Business Case

Appendix 2 - Equality Impact Assessment

TORBAY COUNCIL

CYCLING DEVELOPMENT

Proposed cycling facility development Clennon
Valley

I Williams
January 2013

This document has been written to highlight the financial and other benefits of developing cycling facilities in Torbay working with British Cycling to build an outdoor Velodrome and Closed Road Circuit. It highlights the benefits to health and fitness for residents as well as giving indications to the benefits gained from tourism and sports visitors to these facilities.

SUMMARY

The document puts forward the reasoning behind the proposal to build the cycling facilities of an Outdoor Velodrome and Closed Road Cycling Circuit at Clennon Valley. The proposal if agreed would have significant economic and health benefits for the residents of Torbay and surrounding areas. The business case highlights the importance of these benefits and the possible scales of increase to the prosperity of Torbay. Increasing the tourism offer, encouraging regional and national events to use the facilities, these events would increase media coverage and consequently raise the profile of Torbay.

The report states that information regarding the usage figures and therefore the income and expenditure details is difficult to accurately show, as there are no comparable facilities outside London and Manchester. Where possible the usage figures given for individual facilities in different parts of the country have been pulled together and an estimated figure for total usage is given. Figures given for hire charges, membership costs etc are drawn from the average hire charges given from several different facilities throughout the country. The estimated membership numbers for the Cycling Circuit were derived from determining the likely catchment area for regular usage of the facility, identified as Dartmouth, Totnes, Newton Abbot, Teignmouth and Torbay. The latest cycling club membership figures for Devon is 2808 and these numbers are rising weekly. Local Authorities, central government and the health authorities are encouraging cycling as both a means of sustainable transport, combating obesity and delivering the health and fitness programme. The other sporting and fitness opportunities that could be delivered by the closed road circuit would increase the membership numbers from figures given for cycling alone. The opportunity is there to allow for a safe and well managed sports facility that offers a wide range of activities.

Several case studies have been included in the report detailing the findings from both types of facility located in various regions of England have been included. The studies give details related to numbers of participants and the types of activity that takes place, the details only concern cycling activities the other sports uses are not identified in these figures. The expected participation figures over a 15 year period are also estimated using the British Cycling formula.

Sport England carry out sports profile surveys on a regular basis, covering the all of the areas in England, this survey gives details the local sports profile comparisons for Torbay, South West Region and National figures. The findings indicate the benefits of sport numbers of participants, levels of obesity etc as well as the benefits to local employment. The findings from the latest report are given in this business case as evidence of the benefits, also included are links to various Sport England Web pages detailing the findings on Health and Fitness, Economic Growth and Crime reduction.

The report gives the various management options that could be employed to run the facilities each option needs to be addressed to enable a decision on the optimum methods to satisfy the Council requirements. The options given allow a wide range of flexibility within them that when an agreed option is reached it can be taken forward to develop a more detailed business plan.

CYCLING DEVELOPMENT

PROJECT SUMMARY

<p>What is the project</p>	<p>To develop a 400m outdoor ‘velodrome’ and a 1.5km ‘Closed Road Circuit’ both facilities would be for both community use and competitive cycling and both proposals would be located at Clennon Valley in Paignton.</p> <p>British Cycling (BC) has identified the regional need for a Velodrome and a Closed Cycle Circuit in the South West Region. The BC are on record as saying the provision of these facilities in the South West are one of their highest National Priorities. Torbay is currently the BC preferred location. As a result British Cycling has agreed to potentially jointly fund this project providing 50% match funding can be secured and the required criteria met</p> <p>The nearest cycling facilities to Torbay for an outdoor velodrome is Bournemouth for the Closed Road Cycle Circuit is either Birmingham or London. A closed road is to be developed in Bath during 2013. Manchester and London are the only areas that have both a Closed Road Circuit and Velodrome.</p> <p>The building of a Closed Road Cycling Circuit would offer a much wider range of activities other than cycling and would greatly enhance the Council’s ability to deliver the health and well being programs. The Closed Circuits also allows for the safe training and confidence building for novice cyclists. Closed road circuits provide a facility for a wide range of sports while ensuring that they can be undertaken in a safe controlled manner.</p> <p>The concept of a Velodrome and the uses to which it can be put will be understood. The overwhelming advantage of an outdoor track over a timber indoor circuit is the very significant reduction in the capital and revenue costs. These savings greatly outweigh any diminution in the quality of the track or restrictions that will be placed on its use.</p>
<p>Why are we doing it?</p>	<ul style="list-style-type: none"> • To increase the number of active sport participants and improve the opportunities for sport and leisure activities within Torbay • To reduce both the actual, and perceived dangers to cyclists; • To provide more, and better cycle facilities, • To promote and encourage cycling as a recreational tool, and as a means to improving the health of the population of Torbay and the South West by promoting cycling as a means of exercise. Supporting health benefits through partnership work with the

	<p>local NHS Trust and community stakeholders;</p> <ul style="list-style-type: none">• Provide a facility that could be included within the GP referral units and therefore an additional income source• To promote cycling as a major sport accessible to all via sign posting to the work conducted by the sports development team within Torbay Council in partnership with British Cycling and other sport governing bodies.• These facilities would be the only ones in the South West and as such there are opportunities for hosting major events for a wide range of sports.• The increase in sports participation visits to Torbay could significantly raise the amount of money spent with local business, retailers and hoteliers. There is the added bonus of the various media opportunities local and national to raise the profile of Torbay which could in turn increase visitor numbers. The Bournemouth Skyride event showed that 20% of participants were tourists.
<p>Benefits from doing it</p>	<p>It has been reported that 40% of the UK will be obese by the year 2015. Cycling as a form of transport, and/or recreational cycling is a tool that can help alleviate the pressure of obesity upon society. Cycling as a fitness and leisure activity can be undertaken by all age groups and by providing a safe and family friendly facility encourages family cycling groups. By encouraging cycling within Torbay, we are able to continue creating a more cycle friendly environment, helping to reduce the potential health challenges affecting the town.</p>
<p>Prosperity</p>	<p>By developing the additional sports facilities it will help to make Torbay a destination resort for cycling, there is already well designed international grade BMX track as well as a Mountain bike track. The development of a closed road circuit and outdoor velodrome would make Torbay an extremely attractive proposition as a centre for all cycling requirements.</p> <p>The Velodrome is needed for the development of competitive cycling with Mid Devon Cycling Club and the smaller local clubs within the South West region. Torbay will be proactive in promoting cycling, both as a leisure activity and as a tourism opportunity, cycling will also be promoted as an attractive alternative for journeys currently made by the private car. Providing facilities for the encouragement of cycling, training and building</p>

BUSINESS CASE

How we will achieve benefits	<p>confidence for cyclists of all abilities</p> <p>Cycling is a rapidly expanding leisure activity within the whole of the UK The promotion of leisure cycling is a major contributor to the health agenda and has already played an integral part in improving the health and fitness of our communities. Sky Ride Local events are seen as an opportunity to encourage more participation and by working in partnership with British Cycling Torbay can be at the forefront of these events in the South West.</p> <p>Training cyclists to use the road network is crucial, to mitigate potential accidents. By training primary school children, we are instilling a safe cycling ethos into the next generation of cyclists in Torbay. Cycle training is currently delivered to Bikeability levels 1 and 2 to primary schools, and up to level 3 for secondary schools and adults.</p> <p>The training courses delivered, emphasise real traffic situations that will be encountered by cyclists on a daily basis the preliminary training can be carried out in safety from a Closed Cycle Circuit.</p>
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OPTIONS APPRAISAL

Option Description	Benefits	Costs	Risks
Do nothing	Retain open spaces for other uses	£0	Lack of development in cycling locally and loss of existing and new participants in sport. Possible loss of income from anticipated increase in visitor numbers. Loss of possible business to hospitality and tourism outlets in Torbay.
Build outdoor velodrome.	Increase in participation in cycling and wheeled sports. Provision of Facility that would allow for both local and national events. It would meet the needs of local and regional cycling clubs to provide a wider choice of	£900,000 £450,000 Match funded by British Cycling	This is not a routine project we would rely on help and advice from both British Cycling and specialist engineers Before using velodrome users may have to be trained and accredited therefore coaching is required. If there insufficient number of coaches,

BUSINESS CASE

	<p>activity and participation</p> <p>The facility will be the only one in the South West it is anticipated that riders will make use of this from Devon, Cornwall and Somerset. The ancillary facilities required could be a major income generator for local business.</p> <p>Opportunity to host regional, national and international cycle events. With increased media opportunities to boost the profile of Torbay. The opportunities for boosting visitor numbers and the subsequent increase visitor spend will help the prosperity of Torbay.</p> <p>Increased use of Clennon Valley car park is expected as a result of locating the facility in this location.</p> <p>Increase in sport opportunities for schools throughout the region.</p>		<p>user numbers will be limited.</p> <p>This facility requires the use of track bikes, road bikes cannot be used. The likelihood is that users will need to hire this equipment. There will be a need to procure a cycle hire enterprise to lease a facility on the site.</p> <p>There will be a need to work with local clubs and British Cycling to both promote and run these events. Working in partnership will be important as well as good programming and site management. The extra facilities required for holding the events which would include changing rooms, car parking etc would have to be available and is located already adjacent to the site</p> <p>Lack of car parking may affect some multi event days like Race for Life/Hockey Tournament</p> <p>School funding for sports may be reduced resulting in fewer events and reduced use by local school</p>
<p>Build Closed Cycle Circuit</p>	<p>Increase in participation in a variety of sports and leisure activities, these include:</p> <p>Nordic Ski,</p> <p>In-line skating,</p> <p>human powered vehicle racing,</p> <p>disability cycling,</p>	<p>£660,000</p> <p>£330,000</p> <p>Match funded by British Cycling</p>	<p>The possible different uses of this facility are many and varied, to meet the needs of all users the programmed use of the circuit would need to be carefully managed. Failure to do this would lead to dissatisfaction and possible loss of users.</p> <p>The management of this facility would need to be seen to be giving a</p>

BUSINESS CASE

	<p>jogging</p> <p>road racing athletics,</p> <p>other athletic based sport,</p> <p>cycling proficiency courses,</p> <p>cycling confidence building training,</p> <p>cycling for leisure and fitness (informal)</p> <p>schools use for the delivery of the sports curriculum. Other uses as would be suitable.</p> <p>Delivery of other health and fitness activities as required by the GP referral programme</p> <p>The facility will be only 1 of 2 to be built in the South West it is anticipated that riders and other users from Devon, Cornwall and Somerset will make full use of this facility. It is also expected that tourists will make informal use of the facility whilst the circuit will be available to meet the needs of sports tourism.</p> <p>Opportunity to host regional, national and international events. With increased and extended media coverage to raise the profile of Torbay. The opportunities for boosting visitor numbers and the subsequent increase visitor spend will help the prosperity of Torbay.</p> <p>At present under 16 year old</p>	<p>fair usage to all and not let a lead club monopolise usage, this problem has been identified by British Cycling as well.</p>
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BUSINESS CASE

	<p>are not allowed to race on the highway. Participants must travel to MOD establishments or other cycle circuits for competitions. However there are lots of restrictions when using these establishments and the permissions for use may be withdrawn at any time even up to an event starting. The requirement for a purpose built facility is considered paramount. This facility would give increased number of venues for racing but would encourage competition with the SW area without the need for long distance travel.</p>		
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TIMESCALE - WHAT IS THE PROJECT IMPLEMENTATION TIMESCALE?

Start date	End Date
April 2013	April 2014

BENEFITS - GIVE MORE DETAIL ABOUT WHO WILL BENEFIT FROM THIS PROJECT AND HOW?

Who?	How?
Torbay Residents	<p>These facilities will allow for a variety of uses both for recreation and sport it will also allow the users to train for bikeability in a safe environment. The availability for the facility to be used for other non vehicle road sports where users can take part without the fear of power driven vehicles. The benefit is for all residents within Torbay and will be accessible for all areas and built in a centralised location. The facilities will be available for community informal use as well as for organised training and sports events.</p> <p>The additional income generated from sports related tourism both</p>

	<p>day and overnight visits would have a positive impact on the prosperity of Torbay. The facilities will be regional and to a standard where major events could be held this would raise the profile of Torbay and would increase the levels of pride within the community.</p> <p>The health benefits cannot be ignored as it is shown in research carried out in 2010 that cycling provided UK employers a saving of £128 million in absenteeism</p>
<p>Users</p>	<p>It is expected that as a regional centre, users will be from Cornwall Devon and Somerset but predominantly from the South Devon area. The wide variety of activities that can be undertaken using the facility mean that it satisfies a number of the requirements of various sports and recreational activities. These can be undertaken in a safe and controlled environment; and with availability of good ancillary facilities, would prove a good and attractive prospect for participants.</p> <p>There are 72 British Cycling registered Clubs in the South West and 35 of these are in Devon. These Devon clubs have a stated membership of 2336 people as at the beginning of 2012, which are the most up to date figures available. (It is expected that these figures will rise as a result of a very successful year for British Cyclists and high media coverage).</p> <p>The current figures for the number of members of British Cycling in the South West region is; 2,808 with an estimated 8,450 members of local clubs. Over the last 4 years the membership of BC has risen from 25,000 to 61,600 and is still growing at a rate of just over 1,000 per month. The large increase has been put down to the success of British Cyclists in the Olympics and Paralympics and the Tour de France. The winner of this year's Tour of Britain race is from Plymouth. There are many cycling enthusiasts who are not visible as British Cycling members who would also be users of the facilities as recreational cyclists.</p> <p>There are 11 Clubmark Clubs in the Region, 6 of them in Devon, and a further 8 Go Ride accredited Clubs 6 of which are in Devon. All of these are accredited to work with under 16's. Under 16's which in effect means all Youth racing, has to be on Closed circuits, they are not permitted to race on the open road. This is why the circuit in Torbay would play such a key role for this particular age group.</p> <p>It is recognised that the participation by women in all sporting areas is on the decline and where this may be as a result of the feeling of safety and security these facilities would help. The membership of British Cycling shows that only between 15 and 20% are women,</p>

	<p>there is an acknowledged need to encourage these figures to increase. Providing these facilities would help to alleviate the problems women and young people have with all sports in relation to participation in a safe environment.</p> <p>It is recognised that young people in the South West do not achieve their full potential because of the lack of facilities and the ability to train. The lack of officially recognised cycling circuits and velodromes requires participants to travel long distances to train and to participate in active competition. The nearest locations for road racing for under 16 year olds is London or Birmingham.. Where they do enter competitive competitions. When young people do enter and travel to the venues, they are not effective competitors, it is understood that this is because of the lack of training opportunities in the South West.</p>
<p>Councillors</p>	<p>Positive contributions to the communities they represent as well as Torbay as a unitary authority. The development would show that Torbay Council is serious in the commitment to the provision of good quality Sport facilities and the delivery of Health and Fitness programmes for the benefit of all residents. The council's commitment to enhance the wealth and prosperity of the Bay by the provision of enhanced tourism visits and the higher profile of Torbay.</p>
<p>Partners</p>	<p>Opportunities for sports clubs to develop and improve by offering better and more accessible facilities. The provision of the South West Regional facility for Cycling would encourage partnership working with other local authorities to meet their needs. Sports governing bodies achieving national and local targets to reduce obesity, increase participation, improve health.</p> <p>Working with Schools in the region to provide a good facility to deliver a safe and accessible location to deliver their sporting requirements.</p> <p>This development is likely to increase the use of other local cycling facilities; Scadson Woods (Mountain Bike) and Parkfield (BMX Circuit) There is a serious opportunity to make Torbay a centre of excellence for all cycling sports including road racing and certainly the leading facility in the South West. This scenario would have a positive outcome on tourism and profile of Torbay</p>

<p>Private Sector</p>	<p>There are several opportunities for local business to be involved in this development following its completion. There will be opportunities for catering operations both everyday or for major events, there will also be a possibility for equipment hire facilities, some equipment that is required for use is specialised for track use.</p> <p>Research undertaken by the LSE into the British Cycling Economy that in 2010; 1.3 million new cyclists took up cycling as a sport or recreational activity generating an increased revenue. The retail sector for cycling is estimated to be worth £2.46 Billion. The indirect benefits for local business is the increase in day and stay visits to make use of the developments, and the expected use increase in tourism directly attributed to the use of the facility. The businesses that could benefit range from catering, overnight accommodation through to local attractions.</p> <p>The benefits are also expected to be result in an increase in local interest in cycling, which is likely to result in additional retail sales for local bike shops.</p>
<p>Stakeholders</p>	<p>Opportunities for Torbay Council to develop partnerships with schools etc.</p> <p>South Devon College have shown interest in usage, there would also be excellent opportunity to work with Paignton Sports College as well as colleges within other areas of the South West.</p> <p>Schools – opportunities to reduce obesity and increase sports participation, we have a sports development officer who will take an active part in increasing the participation. The expected ability of the Closed Road Circuit to cater for a number of sports means that increase in active participation in sports and activity could be catered for.</p> <p>The ability to cater for the needs of a wide range of abilities and expertise means that this an attractive scheme for many sports clubs to become active stakeholders.</p> <p>Cycling Clubs – there is a very positive interest from cycle clubs within the South West and Mid-Devon Cycling which is one of the largest clubs in the country expressing a keen interest to be involved and act as the anchor club for the new facilities.</p> <p>New cycling partnership formed for Torbay (Oct 2012 Press Release)</p>

	<p>Representatives from Torbay Council, health, cycling interest groups and cycling retailers recently came together at Parkfield in Paignton to kick-start the development of a new cycling partnership for Torbay.</p> <p>The purpose of the meeting was to develop the sports, leisure and recreational aspects of cycling throughout Torbay.</p> <p>Mayor, Gordon Oliver, said: “We must take advantage of the recent enthusiasm for cycling generated by Britain’s success in the Tour De France, the Olympics and the Tour of Britain. Regular cycling can help improve the health of residents of all ages in Torbay. There are also economic benefits to establishing the Bay as a cycling centre of excellence.”</p> <p>Lively discussions were held and existing facilities, such as Parkfield, were discussed as well as ideas for future progression. All agreed there was a need to develop a new cycling group in Torbay and that it would promote cycling as an activity as well as focusing on key calendar events.</p> <p>Debbie Stark, Director of Public Health, said: “We all agreed that there was a need to increase the uptake of cycling through the promotion of sports, facilities and recreational events. One way to achieve this was through the creation of a new cycling group for Torbay.</p> <p>“I cannot stress strongly enough the benefits of cycling activity to health and well-being. This includes weight control, mental well-being, joint protection and the reduction of risk factors which can lead to heart attacks – all of which have been proven.”</p> <p>After the event attendees were treated to a display from world champion BMX rider Kai Forte and Darren Tottman from the Pro Cycle Centre in Newton Abbot.</p>
<p>Third/Voluntary Sector</p>	<p>Opportunities for volunteers to work on the cycle circuit promoting the various sporting activities and delivering the health and fitness initiatives. Torbay Sports Council we hope would take an active part in helping to deliver some of the benefits and activities that would be enabled by the facilities. There are other opportunities for working with Police and other youth agencies for setting up cycle and cycle maintenance workshops where cycles can be repaired to provide equipment for others at an affordable price.</p>
<p>Visitors</p>	<p>The Velodrome facility will be the only one built in the South West</p>

	<p>and the Closed Road Circuit will be 1 of 2 built. The expectations are that the development will greatly increase the number of visitors to Torbay, some will visit as a destination purely because we have such a facility and to either use or as spectators. The proposals would allow for equipment hire facilities on site to ensure that any visitors could make full use of them when they open.</p> <p>This together with the BMX track, Mountain Bike runs and the development of the National Cycling Network will make Torbay a choice destination for those seeking active holidays.</p> <p>The contribution from visitors to the local economy would be from day visitors, weekend visitors for events and potentially tourists visiting the area specifically for the facilities. Based on figures for income associated tourism provided within the Torbay Tourism Strategy the provision of ten events a year could contribute £200,000 to the local economy. As Clennon Valley is situated close to caravan and camp sites in the area they would be well placed to provide accommodation for these type of events. If the facility attracted 1,000 day visitors during a year and 1,000 weekend visitors this would contribute another £100,000 to the local economy.</p>
<p>Other</p>	<p>It is believed that incidents of anti social behaviour will reduce as the increase in active participation increases. The facilities would provide more scope for volunteer sectors working with young people and encourage them to have alternative interests.</p>

HOW WILL WE KNOW THEY HAVE BENEFITED?

<p>What will improve overall?</p>	<p><i>The increase in sport and recreational participation by all, this would be measured as part of the current statistics School participation after school clubs and through the curriculum.</i></p>
<p>Participation levels</p>	<p><i>Continued use by cycling clubs and the number of events that they would host throughout the year, if the facility was not adequate numbers attending and bookings would quickly reduce. More local cycling talent will be transformed into regional and national competitors.</i></p>
<p>Pride in the Bay</p>	<p><i>Torbay Residents satisfaction surveys would highlight if the development was meeting or exceeding their expectations.</i></p>
<p>Sporting</p>	<p><i>Full use of the facility by clubs and sports participants, increased</i></p>

BUSINESS CASE

opportunities	<i>numbers of visitors to Torbay.</i>
Visitors to the bay	<i>Lower levels of anti-social behaviour as more people will be accessing the site and encouraged to cycle. Increase in residents cycling to work, cycling to school and possible reduction in car usage</i>
Increased use of other facilities and attractions.	<i>Full programme of usage</i> <i>Consultation and questionnaires.</i> <i>Programming showing user numbers not necessarily just block bookings for clubs as this does not give good indication of benefit</i>

PERFORMANCE MEASURES

Performance measure today	This development would incorporate 2 separate facilities which is unusual outside of the very large cities, as such performance and bench marking information is difficult. We have obtained details of the various activities and the prices charged but as most facilities are fairly new. British Cycling has evidenced the normal maintenance costs for the circuit and track is negligible other than through vandalism or severe weather conditions.
Performance level at project end	When the project is completed other facilities will have been in operation for some time and we could then have the opportunity to benchmark some of the performance figures. This project however will differ in the fact that there are 2 facilities with different uses, we will be the main facility for the whole of the SW so would expect different usage figures because of the distances involved in travelling to the site for everyday use.
What controls will be established to ensure that the benefit is being realised?	A management agreement would be drawn up which would include regular questionnaires and customer satisfaction surveys. Monitoring of programming to ensure that cycle clubs are not monopolising the use of the facilities and that they are meeting the needs of all user groups. Working with all parties and stakeholders including Sport England and British Cycling to meet their requirements

WHAT KEY ACTIONS NEED TO OCCUR FOR THE PROJECT TO HAPPEN?

Action(s)
<ul style="list-style-type: none"> • Consultation required with Community partnerships. • Consult with local cycling clubs • Consult with Torbay Sports Council • Liaise with Health Care Trust, Active Devon and other partners

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- Carry out ground investigations
- Liaise with Environment Agency
- Complete funding application for British Cycling
- Set up project board
- Engage engineering consultants work with British Cycling to design facilities
- Design to planning stages apply for planning permission
- Procure contractors.

COST - WHAT ARE THE PREDICTED PROJECT COSTS?

Works Contractors	
Closed Road Circuit	£550,000
Velodrome	£750,000
Consultant (geotechnical investigation 20, specialist project manager 25, detailed design 15) – contingency included	Expected costs using some in house 10% 130,000
Procurement	n/a
Staff	n/a
Other Planning fees	n/a (part of the specialist services)
Legal depending on future management agreements	n/a (part of specialist services)
Contingency at 10%	£130,000
Total	£1.56 million

FUNDING - HOW WILL THE PROJECT BE FUNDED?

	Yes/ No	Source of funding	Estimated Amount (£)
Apply for capital funding	Yes	Council Capital	£780,000

BUSINESS CASE

<p>Attract funds from partners, grants, lottery funding, and area based grants.</p> <p>Work on all possible funding sources to reduce the need for council capital but this is not certain that money will be available</p>	Yes	British Cycling	<p>£780,000</p> <p>BC are working on match funding total cost</p>
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WHEN DO YOU ANTICIPATE INCURRING THE COSTS?

Financial Year 1	Financial Year 2	Financial Year 3	Financial Year 4	Financial Year 5	Total (£)
2013	2014				
400,000	£380,000				780,000

RISK -

Risk Description Also considers any high risk projects running concurrently with this project. E.g. H & S Compliance, New Design, New Technology, No designated project manager	Name who will deal with this risk?
Consultation exercise shows the local population do not want the development to go ahead	Councillors and officers
Torbay Council fails in their application to British Cycling for the award to develop both facilities at the same time.	British Cycling have confirmed this is a high priority project and the funding should be prioritised for 2013-2014
Capital funds being unavailable from Torbay Council to match fund both of the facilities, decision then required to stop the proposal or carry on with one facility that would deliver the best outcome	Senior officers and executive head to offer advice on the delivery of one of the facilities that would deliver the most benefit for Torbay.
Geotechnical investigation reveals problems that can't be dealt with through construction. These issues will be revealed before contracts are signed for main construction project. No indications of issues through surveys and desktop assessments.	Project Manager. Torbay Council engineering Department

BUSINESS CASE

Construction risks this will be covered within the contract.	Successful tenderer. Project Manager
Tenders above original estimates for track redesign to reduce standards where possible to reduce costs or retender	Project Board
The impact of other possible developments within Clennon Valley.	Project Board
Income fails to cover running costs and capital repayment costs.	Resident and Visitor Services Revenue spending

LEGAL IMPLICATIONS

Is there any legislation affecting the project?

- Planning legislation
- H&S legislation
- All CDM regulations
- Title to the land to be used will need verification
- Once the build has been completed the leases for commercial use will probably be required also dependent on future management the legal agreements to be put in place and obviously Health and Safety risk assessments for all uses need to be in carried out.

BUSINESS CASE

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> • The facilities would be the only ones in the SW large catchments area. • British Cycling backing and 50% match funding. • Cycling as a sport is high in the public interest as a result of a successful Olympics and other international successes • South West England has a large number of cycling clubs who would make use of the facility. • Mid Devon Cycling Club is ranked in the top ten in England one of British Cycling biggest clubs • Meets the strategic needs to promote cycling as travel and exercise. • Multi-Use capability of the facilities • Benefits several different sports including opportunities for people with disabilities 	<ul style="list-style-type: none"> • Difficult to find revenue data to bench mark against as this development will be the only one outside of Manchester and London to have dual facilities. • There is an obvious threat in that the income figures assumed may not be realised at the given hire charges. • Many velodromes have either recently been built or are under construction. Comparable Indoor tracks differ greatly No meaningful financial figures or user figures are available. • Few if any facilities have been built in tourist areas (usually built in larger urban areas) it is difficult to provide empirical evidence to support the claims for positive the impact on tourism industry. • For the reason above interclub competition and training may not entail travel for participants and 	<ul style="list-style-type: none"> • To develop Torbay as the main destination centre for all cycling in the West Country increasing the use of My Place BMX facilities and TCCT Mountain Bike Track. • Whilst an outdoor velodrome will be less desirable for competitions than an indoor one it will nonetheless attract regional competition events and publicity • Promote Torbay as a tourist destination through increased media coverage of cycling and sports events that would be held at these facilities. • Promotion of tourism and leisure activities opportunities to related businesses for the provision of all requirements of both participants and spectators • To promote and encourage cycling as a means of transport and recreational activity 	<ul style="list-style-type: none"> • Cycling clubs are not willing to in make use of the site or not being proactive in organising events and competitions. • Not making the correct management option to run the facilities although this should have in place a means to change requirements. • The buildings we would utilise for changing facilities and refreshments would no longer be under our control and alternative resources will be required. • Increased costs of the development with related legal requirements • Flood risk, the ancillary buildings will need to be located on adjacent higher ground. • Competition – if Torbay does not embrace these facilities and the

BUSINESS CASE

<ul style="list-style-type: none"> • Encouragement of all hard to reach groups to make use of the facility especially providing a safe environment for women and young people to undertake activities. • Facilities provide a safe site to carry out proficiency training and confidence building • Promotes the health and well being programme and reducing levels of obesity • Reduction in anti-social behaviour • Site is in central location with good transport links • Good parking and adjacent to leisure centre with the likely increase in users and location close to other sports opportunities. • Torbay is already a tourist destination and has the infrastructure to cater for larger events • Both facilities are 	<p>spectators as it would in the SW so again it would be difficult to quantify the benefits.</p> <ul style="list-style-type: none"> • The decision on future management of the site and responsibilities is important to give a more meaningful appraisal of income/expense. • An outdoor velodrome will not attract the highest level of competition events to Torbay because of the lack to stadia seating, the slower track surface and the absence of an climate (warmer indoor air and no wind increase speed). • Some residents particularly those with homes overlooking the Clennon Valley will oppose the intrusion of hard surfaces and lighting on the valley floor. • BC wish dogs to be prohibited (and this is advisable on safety grounds) this will create some opposition • The use of the pitch in the refuge may only be used outside times when 	<ul style="list-style-type: none"> • To provide employment opportunities related to the management of the facility and the provision of retail and catering units associated with the development. • To allow local sports men and women access to facilities that will enable them to become elite athletes with all the resultant benefits that will flow to them personally, to the community and the local area. • The facilities will involve 'hard to reach' groups in sport • The opportunity to use the investment to level other grant funding (e.g. Iconic Funding) 	<p>current BCA support promptly neighbouring authorities are already waiting to step into Torbay's shoes..</p>
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BUSINESS CASE

<p>projected to be revenue positive giving a positive return on the capital invested</p> <ul style="list-style-type: none">• An indoor velodrome would cost circa £30M the outdoor track will cost less than £1M• Both facilities will be durable requiring little physical maintenance• The 400M outdoor velodrome will allow a sports pitch to be located in the central refuge• Allowing novice cyclists a safe environment in which to learn will reduce injuries and may save lives	<p>the Velodrome is in use</p>		
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WHAT ARE OUR PEERS DOING?

<p>Research nationally and locally. What facts, figures and lessons learned are available?</p>	<p>There are several ongoing projects to build both Velodromes and Closed Road Cycle Circuits, very few are located in the South of England. The nearest road circuit is being built in Bath and the closest Velodrome is in Bournemouth albeit a 250 m track that is acknowledged to be for more experienced riders. The only locations that have both a velodrome and cycle circuit are in London and Manchester. British Cycling are keen that they will finance and support only one velodrome and 2 cycle circuits in the South West, Torbay would be the main cycling centre for the region. Plymouth Council are actively working to introduce a closed Road Cycling Circuit in the town centre to link up with cycle routes.</p> <p>Other Local Authorities have submitted expression of interest with British Cycling to provide both these facilities within the local area if Torbay cannot proceed..</p>
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HAS PARTNERSHIP WORKING BEEN EXPLORED?

<p>Please state who has been consulted and give reasoning behind the decision</p>	<p>Project is being developed with British Cycling and Mid Devon Cycling club however there are several other clubs in the local area that would be consulted. Several other possible stakeholders e.g. Torbay Sports Council would be approached once agreement of funding has been gained</p>
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BUSINESS CASE

Possible Programming/Availability for Closed Road Cycle Circuit based on similar facilities in the UK

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0900-1100	Community use	Club use events	Club use events				
1100-1300	School/college use	Club use events	Club use events				
1300-1500	School/ community Use	Club use events	Club use events				
1500-1700	Training use	Club use events	Club use events				
1700-1900	Club use	Club use events	Club use events				
1900-2100	Club Use	Club use events	Club use events				

Possible Programme for Velodrome based on similar facilities

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0900-1100	Community use	Community use	Community use				
1100-1300	School/college use	Club Use events	Club Use events				
1300-1500	School/ community Use	Club Use events	Club Use events				
1500-1700	Training Use	Club Use events	Club Use events				
1700-1900	Club use	Club Use events	Club Use events				
1900-2100	Club use	Club Use events	Club Use events				

Case Studies

Several case studies have been carried out by British Cycling these relate to the number of participants rather than income as well as the number of new participants to cycling. The results given indicate the number of cycling participants and do not take into account participants in other sports activities.

Stourport Closed Road Circuit Opened in April 2010 the events delivered in the first 33 weeks of opening were:

- Schools 195 events Participants 5850
- Go-Ride 30 events Participants 300
- Coaching 54 events Participants 809
- Cycling 4 events Participants 130.

British Cycling then applied a formula which would give the estimated annual participation figure of 11,170, Over a 15 year period this would give an estimated participation figure of 336,400

The circuit provided a traffic free cycle and sport environment for all participants, it is identified that a safe environment is fundamental to achieving satisfaction.

Redditch BMX track

Although this project is not to build a BMX track it is envisioned that by creating these facilities it would enhance the usage of Parkfield BMX track by linking this facility as a cycling destination. The BMX track at Redditch participation levels over the initial 20 week period gave:

Coaching 20 weekly sessions 937 participants

Events 1 Regional 192 participants

The track has delivered 1129 new participants to the area in 4.5 months period when new participants can undertake a sporting activity in a safe environment. Novice riders can undertake safe and extensive coaching sessions; to improve the expertise of riders and nurture their talents. The costs of using this facility for 2012/2013

Redditch Premiers

All Persons Wishing To Use The BMX Track Will Now Need A Yearly Membership as Listed Below

Bronze Junior Pay and Play Membership £5.00 (Includes 1st Session)

Bronze Adult Pay and Play Membership £8.00 (Includes 1st Session)

Silver Junior Membership £15.00

Silver Adult Membership £25.00

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Silver Family Membership £60.00
Gold Junior Membership £125.00 (Includes Free Race Jersey)
Gold Adult Membership £185.00 (Includes Free Race Jersey)
Gold Family Membership £500.00 (Includes Free Race Jersey)

In Order To Race In Club Races You Will Need Either Gold or Silver Memberships

Session Costs

Bronze £3.50
Silver £2.50
Bike Hire £2.50 Extra for All Memberships

Knowsley Outdoor Velodrome

This facility has only recently opened and the usage figures have been estimated by using the results of a similar facility built at Bournemouth. The estimated figures for a 15 year period are:

- Go ride Events 1530 Participants 30,600
- Coaching Events 3060 Participants 76,200
- Events 1240 Participants 44,000
- Community Events
- Schools 3400 Participants 15,460

Total participants over 15 years estimated at 166,260

Knowsley velodrome is a large, 400 metre excellently built outdoor track, with a 30 degree bank, capable of accommodating both track and road bikes. It opens itself up to a lot of different uses in performance cycling. It is a perfect venue for coaching the skills of serious cycling in a controlled and safe environment.

Sport England

Local Sport Profiles compiled for Sport England give information relating to sport provision and the participation figures for Torbay in comparison to the South West and the rest of England. The document also gives figures for the our nearest comparable neighbours

Indicator	Year	Torbay	South West	England
Population growth to 2015 (expected) aged 16+	2010	126,300	4,244,300	41,581,300
	2012	136,800	5,382,800	52,953,900
	2015	139,300	5,512,200	54,087,800
Obesity Adults (2009) Children	2009	25.8%	24.7%	24.2%
	2009	9.9%	8.9%	9.6%
New Sports Business as a proportion of all new Business	2006 - 2009	0	1.09%	0.86%
Employment in sports as a %age of all employment	2006	1.4%	1.3%	1.2%
	2007	0.8%	1.3%	1.3%
	2008	0.5%	1.2%	1.2%
Adult Participation at least 3x30	Total	21%	23.3%	22%
	Disabled	0	11.0%	9.4%
	Non disabled	23.7%	25.7%	24.3%
Health cost of sporting inactivity (source Department of Health 2007)	Total Cost	£2,430,290	£75,553,788	£764,661,980
	Cost/100,000	£1,731.050	£1.484,709	£1,531.401

The Sport England findings within the profile report for Torbay highlights the need to enhance sporting facilities to encourage activities that will provide for the needs of disabled people. The provision of a closed road cycle circuit would meet the requirements by affording a facility that is managed and is a safe environment, for the use of people of all abilities. Adult participation in sporting activities is given as slightly less than both the regional and national average but this could be raised by developing more facilities that would cater for a variety of sports.

BUSINESS CASE

The figures highlighted in the report show that there has been no new sports related businesses started in Torbay during the years 2006-2009. The lack of development could be a reason why sports related employment has declined by 60% over this period, whilst in the South West and nationally; it has remained stable. The provision of the cycling facilities could provide the initiative to start new related businesses in Torbay and would provide for an increase in sports related employment.

The figures given by the Department of Health indicate the high cost of sporting inactivity with Torbay showing a much higher cost when compared to the regional and national costs. These costs could be reduced by working with partners and providing the facilities to encourage sporting activity.

The Community Club Development Programme for British Cycling shows that it has supported 14 projects worth £5,177,155 with British cycling contributing nearly £3 million to this total. The figures obtained from the supported projects provided that a:

- 53% increase in active members
- 36% increase in coaches
- 21% increase in volunteers
- 94% increase in participation

The report also gives that ***“Investment in Traffic Free Sports facilities has clearly evidenced the contribution that could be made to the Grow, Excel and Children and Young people outcomes; given that the cycling circuits funded through the CCDP have allowed the youth arm of clubs to develop; giving an 86% increase in under16 active members compared to the overall programme average of 23%”***

The benefits for young people to take part in sports activities in a safe and controlled environment would include:

- Reducing anti social behaviour
- Reducing obesity levels
- Encouraging young people to be active
- Encouraging the team spirit
- By providing a facility to enable young people obtain life skills
- Provision of coaching to allow young people to achieve their full potential

The links to Sport England information documents detailing findings that give evidence to some of the benefits indicated in this document

<http://www.sportengland.org/research/idoc.ashx?docid=f8d40a02-0287-4d0d-a983-a10da77842cf&version=-1>

http://www.sportengland.org/research/culture_and_sport_evidence.aspx

http://www.sportengland.org/research/the_value_of_sport_monitor/fitness_and_health.aspx

http://www.sportengland.org/research/the_value_of_sport_monitor/crime_reduction.aspx

http://www.sportengland.org/research/the_value_of_sport_monitor/economic_impact.aspx

Outgoings

- On site staffing 7 days per week 0900-2100
 - Grounds maintenance inc litter (Could be included in Tor2 contract or the site operators)
 - Electricity costs for lighting columns
 - Changing Facilities (Repairs and Maintenance)
 - Changing Facilities (Cleansing)
 - Changing Facilities (Consumables)
 - Changing Facilities (Utility Services)
 - Business Rates for whole site
 - Managing Booking system (could be provided by adjacent facility)
 - Repairs and Maintenance requirements for track and circuit including fencing
 - Site security
 - Marketing and Promotion
 - Some event organisation and management, it is likely that cycle clubs would help.
 - Staff welfare facilities
 - Legal, insurance costs and liabilities
 - Considerations for Income Generation
- Could be provided by adjacent facilities

Consideration for Income/Expenditure

The figures given in the for the year 1 accounts take into consideration the following:

- Both facilities to be affected by adverse weather conditions however Velodrome use is affected to a greater degree.
- Annual membership of the facilities is aimed at community use with an agreement that it cannot be used when booked out to schools, events or clubs. The figures given are based on a population numbers within a 10 mile catchment area, uses are for a variety of leisure and recreational use of the Closed Road Circuit in particular.
- The annual membership fee would include full use of the facilities during the community use periods this would be the only fee payable, no hire charges would be required. It is envisaged that by using this membership it would increase active sports participation on an actively managed site. The fees would cover the costs of staffing and maintenance and would give control of the facilities when they are booked for club and other uses.
- Based on the possible programming given above maximum hours per annum available for each facility based on a 12 hour day, 5 day week are 2,880 per year available for use. The account allows for a usage of 10 hours per week other sport use and 10 hours per week club use. Total use is 960 hours, 1920 hours available booking periods remain to allow other income generation, schools/colleges etc.
- As above each facility would have 104 days available for events and full club use days. Figures given allow for Closed Road Circuit; 80 days use and Velodrome; 60 days use. Remaining days take allowance for weather and other income generation.
- The figures given are based on average usage at other venues but this is uncertain as there are no like for like facilities in the UK.
- Expenditure could be reduced if the staff allocated are trained to the required standard that they can be accredited to both coach and staff the velodrome. (This has to be manned by accredited person while open)
- Grounds maintenance and minor maintenance carried out by the staff.
- Partner cycle clubs staff for club nights and event days.

BUSINESS CASE

Additional income allowance has been made for the following:

- Rental income from associated facilities café, cycle hire etc
- Event catering licence agreements profit sharing etc
- Income from events
- Income from school and other educational hire of facilities
- Increased car park income

Indirect income

- Increased visitor expenditure in Torbay
- Increase income from Tourism
- Benefits for Parkfield BMX increased usage and cycling offers.
- Financial benefits for Parkwood Leisure and increased usage of the Leisure Centre.
- Other interested developers may have increased confidence to invest in Torbay.

Possible hire charges

Circuit

Annual facility membership non club	£40.00 per annum
club training per hour	30.00
non affiliated cycling club per hour	35.00
other sports team use per hour	35.00
other per hour	35.00
Daily Hire Aff Club	180.00
Daily Hire Club	200.00
Daily Hire cycling	250.00
Daily Hire other	300.00
Hourly Charge	2.50

Velodrome

Cyclist Accredited 1 hour	2.50
club training per hour (aff) with coach	30.00
club training per hour without coach	40.00
Daily Hire Aff club with coach	250.00
Daily Hire Club with coach	300.00
Daily Hire Club Without coach	400.00

BUSINESS CASE

Expenditure	£ Annual	Income	£ Annual
Site Staff	25,000	Road Circuit	
Grounds Maintenance	2,000	Sports other than Cycling 130 hours @ £30	3,900
Street Lights (elec)	1,200	Cycle club Bookings hour 520 hours @ £30	15,600
Changing Facilities TLC	incl	Full Day Bookings 20 @ £200	4,000
NNDR	10,000	Schools & Colleges 104 hours @ £30	3,120
Road Circuit R&M	2,000	Total per Annum	26,620
Velodrome R&M	2,000	Velodrome	
Booking/Admin Costs	1,500	Aff Club Hour 520 hours @ £30	15,600
Marketing & Promotion	2,000	Non Aff Club/Training 104 hours @ £40	4,160
Site Security	500	Full Day Bookings 20 @ £300	6,000
		Schools & Colleges 52 hours @ £40	2,080
		Total Per Annum	27,840
Legal Insurance costs	2,000	Hourly Sales 50 hours per week	6,500
Coaching to Accreditation	5,200	Weekly Tourist Membership 350 @ £20	7,000
Sink Fund	4,000	Annual Membership 750 @ £40	30,000
Total Per Annum	57,400	Total per annum	97,960
		Annual Operating Profit	40,560
		<u>Other potential income</u>	
		Car parking increased income	8,000
		Catering for events	3,000
		Cycle Hire	4,000
		Advertising	3,000
Capital Repayments £780,000 Repay over 25 yrs £1.442 million	57,700	Total Annual Income	115,960
Total Expenditure	115,100	Balance Profit	860

MANAGEMENT OPTIONS

There are several future management options available for the successful running of both of these facilities. The various management options are currently used by other local authorities and all are working, where the facility is council managed there is already a permanent staff presence within the park so costs of the facility are minimised.

There is a thought that any management would be a not for profit sport organisation when any profits made being pulled back to offset the costs of other sports provided within Torbay Council remit. This form of management would continue providing benefits for all sports that would help the council to deliver their Health and Fitness responsibilities.

Parkwood Leisure who manage the Torbay Leisure Centre adjacent to the proposed site have written to the Council registering an interest in the development and management of this facility.

Alongside the cycling some concessions can be included

- 1; cafe/bar
- 2; cycle hire/skates
- 3; cycle repair
- 4; coaching

these could be managed within the same remit as the facility or stand alone as per the council requirements

Options	Pro	Con
<p>Full council Responsibility (option 1)</p>	<p>Keep all income</p> <p>Complete control on usage</p> <p>Change management regime at a later stage if required</p> <p>Ability to deliver other uses for facility if required</p>	<p>Responsible for all future maintenance cost</p> <p>Responsible for all health and safety including inspections</p> <p>Responsible for all programming to meet needs</p> <p>Responsible for all marketing</p> <p>Responsible for all grounds maintenance</p>

BUSINESS CASE

		<p>Responsibility for staffing levels</p> <p>Difficulty in obtaining external funding</p> <p>Organise events</p> <p>Major repairs would require sink fund</p> <p>Not statutory requirement so budgets could be affected unless ring fenced</p> <p>Profits may be hived off to meet other budget shortfall</p>
<p>Council partnership with sport club: (option 2)</p>	<p>Council would retain some control on usage</p> <p>Council get a fixed annual income</p> <p>Council able to deliver its own policies</p> <p>Council could delegate responsibility to sport club</p> <p>Still able to apply for external funding</p> <p>Could put their position to lease at a later date</p> <p>Partnership could be not for profit money is ring fenced to go back into maintenance and betterment</p> <p>Greater likelihood of obtaining volunteers</p>	<p>Council would still have management responsibilities Officer and councillor time capacity</p> <p>Sport club may fold over time responsibility falling back on council</p> <p>Possible conflict between requirements of sport and council needs</p> <p>Council would keep maintenance liabilities</p> <p>Possibly lose public goodwill</p> <p>Grounds maintenance and everyday minor maintenance could be same, as council may not be best value for the enterprise</p>

BUSINESS CASE

<p>Full repairing lease to sport clubs.(40 years) (Option 3)</p>	<p>Council would have guaranteed annual income Council no maintenance responsibility</p> <p>No day to day health and safety responsibility</p> <p>No manpower responsibilities other than overseeing delivery</p> <p>Not for profit lessee would ensure sustainability of the facility</p> <p>Minimal council marketing required</p> <p>Tender process for lessee does not need to take full account of income only value</p> <p>Delivery of services Greater ability to obtain external funding</p> <p>Maintenance or affected by council budget cut backs Volunteer Labour and event organisation more likely</p> <p>Ability to gain maximum rate relief</p>	<p>Council would not have total control</p> <p>Club could fold if no other lessee could be found council would take responsibility</p> <p>Council may not maximise its possible income (tight lease agreement)</p> <p>Council staff would have to monitor lease but minimal control should be required</p>
<p>Lease to commercial leisure provider (Option 4)</p>	<p>Full repairing lease</p> <p>Minimal council involvement</p> <p>Tender process would maximise income to council</p>	<p>Council will lose some control</p> <p>Commercial operator would be unlikely to obtain grants</p> <p>Profits ploughed back into company not necessarily to</p>

BUSINESS CASE

	<p>Absolutely no maintenance or management costs to council Lessee would bring in expertise</p> <p>Ability for lessee to take on and manage concessions</p>	<p>pavilion</p> <p>Sports clubs could be priced out (tight lease/ management agreement required)</p>
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DRAFT

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Cycling Development Clennon Valley	Business Unit:	Resident & Visitor Services
Name (Key Officer/Author):	Ian Williams	Tel:	7954
Position:	Senior Natural Environment Officer	Email:	ian.williams@torbay.gov.uk
Date:	4 th January 2013		

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	<input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Y	<input type="checkbox"/> N <input type="checkbox"/> N <input type="checkbox"/> N

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>The proposal is to obtain match funding capital to build a 1.5 Km closed road circuit and Velodrome at Clennon Valley.</p> <p>British Cycling (BC) has identified the regional need for a Velodrome and a Closed Cycle Circuit in the South West Region. The BC are on record as saying the provision of these facilities in the South West are one of their highest National Priorities. Torbay is currently the BC preferred location. The nearest cycling facilities to Torbay for an outdoor velodrome is Bournemouth for the Closed Road Cycle Circuit is either Birmingham or London. A closed road is to be developed in Bath during 2013. Manchester and London are the only areas that have both a Closed Road Circuit and Velodrome.</p> <p>The objectives of this proposal are to create a major cycling facility at Clennon Valley to be available for all cyclists in the South West of England. Creating an opportunity for both holding Regional and National cycling events as well as an important facility for cyclists of all abilities to undertake training.</p> <p>The closed road cycling circuit would provide a safe environment for a wide variety of sports including cycling, jogging, walking etc. The circuit would be enclosed and lit and would allow the public to participate in health and fitness activities in a safe controlled environment catering for all people.</p>
2.	Who is intended to benefit / who will be affected?	<p>All people are expected to benefit from the proposed development; however the main beneficiaries of the velodrome would be all cyclists in the South West Region as a direct result of the facility, residents of Torbay as an indirect beneficiary of the increase in visitors and tourists attending for the use of the facility.</p> <p>It has been reported that 40% of the UK will be obese by the year 2015. Cycling as a form of transport, and/or recreational cycling is a tool that can help alleviate the pressure of obesity upon society. Cycling as a fitness and leisure activity can be undertaken by all age groups and by providing a safe and family friendly facility encourages family cycling groups. By encouraging cycling within Torbay, we are able to continue creating a more cycle friendly environment, helping to reduce the potential health challenges affecting the town.</p> <p>The beneficiaries of the Closed Road Circuit would be all residents and visitors who wish to undertake physical activities or health and well being initiatives,</p>

No	Question	Details
3.	What is the intended outcome?	<p>The intended outcomes are to:</p> <ul style="list-style-type: none"> • To increase the number of active sport participants and improve the opportunities for sport and leisure activities within Torbay • To reduce both the actual, and perceived dangers to cyclists; • To provide more, and better cycle facilities, • To promote and encourage cycling as a recreational tool, and as a means to improving the health of the population of Torbay and the South West by promoting cycling as a means of exercise. Supporting health benefits through partnership work with the local NHS Trust and community stakeholders; • Provide a facility that could be included within the GP referral units and therefore an additional income source • To promote cycling as a major sport accessible to all via sign posting to the work conducted by the sports development team within Torbay Council in partnership with British Cycling and other sport governing bodies. • These facilities would be the only ones in the South West and as such there are opportunities for hosting major events for a wide range of sports. • The increase in sports participation visits to Torbay could significantly raise the amount of money spent with local business, retailers and hoteliers. There is the added bonus of the various media opportunities local and national to raise the profile of Torbay which could in turn increase visitor numbers. The Bournemouth Skyride event showed that 20% of participants were tourists. <p>By developing the additional sports facilities it will help to make Torbay a destination resort for cycling, there is already well designed international grade BMX track as well as a Mountain bike track. The development of a closed road circuit and outdoor velodrome would make Torbay an extremely attractive proposition as a centre for all cycling requirements.</p>

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>It is expected that as a regional centre, users will be from Cornwall Devon and Somerset but predominantly from the South Devon area. The wide variety of activities that can be undertaken using the facility mean that it satisfies a number of the requirements of various sports and recreational activities. These can be undertaken in a safe and controlled environment; and with availability of good ancillary facilities, would prove a good and attractive prospect for participants.</p> <p>There are 72 British Cycling registered Clubs in the South West and 35 of these are in Devon. These Devon clubs have a stated membership of 2336 people as at the beginning of 2012, which are the most up to date figures available. (It is expected that these figures will rise as a result of a very successful year for British Cyclists and high media coverage).</p> <p>The current figures for the number of members of British Cycling in the South West region is; 2,808 with an estimated 8,450 members of local clubs. Over the last 4 years the membership of BC has risen from 25,000 to 61,600 and is still growing at a rate of just over 1,000 per month. The large increase has been put down to the success of British Cyclists in the Olympics and Paralympics and the Tour de France.</p> <p>There are 11 Clubmark Clubs in the Region, 6 of them in Devon, and a further 8 Go Ride accredited Clubs 6 of which are in Devon. All of these are accredited to work with under 16's. Under 16's which in effect means all Youth racing, has to be on Closed circuits, they are not permitted to race on the open road. This is why the circuit in Torbay would play such a key role for this particular age group</p> <p>It is recognised that the participation by women in all sporting areas is on the decline and where this may be as</p>

No	Question	Details
		<p>a result of the feeling of safety and security these facilities would help. The membership of British Cycling shows that only between 15 and 20% are women, there is an acknowledged need to encourage these figures to increase. Providing these facilities would help to alleviate the problems women and young people have with all sports in relation to participation in a safe environment.</p> <p>It is recognised that young people in the South West do not achieve their full potential because of the lack of facilities and the ability to train. The lack of officially recognised cycling circuits and velodromes requires participants to travel long distances to train and to participate in active competition. The nearest location for road racing for under 16 year olds is London or Birmingham where they do enter competitive competitions. When young people do enter and travel to the venues, they are not effective competitors, it is understood that this is because of the lack of training opportunities in the South West.</p> <p>Research undertaken by the LSE into the British Cycling Economy that in 2010; 1.3 million new cyclists took up cycling as a sport or recreational activity generating increased revenue. The retail sector for cycling is estimated to be worth £2.46 Billion. The indirect benefits for local business is the increase in day and stay visits to make use of the developments, and the expected use increase in tourism directly attributed to the use of the facility. The businesses that could benefit range from catering, overnight accommodation through to local attractions</p>
5.	<p>How have you consulted on the proposal?</p>	<p>Not as yet however it has been identified that we will need to consult with the following groups, if the decision for the funding is agreed:</p> <ul style="list-style-type: none"> • Consultation with members of the public, including Community Partnership groups • Consultation with local cycling clubs • Consultation with the Torbay Sports Council <p>Ongoing customer satisfaction surveys/Sport England surveys will also take place if/once the project is completed.</p>

No	Question	Details
6.	Outline the key findings	<p>This section will need to be completed once consultation has been undertaken.</p> <p>Case studies undertaken in other areas have shown the following:</p> <p>Stourport</p> <p>Closed Road Circuit Opened in April 2010 the events delivered in the first 33 weeks of opening were:</p> <ul style="list-style-type: none"> • Schools 195 events Participants 5850 • Go-Ride 30 events Participants 300 • Coaching 54 events Participants 809 • Cycling 4 events Participants 130. <p>British Cycling then applied a formula which would give the estimated annual participation figure of 11,170, Over a 15 year period this would give an estimated participation figure of 336,400</p> <p>The circuit provided a traffic free cycle and sport environment for all participants, it is identified that a safe environment is fundamental to achieving satisfaction.</p> <p>Redditch BMX track</p> <p>Although this project is not to build a BMX track it is envisioned that by creating these facilities it would enhance the usage of Parkfield BMX track by linking this facility as a cycling destination. The BMX track at Redditch participation levels over the initial 20 week period gave:</p> <ul style="list-style-type: none"> • Coaching 20 weekly sessions 937 participants • Events 1 Regional 192 participants <p>The track has delivered 1129 new participants to the area in 4.5 months period when new participants can undertake a sporting activity in a safe environment. Novice riders can undertake safe and extensive coaching sessions; to improve the expertise of riders and nurture their talents. The costs of using this facility for</p>

No	Question	Details
		<p>2012/2013</p> <p>Knowsley Outdoor Velodrome</p> <p>This facility has only recently opened and the usage figures have been estimated by using the results of a similar facility built at Bournemouth. The estimated figures for a 15 year period are:</p> <ul style="list-style-type: none"> • Go ride Events 1530 Participants 30,600 • Coaching Events 3060 Participants 76,200 • Events 1240 Participants 44,000 • Schools 3400 Participants 15,460 <p>Total participants over 15 years estimated at 166,260</p> <p>Knowsley velodrome is a large, 400 metre excellently built outdoor track, with a 30 degree bank, capable of accommodating both track and road bikes. It opens itself up to a lot of different uses in performance cycling. It is a perfect venue for coaching the skills of serious cycling in a controlled and safe environment.</p>
7.	What amendments may be required as a result of the consultation?	To be confirmed once consultation has been undertaken

Positive and Negative Equality Impacts

No	Question	Details		
8.	Identify the potential positive and negative impacts on specific groups	<p><i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the 'neutral' column to explain why.</i></p>		
		Positive Impact	Negative Impact	Neutral Impact
	All groups in society generally	<p>It has been reported that 40% of the UK will be obese by the year 2015. Cycling as a form of transport, and/or recreational cycling is a tool that can help alleviate the pressure of obesity upon society. Cycling as a fitness and leisure activity can be undertaken by all age groups and by providing a safe and family friendly facility encourages family cycling groups. Training cyclists to use the road network is crucial, to mitigate potential accidents.</p> <p>The development would show that Torbay Council is serious in the commitment to the provision of good quality Sport facilities and the delivery of Health and Fitness programmes for the benefit of all residents</p> <p>It is believed that incidents of anti social behaviour will reduce as the increase in active participation</p>		

No	Question	Details
		<p>increases. The facilities would provide more scope for volunteer sectors working with young people and encourage them to have alternative interests.</p>
	<p>Older or younger people</p>	<p>Training cyclists to use the road network is crucial, to mitigate potential accidents. By training primary school children, we will instil a safe cycling ethos into the next generation of cyclists in Torbay.</p> <p>It is recognised that young people in the South West do not achieve their full potential because of the lack of facilities and the ability to train. The lack of officially recognised cycling circuits and velodromes requires participants to travel long distances to train and to participate in active competition. The nearest location for road racing for under 16 year olds is London or Birmingham where they do enter competitive competitions. When young people do enter and travel to the venues, they are not effective competitors, it is understood that this is because of the lack of training opportunities in the South West. By building the velodrome in Torbay we will be able to offer young people these facilities.</p>

No	Question	Details
	<p>By building the velodrome in Torbay we would be able to work with Schools in the region to provide a good facility to deliver a safe and accessible location to deliver their sporting requirements.</p>	
People with caring responsibilities	People with a disability	There is no differential impact
	<p>The closed road circuit can be used for disabled sport – currently these facilities do not exist in the South West.</p> <p>Within a Sport England profile report for Torbay they highlight the need to enhance sporting facilities to encourage activities that will provide for the needs of disabled people – the provision of a closed road cycle circuit would meet the requirements by offering a facility that is managed and is a safe environment, for the use of all people</p>	
Women or men		<p>It is recognised that the participation by women in all sporting areas is on the decline and where this may be as a result of the feeling of safety and security these facilities would help. The membership of British Cycling shows that only between 15% and 20% are women, there is</p>

No	Question	Details
		an acknowledged need to encourage these figures to increase. Providing these facilities would help to alleviate the problems women and young people have with all sports in relation to participation in a safe environment.
People who are black or from a minority ethnic background (BME)		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
9.9 Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?	Creates a facility that can be used equally by all it does not benefit any particular group is good for all groups to participate equally	

Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	Summarise any positive impacts and how they will be realised most effectively?	<p>We would like to build a velodrome in Torbay for the following positive reasons:</p> <ul style="list-style-type: none"> • To increase the number of active sport participants and improve the opportunities for sport and leisure activities within Torbay • To reduce both the actual, and perceived dangers to cyclists; • To provide more, and better cycle facilities, • To promote and encourage cycling as a recreational tool, and as a means to improving the health of the population of Torbay and the South West by promoting cycling as a means of exercise. Supporting health benefits through partnership work with the local NHS Trust and community stakeholders; • Provide a facility that could be included within the GP referral units and therefore an additional income source • To promote cycling as a major sport accessible to all via sign posting to the work conducted by the sports development team within Torbay Council in partnership with British Cycling and other sport governing bodies. • These facilities would be the only ones in the South West and as such there are opportunities for hosting major events for a wide range of sports. • The increase in sports participation visits to Torbay could significantly raise the amount of money spent with local business, retailers and hoteliers. There is the added bonus of the various media opportunities local and national to raise the profile of Torbay which could in turn increase visitor numbers. The Bournemouth Skyride event showed that 20% of participants were tourists. <p>These positive impacts would be realised once the velodrome is built.</p> <p>Within a Sport England profile report for Torbay they highlight the need to enhance sporting facilities to encourage activities that will provide for the needs of disabled people – the provision of a closed road cycle circuit would meet the requirements by offering a facility that is managed and is a safe environment, for the use of people of all abilities.</p>

11.	Summarise any negative impacts and how these will be managed?	There is a risk that some members of the public may not support the development of a velodrome in Torbay – this section will need to be updated once consultation with local residents has taken place
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Section 4: Course of Action

No	Action	Details
12.	State a course of action [please refer to action after section 5]	<p>To be confirmed once consultation has taken place</p> <p>Where: -</p> <p>Outcome 1: No major change required - EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.</p> <p>Outcome 2: Adjustments to remove barriers – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality.</p> <p>Outcome 3: Continue with proposal - Despite having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p>Outcome 4: Stop and rethink – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified.</p>

Section 5: Monitoring and Action Plan

No	Action	Details
13.	Outline plans to monitor the actual impact of your proposals	<p>Ongoing customer satisfaction surveys/Sport England surveys continue to take place if/once the project is completed.</p> <p>We will continue to work with Torbay Sports Council and British Cycling to ensure that the aims and objectives of the scheme are met and continue to be met.</p>

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take:

Dates applicable if confirmed at Council Meeting 28 February 2013. The deadline dates given are dependant on confirmation of match funding for any grant offer from British Cycling.

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	If the project goes ahead initial consultation with the cycling clubs in the South West	Determine the needs for all classes of cycle sport, future usage etc	Time/Staff	Project Board	May 2013
2	Meeting with Sport England and British Cycling	To engage with the governing bodies of sport to ensure that the build meets their criteria and needs for both able bodied and disabled sports	Time/Staff	Project Board	March 2013
3	Meeting with Torbay Sports Council	To obtain their backing for the multi sports facility. Look at future management and marketing of the facility	Time/Staff	Project Board	March 2013
4	Public consultations local residents, Sport clubs, hard to reach groups.	Explaining what we are doing and the impact the project will have on all people. Determine what the local sports participants require for formal and	Time/Staff	Project Board	May 2013

5	Meeting with possible partners i.e. schools, sports colleges, tourism. Leisure providers, commercial operatives	informal recreation Ensure we are building something that benefits the greatest number of people. Ensures that the project is sustainable	Time/Staff	Project Board	June 2013
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Agenda Item 14



Meeting: Council

Date: 6 February 2013

Wards Affected: All

Report Title: Strategic Agreement Between Torbay and Southern Health and Care NHS Trust and Torbay Council – Policy Framework

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

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1. Purpose

This is the Annual Agreement between Torbay Council who commissions services for Adult Care from the NHS. It sets out within the budget target the performance for Adult Care in the forthcoming financial year. It also refers to the broader context in which the agreement is framed and sets out roles and responsibilities for the forthcoming year. The Council is trying to achieve continuing good service in Adult Care for local citizens within the context of tight financial constraints, and preserving the principle integrated health and social care at the frontline.

2. Proposed Decision

- 2.1 That the Strategic Agreement between Torbay and Southern Health and Care NHS Trust and Torbay Council set out at Appendix 1 to the submitted report be approved.

3. Reasons for Decision

- 3.1 The agreement sets out the strategic direction which is designed to maximise choice and independence for those requiring adult social care and support. At a national level the funding arrangements for adult social care are under review. The Dilnot report has been published but there is no immediate prospect of this review reporting in a timescale that would propose changes in 2013-14. The financial arrangements are based on what is known at present.
- 3.2 The agreement is in the context of the NHS White Paper and the NHS Policy of transforming community services. This agreement is set in the context of a number of continuous changes as part of the agenda of public sector reform. The Clinical Commissioning Group formally takes authority for commissioning NHS services for Torbay and South Devon from the 1 April 2013 and in our local context the new financial year is expected to see the Torbay and Southern Health and Care NHS Trust be acquired by another foundation trust. The Council continues to work within

this context based on our commitment to an integrated model of health and care as the best way of supporting individuals and local communities. Government has made available section 256 monies to the NHS for the purposes of social care and this is included in the agreement. Final agreement of how these resources are best utilised is in discussion with the NHS local area team, the clinical commissioning group as well as the provider trust.

- 3.3 The agreement is structured on the four domains outlined in the revised adult social care outcomes framework which is a national framework. The majority of performance indicators associated with each domain will be measured monthly although several rely on annual or bi-annual surveys and they will be reported as national results become available.

4. Summary

- 4.1 The ASA outlines performance outcomes within the budget envelope provided by the Council and outlines elements of the work plan being undertaken by the Trust on our behalf in the next financial year as well as specifying roles and responsibilities.

Supporting Information

5. Position

This agreement has been considered through the budget consultation process and the budget process for adult social care has included equality impact assessments for any proposed changes.

6. Possibilities and Options

- 6.1 This is an annual agreement which is required in order to manage our commissioning of adult social care.

7. Preferred Solution/Option

- 7.1 The alternative is not to have an agreement which would lead to a lack of clarity in outcomes for adults social care over the next financial year and lack of clarity in governance of roles and responsibilities.

8. Consultation

This agreement has been part of the budget consultation process however specific changes for groups of users or individuals will include detailed engagement and consultation as part of any proposed change. The ASA has been considered by Overview and Scrutiny and the agreement has been amended in accordance with their recommendations.

9. Risks

9.1 Outline of significant key risks

The agreement sets out performance within the tight financial constraints of the public sector and includes an ambitious programme of transforming services within

adult social care in the forthcoming year in order to meet good outcomes for local people within available finance.

9.2 Ordinary residence

Movement of ordinary residence can create in year pressures and this will be monitored closely through social care programme board

9.3 Risk of capacity to deliver changes

The requirements of this commissioning agreement are the further changes and savings to back office and assessment processes. Capacity in zone teams may impact on the pace of delivery. This is mitigated through assurance from the trust that operational services at the front end can be delivered in a different way.

9.4 Care home fees

Council is setting (as separate decision) a 2 year set of fees within a new banding structure for residential care which may be open to challenge. This is mitigated through a consultation process with providers throughout 2012/ 13.

9.5 Community concern

Concern may be raised in response to implementation of the programmes of work outlined in this agreement which may affect the pace of delivery. This is mitigated through the close involvement of, and engagement with, individuals and communities.

9.6 Acquisition process

The Trust may be acquired by another NHS Foundation Trust and this could result in distraction from delivery of this agreement. This is mitigated through close working between senior officers and the NHS; the Mayor and Councillors; NHS chairs and board members.

Risk rating is included as an appendix to the ASA

Appendices

Appendix 1 **Strategic Agreement Between Torbay and Southern Health and Care NHS Trust and Torbay Council – Policy Framework**

Additional Information



**Annual Strategic Agreement between Torbay Council and Torbay and
Southern Devon Health and Care NHS Trust
for the delivery of Adult Social Care**

April 2013 to March 2014

Contents

- 1. Purpose and Overview**
- 2. Workforce**
- 3. Performance Outcomes**
- 4. Spending Decisions and Key Decisions**
- 5. Revenue Budget 2012-14**
- 6. Client Charges – Rates 2012/13**
- 7. Roles and Responsibilities**

Appendix 1 – Budget Proposals 2013-14 Adult Social Care Outcomes Framework

Appendix 2 – Adult Social Care Commissioning Plan 2013-14

Appendix 3 - 2013-14 ASC Outcomes Framework (separate pdf document)

Appendix 4 - 2013-14 Public Health Outcomes Framework (separate pdf document)

Appendix 5 – Key Performance Indicators

Appendix 6 – Risk Matrix

1. Purpose and Scope of this agreement

This agreement sets out the way in which Torbay Council and Torbay and Southern Devon Health and Care NHS Trust (the Trust) will work in partnership during the next 2 years to deliver improvements to the commissioning and provision of adult social care. This will include implementation of Cost Improvement Plans (CIP).

The Trust was formally constituted on the 1st of April 2012 when NHS commissioning responsibilities previously held by Torbay Care Trust transferred to the newly formed South Devon and Torbay Clinical Commissioning Group (CCG). The impact of this change, on relationships between the Council and the Trust, has become clearer during 2012/13 and new relationships have begun to develop between the Council and the CCG. These new, and still emerging relationships, are reflected in this Agreement in as far as they impact on arrangements between the Council and The Trust. However any agreements and arrangements which are necessary between the Council and the CCG will be negotiated and described in other places.

The respective roles and responsibilities of the Council and the Trust have changed significantly and will continue to change. Both organisations are committed to working in partnership with NHS Commissioners, other providers and the third sector to develop the model of integrated care for which Torbay is renowned.

Where specific service specifications are required to ensure clarity and accountability for specific functions, or to ensure successful and timely delivery of the work outlined, these will be developed separately.

1.1 Overall context and strategy

National agenda

In April 2013 major reforms come into effect through the implementation of the Health and Social Care Act 2012. The Act strengthens previous commitment to an integrated approach across organisations and health and social care boundaries including a requirement of continuity during transition between children's and adult services.

Public Health England is created and responsibility for the commissioning of health services will move to local Clinical Commissioning Groups (CCG) and the NHS Commissioning Board. Patients will be able to choose from a range of services provided by the independent and voluntary sector. Local authorities will be required to provide information, advice and prevention services and shape the market for care and support services. Health and Wellbeing Boards will set and monitor local priorities for the health and wellbeing of the population.

Locally

The joint commissioning and delivery of services underpins the direction of travel which the Council and NHS set out in the formation of Torbay Care Trust. In April 2013, in line with national requirements, responsibility for public health will move to Torbay Council, Torbay and Southern Devon CCG will be authorised and Torbay's Health and Wellbeing Board will move from shadow form to steady state.

It is expected that the Trust will be acquired by another organisation during 2013. This Agreement will be amended to reflect any changes to structures and relationships once the acquisition is complete.

Torbay Council and the Trust will continue to pursue a strategic direction designed to maximise choice and independence for those requiring adult social care and support. As far as possible, within Fair Access to Care criteria (FACS) and the constraints of resources, the Trust will seek to promote active and healthy lifestyles.

1.2 Financial context

Funding arrangements for Adult Social Care (ASC) are under review at a national level. The Dilnot Report has now been published but there is no immediate prospect of this review having agreed outcomes that would propose changes in 2013-14. Therefore the financial arrangements for 2013-14 are based on what is known at present.

Torbay Council, in line with the comprehensive spending review (2011-2015), is required to make substantial budget reductions of about 28%. The Trust and local CCG acknowledge the tight financial constraints over the period and will continue to deliver the best possible care and support within these constraints and in consultation with the Council through the DASS, making any changes to service delivery with appropriate service user consultation.

1.3 Health and Wellbeing Board

The Trust will play a full and active role in supporting Torbay Council with the design and development of this Board, in setting priorities and supporting their delivery across partners in a managed way and deliver the agreed strategy.

1.4 Quality

National: CQC (Care Quality Commission)

The Commission will drive improvement in quality and safety of care checking through working with Healthwatch and regular unannounced inspections that organisations meet national standards. NICE will take on responsibility for developing standards for excellence in social care from April 2013. Torbay Council and the Trust will co-operate with and be guided by both organisations, in commissioning and delivery of social care. CQC strategic priorities:

- Make greater use of information to achieve the greatest impact
- Strengthen how we work with strategic partners
- Continue to build stronger relationships with the public
- Build our relationship with organisations providing care

- Strengthen the delivery of our unique responsibilities on mental health and mental capacity
- Continue our drive to become a high performing organisation

Local: Torbay and Southern Devon Health and Care NHS Trust

The Trust will provide quality assurance of both its own business activity and that of the services it commissions on behalf of the community. A Quality Assurance Framework has been developed and will be rolled out in 2013. The framework includes the following elements:

- A Care Home Self-Assessment and Management Tool known as; Quality Effectiveness Safety Trigger Tool (QUESTT) to be completed by the home electronically on a monthly basis, with direct access to a Trust database to complete this
- A Business and Finance Audit Tool to be completed on an annual or bi annual basis - this will replace the current documentation
- An Observational Checklist to be completed by visiting Trust staff
- A model, still in development, to gauge client feedback

Local: Torbay Council

Torbay Council uses the Supporting People Quality Assurance Framework (QAF) to assess the quality of support services for vulnerable adults in the following areas:

- Assessment and Support Planning
- Security, Health and Safety
- Safeguarding and Protection from Abuse
- Fair Access, Diversity and Inclusion
- Client Involvement and Empowerment

1.5 Safeguarding

The Trust will continue to deliver safeguarding on behalf of Torbay Council. Accountability for the safeguarding function will sit with the Safeguarding Adults Board (SAB). Regular performance analysis will be reported to the SAB and the Council will ensure high level representation on the Board.

The Trust and Torbay Council will work together with the CCG to implement an action plan based on the recommendations from the inquiry into Winterbourne View.

1.6 Service Development Activity

Whilst many of the service development areas are interdependent in terms of delivering quality services within the resources available the key priorities would be:

- Structural zone re design to ensure savings are delivered with full year effect
- Outcome base contracting to ensure we work with independent and voluntary sector providers in new ways to get the best outcomes for individuals
- And timely support and individual budget allocation.

However all elements will be progressed and some are co-dependent to be successful in the next financial year

Specific milestones and timelines to be developed as per Overview and Scrutiny recommendations and to be monitored through Adults PDG and Health Scrutiny for the council.

Within the new environment the Trust will, as a provider contracted to the Council, recognise the financial constraints on services funded through the Council, by ensuring that the services provided on behalf of the Council are efficient, effective and offer the highest possible quality. To achieve this a number of developments are planned in 2013-14 including:

- **Structural (zone) redesign** - with a lean staff complement, working to outcomes based approaches with service users, and focused on stratified reviews and assessment
- **Outcomes based contracting** - development of new approaches and innovative funding mechanisms with providers as an alternative to cost and volume contracts
- **Choice and independence** - being supported by the development of a more robust third and voluntary sector, which again is driven by outcomes based contracts, providing an infrastructure to offer universal services and community response
- **Equity in Resource Allocation** - ensuring a consistently transparent and rigorous approach to meet the needs of the service users through allocation processes such as the Individual Patient Placement panel
- **Integration** – the Council and the Trust are committed to developing the model of integrated care which has championed within Torbay to drive best practice to work with clients in setting goals for enablement and independence, embedding and then spreading the skills
- **Assistive Technologies** - a robust Community Solutions offering that delivers timely equipment and technology support to practitioners and clients to promote regalement and enablement
- **Timely support and individual budget allocation** - with the approach to reviews and the enhancement of community resources through the third sector, the personal funding mechanisms such as the Resource Allocation System (RAS) will be calibrated to account for the market developments
- **Transactional and back office costs** - to be reduced, for example through the possible implementation of payment cards

As part of these developments the Council will ensure that relevant officers and all elected Members are:

- i. Fully briefed on the scope of these developments and understand the impact they will have within the community.
- ii. Able to support measures agreed as necessary by the Trust and the Council through the Social Care Programme Board and the Commissioning for Independence Board.

1.7 Commissioning Intentions and Associated Work plan Commissioning priorities 2013-14:

- Develop market position statement for adult social care

- Supporting people to remain independent at home: Re-specify and procure outcomes-based domiciliary care as outcomes-based community care and support reablement and recovery service
- Work with DPT and CCG to address care and support needs for people with poor mental health
- Review arrangements in place for 'people who challenge' in enhanced AQP, including people with autism Evaluate success of new supported employment contract
- Review day opportunities contract and performance
- Specify and procure community equipment services with CCG
- Personal budgets: Increase uptake of personal budgets/direct payments through implementation of pre-payment cards
- Deliver planned extra care housing schemes
- Residential and nursing care: work with CCG and neighbouring authorities to develop future models of commissioning based on individual outcomes
- Support refresh and implementation of dementia strategy
- Develop specification for community learning disability service
- Review advice, advocacy and information services (including IMCA/IMHCA) consider potential for cross Devon commissioning

The commissioning work plan will meet the priorities listed above. Development of a market position statement for Torbay will inform a more detailed commissioning plan. The intention is to work with the CCG to further integrate commissioning governance and support for health, adult social care, support, housing, public health and children linked to the Health and Wellbeing Board over the next year. This will increase the potential for joint and multi agency commissioning and the ability to further streamline and make best use of resources across organisations to support the commissioning function.

Working more closely and sharing resources with the CCG where this is agreed will increase potential for cross Devon commissioning of adult social care and health. Implementation of a revised ASC commissioning structure with clear lines of accountability and governance will support implementation of the work plan. (See also workplan at Appendix 2)

1.8 Consultation, Engagement and Involvement Process

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 Committee.

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. Where 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 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. Proportionality will also be jointly considered in respect of weighting factors for change.

The Council and the Trust will support the development of 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 challenging nature of the current financial and economic climate necessitates decisions that will be unpalatable to a number of stakeholders. The partners will work closely together to ensure consistent messages to the market, Torbay population and elected representatives, supporting the communication strategy of the Council and the work required to transform the commissioning and delivery of adult social care in Torbay.

The Council and the Trust will continue to meet the needs of vulnerable people in Torbay through the commissioning and delivery of safe, quality care and support focused on maximising independence, recovery and reablement so people are supported to live at home for as long as possible.

The respective responsibilities of the Council and the Trust in regard to consultation and engagement on specific service development initiatives will be set out in the Consultation and Decision Tracker recently adopted by the Policy Development Group (PDG) and the Social Care Programme Board.

From February 2013 all community hospital inpatients and minor injury attendees aged over 16 yrs will be given a post discharge questionnaire which includes the 'Friends and Family Test'. This will enable local and national comparison of customer satisfaction in services and initiate local learning. In the next two years the Trust will develop and roll out a standard questionnaire for adults social care clients so that their experiences can be collated and actioned upon locally, in a comparable way to the 'Friends and Family' test for health services, the Trust will also look to extend the methods by which this data is captured including web based services, text messaging and smart phone applications, supported by comprehensive service user 'stores' and learning from the North Devon Healthcare NHS trust mystery shopper project. This will inform our local Quality Assurance Framework, (1.4).

The Trust will use their engagement and experience committee as a way of maintaining effective links with those who are both seeking to capture the views of our local population and those who are representing their views including local Healthwatch organisations, patient support groups and local community, voluntary groups.

2. Workforce

The provision of an integrated health and social care service through local multidisciplinary teams is an effective model for delivery, able to respond to customer needs swiftly and able to facilitate rehabilitation and avoidance of residential and hospital admissions. The existing model relies on the current level of staff resources to enable it to function effectively which may not be sustainable in future. Given that referrals are also increasing in number and complexity, some redesign of the service is required to ensure the Trust is able to continue to deliver its delegated responsibilities whilst retaining the benefits of this acclaimed model for integrated delivery.

We need to ensure that staff with the right skills and knowledge are deployed in the right places in the system to ensure optimum performance in terms of meeting customer needs in accordance with policy and practice guidance.

This will be done in two ways:

a) Make optimum use of workforce and skills

The following will be undertaken to inform this:

- An analysis of work undertaken by social care workforce. This is necessary to gain detailed information about the type and complexity of work undertaken by different staff groups and the time taken to complete processes associated with care management, Safeguarding Adults and other direct customer work. The analysis will collect information on time attributed to training, supervision, meetings and other non-direct client activity.
- Inclusion of work carried out in specialist teams e.g. Adult and Older People Mental Health (including Mental Health Act 1983 duties), Learning Disability Team.
- Realignment of the workforce as indicated from the information obtained in the analysis. This may involve changing the location and job descriptions of some staff, which may require consultation.

b) Policy and Practice Updates

Current policy and practice around key aspects of the statutory processes need to be updated to incorporate modern practice guidance. They need to reflect the shift towards enabling customers to take responsibility for their own care wherever possible and that every effort is made to deflect them from statutory services. Processes also need to be adjusted so that they are commensurate with the complexity of the customer's needs i.e. a proportion of straightforward referrals received may be assessed and reviewed through telephone calls without the need for face to face visits, whereas others may require several visits.

This will be supported by:

- Revised Information leaflets, giving clear information about eligibility and what to expect of local services
- Stratification of complexity of assessment/reviews to facilitate proportionate processes
- Support for staff in making difficult decisions and carrying out policy
- Develop the market to create greater opportunity for self help

The review will be led by the Trust as part of the agreed cost improvement programme but managed in the Social Care Programme Board to ensure the Trust and the Council understand the outcome and implications of the redesign. It is expected the Review will take account of national and local best practice including, the findings of the Audit Commission and IPC reviews.

3 Adult Social Care Performance Management

ASC Outcomes Framework (ASCOF) and Other Key Performance Measures

The ASA includes all the performance indicators incorporated with the ASC Outcomes Framework as well as a number of other metrics that emphasise quality and the inter-dependency of health and social care services. For reporting purposes each indicator is placed within one of the 4 ASCOF Domains and an overview is given below. (See **Appendix 3** for the ASC Outcomes Framework.)

3.1 Domain 1: Enhancing quality of life for people with care and support need

This reflects the personal outcomes which can be achieved for individuals through the services they receive. In particular it focuses on the services provided by adult social care and the effect they have

on users and carers. It covers issues of personalisation, choice and control, independence and participation.

What success will look like:

- Individuals can live their lives to the full and maintain their independence by accessing and receiving high quality support when they need it
- Carers can balance their caring roles and maintain their desired quality of life
- Individuals can control and manage their own support so that they can design what, how and when support is delivered to match their needs
- Individuals can socialise as much as they wish to avoid being lonely or isolated.

3.2 Domain 2: Delaying and reducing the need for care and support

The purpose is to achieve better health and wellbeing by preventing needs from increasing where individuals have developed, or are at risk of developing, social care needs. It is aimed at early intervention to prevent or delay needs from arising, and supporting recovery, rehabilitation and reablement where a need is already established or after a particular event.

Many of the outcomes around prevention are achieved in partnership with other services. The measures reinforce partnership working and there is a strong focus on efficiency since one of the outcomes of prevention will be delaying or avoiding clinical intervention or inappropriate care placements. Social care has a key role in avoiding inappropriate care placements which impact negatively on recovery and can be more costly.

What success will look like:

- Everyone has the opportunity to enjoy the best health possible throughout their life and be able to manage their own health and care needs with support and information
- Earlier diagnosis and intervention will reduce dependency on intensive services
- When individuals are recovering from being ill, that recovery happens in the most appropriate place to enable individuals to regain their health, wellbeing and independence as quickly as possible

3.3 Domain 3: Ensuring people have a positive experience of care and support

The quality of outcomes for individuals is directly influenced by the care and support they receive. A key element of this is how easy it is to find and contact services and how individuals are treated when they receive services. Specific quality data is difficult to come by for this domain but there will be data available from local surveys and complaints.

What success will look like:

- Individual service users and their carers are satisfied with their experience of care and support services
- Carers feel they are respected as equal partners throughout the care process

- Individual services users and carers know what services are available to them, what they are entitled to, and who to contact when they need help
- Individuals who receive care and their carers feel that their dignity is respected and the support they receive is sensitive to their circumstances

3.4 Domain 4: Safeguarding people whose circumstances make them vulnerable and protecting them from avoidable harm

This domain covers the fundamentals of the social care system – keeping vulnerable people safe. Although there is a safety net within the registration and inspection system there is a wider aspiration of protecting from avoidable harm and caring for individuals in a safe and sensitive environment that respects their needs and choices. In terms of safety, other than numeric measurements, it is difficult to qualitatively or quantitatively measure events that have not happened. It is recognised more work will need to be done on considering measures for this domain. As with Children’s services, safeguarding is in issue for all partners.

What success will look like:

- Vulnerable individuals enjoy physical safety and feel secure.
- Vulnerable individuals are free from physical and emotional abuse, harassment, neglect and self-harm
- Individuals are protected from avoidable death, disease and injuries

3.5 Public Health Outcomes Framework (see Appendix 4)

Many of the Public Health Outcomes Framework indicators require a multi-agency approach to their achievement. Public Health Commissioners are currently reviewing which measures are appropriate to include within the ASA. Once the list of indicators is established they shall be incorporated into monthly monitoring reports.

3.6 Monthly Performance Reporting

Many of the ASCOF indicators are derived from the annual ASC Survey or Carer’s Survey. As such, performance is only reported once per year. The ability exists to benchmark the Council against other local authorities and a formal report is submitted to the Social Care programme Board and the Adult’s Policy Development Group meeting. Where possible, however, performance is measured on a monthly basis – see Appendix 5.

3.7 Transfer of Public Health to Local Authorities

Public Health received notification of their ring fenced grant on the 11th January 2013. They are now in a process of finalising contracts against the budget and will aim to have agreements in place and signed by mid-March. Public Health will add detail to the ASA when the detail of the contracts have been finalised. Additions shall be discussed and agreed at a Social Care Programme Board meeting.

3.8 Sector Led Improvement and Peer Review Process

In 2012-13 the south west region agreed to adopt a framework for co-operation between the 16 LAs and the SW ADASS branch in order to establish sector led improvement. The principles are based on those set out in “Taking the Lead” published by the Local Government Association (LGA).

Within the south west, the sector led improvement will be characterised by:

- Giving a strong focus to service users and carers, their feedback and the results from their care services
- Ensuring a focus on safeguarding
- Looking at the effective and efficient use of resources
- Setting the tone of the programme as one of promoting excellence, learning and continuous improvement and encouraging individual Councils to self-assure
- A commitment to openness and honesty between the Councils involved.

The main areas of activity for co-operation between the 16 LAs will be co-ordination, peer challenge, sharing information, sharing learning and the availability of early support.

Closer working relationships with colleagues within Devon County Council have already been established and these will be strengthened further during 2013-14 and beyond.

3.9 Joint Strategic Needs Assessment (JSNA)

The Trust will work with the Council to develop the JSNA as a key source of commissioning information for the Health and Wellbeing Board. The emerging priorities from the JSNA are:

- Integration of services for children, public health and safer communities on a locality basis
- Continued focus on inequalities
- Management of long term conditions
- Alcohol and teenage pregnancy

3.10 Benchmarking and Comparisons with other Authorities

The strategic direction of adult social care, as outlined in Section 1, is based on several benchmarking reports published during 2012 as well as NHS and Social Care national information databases.

- National Audit Office – Reducing Care Management and Assessment Costs
- Department of Health Use of Resources Annual Report
- Towards Excellence in Adult Social Care (TEASC) Benchmarking Report
- Institute of Public Care (IPC) Benchmarking Report

The first three given in the list above are national reports; the fourth was a report commissioned directly by Torbay Council. The Dr Foster NHS database and the Audit Commission Toolkit were also accessed to provide comparative information.

The high level summary of the findings are outlined below:

Finding	Comparison
ASC Survey -	<ul style="list-style-type: none"> • Overall quality of life for the over 65 population was 9th highest in the country;

Finding	Comparison
General Findings	<p>the 18 – 64 population quality of life was below average (100th out of 151 local authorities)</p> <ul style="list-style-type: none"> • High level of satisfaction for the services clients receive • Clients feel in control of their daily lives • Clients find accessing information and advice easy • A small proportion of clients (1.7%) are highly dissatisfied with their care; national average is 1.0% • A higher proportion of clients feel unsafe; 8.2% against the national average of 7.2% and the Southwest average of 6.6% • 24.7% of clients view their health as “bad” or “very bad”; the national average is 19.6%, the Southwest average is 17.6%
Care Homes	<ul style="list-style-type: none"> • Care home placements decreased by 25% between April '07 and Sept '12 from 960 to 726 clients, i.e. 4 – 5 % p/a. • The proportion of nursing to residential home clients is low. The national average is a 24:76 ratio. The Torbay ratio is closer to 11:89. The direct input of community nursing and intermediate care teams is providing support within residential care homes to delay the need for nursing home services. (A detailed audit in August '12 revealed 22% of community nurse visits are to care homes.) • Home based support services are allowing Torbay to be in the top 10% of Councils for minimising the number of permanent admissions in to care homes. • High reliance on bed based care for mental health clients aged between 18 and 64.
Community Based Services	<ul style="list-style-type: none"> • 13.2% of clients within Torbay receive less than 2 hours of domiciliary care each week. This is in line with the national average of 12.2%. • 27.5% of clients receive in excess of 10 hours of domiciliary care each week. This is well below the national average of 41%. This is surprising when taking account of the reduced reliance on care home placements and points towards the effectiveness of intermediate care services within the Bay who support and work closely with complex clients. • A higher proportion of clients receive 2 – 5 hours of care; 29% against a national average of 20%. The IPC report highlighted the benefits of a Reablement Team which could focus on clients with lower level needs that may not automatically have access to the intermediate care teams who focus on more complex needs. A Reablement Pilot commenced in August '12 and preliminary results are expected in January '13 to determine next steps. • Average response time for the delivery of urgent community equipment is 72 minutes
Care Assessment and Management Costs	<ul style="list-style-type: none"> • Service transformation plans seek to protect frontline staff and reduce management/back office costs • Torbay's unit cost for an assessment or review is in line with the national average according to the NAO Report produced in August '12

Finding	Comparison
	<ul style="list-style-type: none"> • The Use of Resources report highlights Torbay as having high care assessment and management costs. Some of the additional costs are explained by: <ul style="list-style-type: none"> ▪ An inability to apportion care assessment and corporate costs against in-house services – 50% of LAs have the ability to do this ▪ Care home fees within the Bay are lower than the national average and so care management costs automatically form a larger proportion of the cost pool ▪ Reduced reliance on care home placements is likely to require additional frontline staff time, e.g. to manage increasing needs or crises, more complex reviews, etc.
Acute Care Related	<ul style="list-style-type: none"> • 51% of clients die at “home” – the national average is below 30% • Delayed discharges are minimal • Average length of stay for people aged over 65 admitted as an emergency are the lowest in the Southwest • Emergency readmissions within 28 days are the 2nd lowest in the Southwest • Standardised admissions rate for the over 65’s is the 3rd lowest in the Southwest
Housing related support	<ul style="list-style-type: none"> • 92.35% of vulnerable people achieved independent living from short term services against an annual target of 86% (Q1-2 April to September 2012) • 95.59 % vulnerable people were supported to maintain independent living against an annual target of 98% (Q1-2 April to September 2012)

3.11 Financial Risk Share and Efficiency: Both Torbay Council and Trust remain committed to establishing a risk sharing arrangement with NHS Commissioners. However they recognise that the current financial constraints on the ASC budget as part of the wider Torbay Council budget envelope prevent this from being in place for 2013-14. The parties concerned will continue to work at establishing a risk sharing arrangement if it is deemed an appropriate approach to managing the financial envelope.

The Social Care Programme Board will monitor statutory responsibilities, financial control and performance against agreed objectives incorporated within the ASA on a monthly basis. In-year national or local benchmarking as well as peer review processes or pilot programmes shall also be discussed in this forum.

The level of performance required is listed in Appendix 5 and will be subject to any local adjustments agreed before 1st April 2013 between DASS and the Trust.

An outline of the service transformation and cost improvement plans is included in Budget Proposals at **Appendix 1**.

4. Spending Decisions and Key Decisions

- 4.1. This agreement reiterates section 22.3 of the Partnership Agreement, i.e. the Trust may not make decisions unilaterally if they meet the criteria of a 'key decision'.
- 4.2. 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.

5. Social Care Budget 2013-14

The budget outlined below for 2013-14 is allocated to the Trust to meet the performance levels listed in Appendix 5 along with any local adjustments to be agreed before 1st April 2013 between DASS and the Trust.

	2011-12	2012-13	2013-14
Base Budget	39,089	40,035	40,339
Central Govt Funding	2,322	2,224	2,966
Sub Total	41,411	42,259	43,305
JCES	541	560	499
TOTAL	41,952	42,819	43,804

The 2012-13 NHS Operating Framework confirms the continuation of the non-recurrent central government allocation (S256 monies*) until 2014-15. The apportionment of this budget between the 2012-13 Council baseline and that included within the 2012-13 NHS Community Contract is dependent upon discussions between the Council and NHS Commissioners. A significant increase in the 2013-14 allocation was announced in December 2012 – see table above.

The traditional 50:50 apportionment of Joint Community Equipment Store funding is being revisited with South Devon and Torbay Clinical Commissioning Group.

5.1. Risk Share Arrangements

The risk sharing agreement continues and Torbay council assumes responsibility for both in-house LD and independent sector commissioned social care expenditure. The Trust assumes the risk for operations. Risk sharing arrangements for beyond 2013-14 will be discussed at a later date.

There are a number of risks to the Council and the Trust in delivery of the commissioning agreement. These include:

- **Ordinary residence**
Movement of ordinary residence can create in year pressures and this will be monitored closely through the Social Care Programme Board (SCPB)
- **Risk of capacity to deliver changes**
The requirements of this commissioning agreement are the further changes and savings to back office and assessment processes. Capacity in zone teams may impact on the pace of delivery. This is mitigated through assurance from the Trust that operational services at the front end can be delivered in a different way.
- **Care home fees**
Council is setting (as separate decision) a 2 year set of fees within a new banding structure for residential care which may be open to challenge. This is mitigated through a consultation process with providers throughout 2012/ 13.
- **Community concern**
Concern may be raised in response to implementation of the programmes of work outlined in this agreement which may affect the pace of delivery. This is mitigated through the close involvement of, and engagement with, individuals and communities.
- **Acquisition process**
The Trust may be acquired by another NHS Foundation Trust and this could result in distraction from delivery of this agreement. This is mitigated through close working between senior officers and the NHS, the Mayor and Councillors, NHS chairs and Board Members.

If anticipated cost pressures do not materialise any residual S256 monies shall be used to support service transformation schemes and spend to save initiatives which will secure greater savings for 2014-15 and beyond.

6. Client Charges for 2013-14

Residential Services

The Residential and Nursing increases will not be known until two components have been agreed.

- Inflationary uplift granted by the Council / Care Trust to Care home providers. This has specific impact on full cost clients and clients which make additional 3rd party contributions.
- The CRAG (Charging for Residential Accommodation Guide) Regulations are published in late 2012 or early 2013.

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 to clients 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.

Non Residential Services

As part of the personalisation agenda the Care Trust like all other Local Authorities has had to formulate and implement a policy on calculating an individual's contribution to their personal budget. This policy (which is based on the national Fairer Contributions Guidance) will be fully implemented and operational in 2013-14.

7 Roles and Responsibilities

Torbay Council

- **Role of Torbay Council Chief Operating Officer and Director of Adult Social Services** – has delegated her authority for provision of frontline services to the Trust for the provision of Adult Social Services. She provides strategic leadership of adult social care services for Torbay fulfilling the statutory responsibilities of the DASS role. The DASS is accountable for all seven statutory responsibilities of the role but will delegate Professional Practice and Safeguarding and Operational Management responsibilities to the Trust. She delegates aspects of the financial management elements of the role to the Finance Director of TSD and the Executive Head of Finance at Torbay Council, but retains overall accountability for the ASC budget.
- **Role of Adult Social Care Executive Lead Member** - to provide political steer to the Trust and the Council in adult social care. To challenge/monitor and drive performance.
- **Executive Head Finance** – to take a lead responsibility on behalf of the Council in relation to the delegated budget.

The Trust

- **Role of Trust Chief Executive** – to provide leadership of the Trust as the Council's main provider of services to Adults in Torbay and continue to lead and develop the organisation as a provider of services, ensuring that the requirements of this agreement are delivered.
- **Role of 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 Director of Finance** – to take a lead responsibility on behalf of the Trust for managing the 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 Assistant Director – Planning and Performance** - to be responsible for the quality of all performance information contained within the Annual Strategic Agreement and to be the lead for target setting within the Trust.
- **Role of Associate Director - Social Work** – to deputise for the Director of Adult Social Care and lead on professional leadership, workforce planning and implementing standards of care.

Commissioning

Adult social care commissioning decisions will be made by the Commissioning for Independence Board (CIB). The Board comprises DASS, Director of children’s services, Director of Public Health. Decisions are reported to the Health and Wellbeing Board.

Closer working with the CCG will increase potential for an aligned approach to commissioning for health , adult social care, children’s services, public health, housing and related support.

The Trust provides services across Southern Devon as well as Torbay and the CCG commissioning remit extends to South Devon. In recognition of this and the need to understand and develop the local market for care and support, Torbay Council will work closely with Devon County Council on elements of the commissioning work plan including, developing a market position statement.

Social Care Programme Board (SCPB)

This SCPB is overseen by the senior officers described above. The Board will drive adult social care work and improvement plans. Its Terms of Reference cover the following areas:

- To assist the development of the strategic direction of adult social care services which supports the new context the Council and Trust face in terms of changing public sector reform and reducing public resources.
- To receive regular reports and review progress against transformation and cost improvement plans differentiating between those areas incorporated within the budget settlement and any cost pressures over and above this.
- To receive reports and review performance against indicators and outcomes included in the Annual Strategic Agreement 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. This will include the initial list of service improvement areas planned for 2013-14 and onwards.
- To discuss and develop the 2013-14 Annual Strategic Agreement.
- To develop discussion/briefing documents for use with the following groups or organisations:

• Adults Policy Development Group	• ADASS or other local authorities
• Overview and Scrutiny	• Exec teams within both organisations
• Health and Well-Being Board	• Integrated Governance Committee
• Commissioning for Independence Board	

APPENDICES 1 - 5

- Appendix 1 – Budget Proposals 2013-14 Adult Social Care (attached below)
- Appendix 2 - Adult Social Care Commissioning Workplan 2013-2014 (attached below)
- Appendix 3 - 2013-14 ASC Outcomes Framework (separate pdf document)
- Appendix 4 - 2013-14 Public Health Outcomes Framework (separate pdf document)
- Appendix 5 - KPIs with Agreed Targets – currently showing only outturn against November 12 (separate pdf document)

APPENDIX 1: Budget Proposals 2013-14 - Adult Social Care

*Please note that details of the services/activities carried out by this department can be found at:

<http://www.torbay.gov.uk/index/yourcouncil/financialservices/budget/budgetsummary.htm>

Type of Decision

- **Internal** - i.e. efficiency / internal re-structure
- **Minor** – Low community impact
- **Major** - High Community interest

Unless otherwise stated cost savings are a result of resource allocation reductions and involving changes in staffing or non pay budgets

Proposals – Outline details	Savings 2013-14		Delivery In place 01/04/13 If earlier or later state date	Risks / impact of proposals / mitigating actions	Type of decision		
	Income £ 000's	Budget reduction £ 000's			Internal	Minor	Major
Care Homes Anticipate care home placement numbers will reduce in line with the last 5 years.		285	On-going	<ul style="list-style-type: none"> • Evidenced based – care home placements have decreased by over 25% since December 2006. • Hayes Road extra care housing development opens in 2013 and will provide additional support to prolonging the independence of clients who wish to remain in their own home. 	N/A	N/A	N/A
Domiciliary Care Ensure a consistent approach to determining the care and support needs for all social care clients within the Bay. Continue to promote and maximise client independence through intensive reablement and offering alternatives for low level support.		870	On-going	<ul style="list-style-type: none"> • Ensure consistency across client groups through use of Fair Access to Care Services (FACS) criteria, the Choice Cost and Risk Policy as well as the Resource Allocation System (RAS). • Optimise care through individually tailored outcome-based care plans. • Closer working with the voluntary/third and independent sectors to assist with meeting low level support needs. 	N/A	N/A	N/A
Learning Disabilities Full year financial effect of the closure of Fairwinds.		275	Complete	The Fairwinds day service closed during 2012 with clients relocated to other day service facilities.	N/A - completed		

Proposals – Outline details	Savings 2013-14		Delivery In place 01/04/13 If earlier or later state date	Risks / impact of proposals / mitigating actions	Type of decision		
	Income £ 000's	Budget reduction £ 000's			Internal	Minor	Major
Carers Ensure a consistent approach to determining the care and support needs for carers within the Bay whilst also optimising the use of the voluntary and third sectors.		60	On-going	<ul style="list-style-type: none"> Potential risks Impact on community Knock on impact to other agencies 	N/A	N/A	N/A
Community Alarms Limit Alarm Call service by providing alarms free of charge for 3 months.		25	1/6/13	<ul style="list-style-type: none"> Historically alarms have been provided on an on-going basis. The proposal enables clients to trial the alarm for 3 months and then decide whether they wish to fund it privately (circa £4 per week) or manage without it. Policy to include ability to continue to fund alarm where circumstances dictate that this is appropriate. 			X
Staffing Efficient use of staff – both frontline team members and back-office support functions.		645	1/4/13	<ul style="list-style-type: none"> Reduction in frontline staffing levels will necessitate a change in the client assessment. Reducing support functions relies on greater automation and streamlining of support function tasks. Achievement against specific performance. 		X	
Summary Costs and Savings	£ 000's	2,160					
Implementation Cost 2012/13							
Implementation Cost 2013-14							
Overall Saving – 2013-14		2,160*					

*This figure is in addition to targeted savings to account for any under delivery on CIP in current financial year

Priority/ outcome	Workstreams	Actions	Links	Timescale	
				Start	End
Supporting people in their own homes	Use of assisted care (telecare/HIA/aids/DFG adaptation/community alarms)	Specify and procure community equipment services with CCG Support	CCG and children's CIP: 14, 15, 22	Jan 13	Apr 14
	Further alignment of services commissioned from the Trust with those provided by TC in relation to housing and supporting people services	Agree TC/Trust commissioning accountability, functions and responsibilities	CIP: 6, 9, 10, 11, 12, 31 Development of children's hubs	Apr 13	Apr 14
		Review CIB and strategy groups including engagement with providers		Jan 13	June 13
		Consider co-location housing support staff with zone teams		Apr 14	Apr 15
	Commission outcomes based community care and support reablement and recovery service	Evaluate outcomes based domiciliary care pilot	CIP: 19, 20, 26, 27 WV: 20, 27	Feb 13	June 13
		Re-specify domiciliary care as outcomes-based community care and support reablement and recovery service and procure		Jan 13	Apr 14
	Review arrangements in place for 'people who challenge' in enhanced AQP, including people with autism	Consider potential for cross Devon commissioning strategy	CCG joint post CIP: 18, 24, 27 WV: 16, 20, 27	Apr 13	Apr 14
		Work with DPT and CCG to address care and support needs for people with poor mental health incl. refresh of dementia strategy			

Priority/ outcome	Workstreams	Actions	Links	Timescale	
				Start	End
Supporting vulnerable people into control and making quality choices for their own life	Consider Increasing uptake of personal budgets/direct payments through implementation of pre-payment cards	Increase personal budgets and direct payments (target 70% by Apr 13)	Re-specify and procure outcomes-based domiciliary care and support services Review advice, advocacy and information services CIP: 19, 20, 21, 26, 27	Feb 13	Apr 13
Supporting use of residential/nursing care for high needs and supporting a reshaping of the market to improve quality and sustainability	Care home fees review	Implement final decision and EIA action plan	CCG and CHC and complex care CIP: 23 WV: 1	Feb 13	Mar 13
	Work with CCG and neighbouring authorities to develop models of care based on personal outcomes and support in residential care and nursing homes	Review of accommodation-based care and support – Specify future model and procure	Dementia challenge (with CCG) CIP: 23 24 WV: 4, 20	Mar 13	Apr 14
	Review residential, nursing care and community care packages for under 65s	Meet with providers and review support plans with ops and service user advocates	CIP 18, 24	Jan 13	Apr 13
	Deliver planned extra care housing schemes	Agree contracting models and design	White paper housing development fund (with LM) CIP: 23	Apr 13	Apr 15
Prevention-early intervention-ensuing we have used best practise nationally to	Develop integrated commissioning governance for ASC, health, supporting people housing, public health and children's.	Develop Market position statement for ASC identifying shared and linked mkt issues. Consider cross Devon approach to mkt assessment/development	Benchmark performance against TEASC outcomes CIP: 25 Health and Wellbeing Board	Apr 13	Apr 14

Priority/ outcome	Workstreams	Actions	Links	Timescale	
				Start	End
support people before their needs increase and working with public health intentions/resources aligned with the ASA	Consider further workforce alignment through joint commissioning posts with health, children's and public health and alignment of commissioning support services	Share and combine commissioning work plans, agree joint commissioning posts. Review CIB and engagement with providers	CIP 31	Jan 13	Sept 13
		Maximise opportunities for cross border commissioning and delivery and sharing back office resources/support services	Work with neighbouring authorities on residential care CIP: 31	Feb 13	Apr 15
	Develop ASA and associated service specifications	Agree TC and Trust operational and strategic commissioning accountability and roles and responsibilities (incl. scheme of delegation/escalation process)	CIP: 31 WV: 12, 21	Dec 12	Nov 13
	Identify lead strategic commissioners for each ASC contract	Ensure clarity of provider/strategic commissioner role	CIP: 31 WV: 5, 15, 20, 21, 45 and 73	Dec 12	Jan 13
Reablement and getting people back to independence quickly (use of 256 monies)	Evaluate services in place and develop future commissioning intentions	Evaluate IHSS pilot Contribute to refresh and Implementation of dementia strategy	Re-commission domiciliary care DPT and CCG arrangements for 'people who challenge' CIP: 1, 27	Feb 13	June 13
		Review current contracts in place and funding arrangements Consider cross authority potential	Review advice, advocacy and information services (including IMCA/IMHCA) consider potential for cross Devon commissioning	CIP: 26 WV: 29	Jan 13

Priority/ outcome	Workstreams	Actions	Links	Timescale	
				Start	End
Further development of learning disability services to explore national best practice	Review day services and respite care as part of co-ordinated approach to day opportunities	Complete market assessment and develop specification for day services and respite care	Review day opportunities contract and performance CIP: 5, 6, 10, 11 WV; 45,73	Jan 13	Apr 13
		Evaluate success of new supported employment contract	Provider to implement and monitor out of area placement notification process	Mar 13	Apr 13
	Winterbourne View recommendations	Agree commissioning function and accountability/responsibility aligned to work plans and CIP	Work with CCG to agree commissioning leads SAB action pan	Jan 13	Feb 13
Early work with individual and families on transitions from children to adults social care	Providers of health and social care to work with children's services to develop process /protocol identifying any commissioning requirements	Agenda item for CIB	Children's, CCG and public health	Mar 13	Jul 13
Further review of price and payment where we have discretion- Allowing those who can to pay	Improved income collection Operations review of choice cost, risk policy Application of ordinary residence criteria	Minimise private funders on whose behalf Trust contracts. Seek cross authority approach if possible. Consider funding policy in relation to community v residential packages Implement and monitor out of area placement notification process	Review of community and residential packages of care CIP 13, 16, 17	Jan 13	Apr 13

Key:

Grey shading denotes projects linked to commissioning priorities but not led by SP/ASC commissioners

ASC= Adult Social Care

CCG = Clinical Commissioning Group

CIB= Commissioning for Independence Board

CIP = Cost Improvement Proposal

IMCA= Independent Mental Capacity Advocate

TC = Torbay Council

Trust = Torbay and Southern Devon Health and Care Trust

SP= Supporting People

WV = Winterbourne View action plan

2013/14 Key Performance Indicators

Performance Indicator	12/13 Target	Dec 12 Position	Proposed 13/14 Tgt
Timeliness of social care assessment	70%	73%	65%
Timeliness of care package	85%	99%	85%
% Clients with self-directed support	55%	56%	70%
% Clients with a DP	9%	10%	10%
% People with a statement of need	95%	94%	95%
% Clients receiving a annual review ^[1]	85%	87%	80%
No. of overdue reviews	400	566	500
% Carers receiving needs assessment/review	31%	26%	31%
No. of care home clients	703	737	Outturn less 30 clients
% Clients supported in a care home		18%	18%
No. of safeguarding alerts received		272	270
% Strategy Meetings held within 5 days	75%	80%	75%
% Case Conferences held within 20 days	35%	82%	70%

For Inclusion

New Client numbers and Deaths - monitor and agreed zone baselines

ASC Survey indicators - measured annually and all to be included - ASC Outcomes Framework lists these

LD in settled accommodation	} Set at 2012/13 outturn
MH in settled accommodation	
MH in settled accommodation	
Repeat safeguarding referrals	
NI125 - Reablement/91 days	

Reablement clients no's - determine a range of client numbers assisted each month

For further discussion - split between <12 and 12> month clients? Monitor internally - anticipate shift to higher % in receipt of short-term POC

Notes:

[1] Annual reviews expected to be stratified by client group

[2] Awaiting confirmation of Public Health targets.

Agenda Item 14

Appendix 2

ASA Feb 13- Appendix :Analysis of risks set out in ASA

The risk analysis set out in this grid has been completed against the Trust's risk scoring matrix under which a score of 4 or less is regarded low, between 6 and 9 as moderate and 10 to 25 as significant.

Risk	Risk description	Mitigation	Risk Score		
			Impact	Likelihood	Score
Ordinary residence	Movement of ordinary residence can create in year pressures and this will be monitored closely through Social Care Programme Board	<ul style="list-style-type: none"> Adherence to protocols by front line teams and to assess the needs of individual only users to ensure that ordinary residence does apply to their circumstances. (Julie Foster to provide assurance this is happening and any protocol is being applied.) Close monitoring of impact through Social Care Programme Board (Monthly reports available and quarterly report to Commissioning for Independence Board.) 	4	4	16
Risk of capacity to deliver changes	The requirements of this commissioning agreement are the further changes and savings to back office and assessment processes. Capacity in zone teams may impact on the pace of delivery.	<ul style="list-style-type: none"> This is mitigated through assurance from the Trust that operational services at the front end can be delivered in a different way. ASA KPIs include monthly metrics that will demonstrate any reduction in capacity Regular updates to OLG, SCPB and/or CIB highlighting any commissioning/service transformation needs/risks. 	4	3	12
Care home fees	Council is setting (as separate decision) a two year set of fees within a new banding structure of residential care which may be open to challenge.	<ul style="list-style-type: none"> This is mitigated through a consultation process with providers throughout 2012/13. The EIA action plan will be monitored closely with reports to the SCPB or CIB, as appropriate. 	4	3	12
Community concern	Concern may be raised in response to implementation of the programme of work outlined in this agreement which may affect the pace of delivery.	<ul style="list-style-type: none"> This is mitigated through the close involvement of, and engagement with, individuals, communities and elected Members. Commissioning & re-specifying advocacy/engagement services and contract management. 	3	3	9

Risk	Risk description	Mitigation	Risk Score		
			Impact	Likelihood	Score
		<ul style="list-style-type: none"> Paper to February CIB meeting to determine whether to renew or change the current advocacy/engagement arrangements with greater clarity on revised specs and public engagement expectations. 			
Acquisition process	The Trust may be acquired by another NHS Foundation Trust and this could result in distraction from delivery of this agreement.	<ul style="list-style-type: none"> This is mitigated through close working between senior officers and the NHS, the Mayor and Councillors, NHS Chairs and Board members. The impact on frontline staff will be minimal and mitigated by frequent staff briefings and updates from senior management 	3	2	6

Agenda Item 15



Meeting: Council **Date:** 28 February 2013

Wards Affected: All Wards

Report Title: Corporate Plan 2013 - 2015

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1. Purpose

- 1.1 To agree a Corporate Plan that identifies the priorities the Council intends to deliver from now to 2015.

2. Proposed Decision

- 2.1 That the Corporate Plan 2013 – 2015 as set out in Appendix 1 to this report be approved.
- 2.2 That the Interim Chief Operating Officer, in consultation with the Mayor, be authorised to agree the final version of the Corporate Plan should it be appropriate to make any minor amendments to the current version.
- 2.3 That the Plan be published on the Council's internet site and be forwarded electronically to partner organisations.

3. Reason for Decision

- 3.1 The Corporate Plan is the means of articulating, at a strategic level, the priorities and actions the Council will undertake in the short to medium-term. The Plan also reiterates key activities contained within existing supporting strategies and policies.
- 3.3 All new policies/strategies/work programmes supporting the Corporate Plan will require equalities impact assessments.

4. Summary

- 4.1 Setting out our priorities will enable the Council to track progress against them and

enable Torbay's community to see how successful the Council has been in the delivery of its commitments.

- 4.2 This Plan needs to be considered against the backdrop of a reduction in funding from Central Government and limited opportunities for raising income through increases in charges. It will enable the Council to focus on its published priorities and, as part of its continuing review of services, determine where reductions can be considered.

Supporting Information

5. Position

- 5.1 The Corporate Plan forms part of the Council's Policy Framework.
- 5.2 It was previously a statutory requirement that councils produce a business plan bringing together their Medium Term Financial Strategy, service plans, objectives and performance outturns and targets. This requirement has been removed. However, the Council remains committed to robust business planning and openness and accountability to stakeholders and has, therefore, determined to set out its approach until 2015 in the Corporate Plan.
- 5.3 The plan identifies three principles around which decisions can be made and outlines nine priorities to ensure that services are targeted in securing a healthy, prosperous and happy Bay:

Investing in the future

- Develop a successful economy and improve job prospects
- Ensure that every child has access to a good school, and target support to ensure all young people reach their potential
- Invest to improve quality of life and reduce long term costs to the community

Protecting the Vulnerable

- Invest in early intervention and prevention to reduce the number of children and families experiencing complex problems
- Protect the most vulnerable people from avoidable harm or abuse
- In adult social care, offer greater personalisation for service users and support residents to live healthy and independent lives

Spending less money to greater effect

- Target resources on our priorities
- Increase efficiencies
- Make tough choices through disinvestment in low priority areas

The Plan identifies at a strategic level how this will be achieved and our measures for success. Detailed performance measures will be developed by Executive Heads.

- 5.4 The new format Corporate Plan will be the Council's sole strategic plan, capturing and expressing in simple terms the Council's direction and intentions for 2013 - 2015, and is attached to this report as Appendix 1.

6. Possibilities and Options

- 6.1 Whilst there is no statutory requirement to produce a Corporate Plan, best practice suggests it is beneficial to produce such a document to communicate to the community, partners and employees our key priorities and activities in the short to medium-term.
- 6.2 In addition to publishing the plan on the Council's internet site, a glossy printed version of the Plan could be considered.

7. Preferred Solution/Option

- 7.1 The Council should follow best practice and publish a Plan. Given financial constraints a glossy printed version of the Plan cannot be justified, but it would be appropriate to publish an electronic version on the internet with an input from the Council's Graphic Design team.

8. Consultation

- 8.1 No specific consultation has been undertaken in the development of this Plan, however results of consultation previously undertaken have been taken into account.

- Torbay Council's ViewPoint panel is a 600 strong residents' research panel statistically representative of the population of Torbay. Panellists are asked to complete two questionnaires per year.

The key results from the summer 2012 ViewPoint questionnaire are as follows:

- Over 50% of the panel strongly agreed that the Council should concentrate on providing and developing services which make sure that people receive the support they need to remain living in their own home
 - Most respondents were satisfied with their local area (85.6%) and feel that they belong to their neighbourhood (73.8%)
 - Nearly all (98.7%) of respondents felt safe in their neighbourhood during the day and 85.8% of respondents felt safe after dark.
- In December 2012 through January 2013 the Council undertook a public budget consultation following the announcement of the Mayor's budget proposals. A questionnaire was made available on the Council's website and paper copies were also made available in the Council's Connections offices and libraries, the questionnaire was also sent to the Council's ViewPoint panel.

The key results from this questionnaire are as follows:

- Respondents were asked to state which services (up to three) they felt were the most important - respondents felt that Adult Social Care

(64.1%), Waste and Cleaning (40.6%) and Children's Services (38.8%) were the most important services

- In August 2011, Viewpoint panel members were asked what five things they felt were in need of improving, these were:
 - Road and pavement repairs (51.5%)
 - Job prospects (47.6%)
 - The level of traffic congestion (40.6%)
 - Wages and the local cost of living (39.1%)
 - Affordable decent housing (31.2%).

9. Risks

- 9.1 Failure to set priorities for the coming years would be a significant risk, as it would leave the Council without clear direction of what it is trying to achieve and where to concentrate resources approved through the parallel budget setting process. The Council would also be unable to communicate its priorities to the community and key partners and stakeholders.
- 9.2 A further risk is that the priorities and supporting actions will not be delivered. Ensuring that the Corporate Plan and its activities are monitored through the Council's performance management arrangements will mitigate this.

Appendices

Appendix 1 Corporate Plan 2013 - 2016

Torbay Council
Corporate Plan 2013 – 2015

Working together for a Healthy, Prosperous and Happy Bay

Foreword

It was a privilege to be elected Mayor of Torbay in May 2011 and the time since has proved to be an exceptionally challenging period as the UK copes with austerity measures. However, we have still been able to make good progress in turning around the fortunes of this truly wonderful part of the country. We can look back with pride on what we have achieved through positive work that has been undertaken by fellow elected members, council staff and partner organisations for the benefit of Torbay.

Perhaps the most significant announcement during 2012 was the Government's green light for the building of the South Devon Link Road, which will play such a crucial part in driving forward Torbay's economic prosperity.

To say that this £110 million road, which will bypass Kingskerswell, has been a long-awaited scheme is something of an understatement, as it was around half a century ago that its need was first identified. Work is already well underway with completion expected in 2015.

The highly congested road from Newton Abbot has hampered our economic prospects over the years, but the new road, which is expected to lead to the creation of nearly 8,000 jobs, 3,600 of them in Torbay, will enable us to attract new businesses to Torbay.

The past year also saw the completion of the main phase of the £4.8 million improvement scheme at Tweenaway Cross in Paignton, another area that had previously suffered from traffic congestion with an adverse effect on the area's economy.

The physical environment of Torbay continues to be a source of pride for residents and visitors. Torbay's regeneration projects combined with our commitment to maintaining our high cleaning standards will further develop that civic pride. We have been able to fund repairs to the promenade to enable it to be open for all to enjoy in the season; to plant new iconic palm trees and invest a further £250,000 into marketing the Bay.

Torbay is a vibrant and forward thinking resort, attracting visitors of all interests, from people looking for art and culture to marine enthusiasts. We host numerous maritime events throughout the year, from powerboat racing to cruise ships, and we are looking forward to building on this success to attract events of all kinds that have a positive direct economic impact on local businesses, reinforcing the message that the English Riviera is a great place to live, work, visit and invest in.

There is no doubt that the coming years will continue to be difficult ones. We are re-examining everything we do and how we do it to ensure that the work we do for the Torbay community is focused on their priorities and provides value for money.

Gordon Oliver
Mayor of Torbay

Introduction

The Corporate Plan sets out the main strategic challenges facing Torbay Council and our plans for addressing them. In a difficult economic climate, there are difficult decisions to make. By 2015 we will have up to 30% less funding from central government, but at the same time we have increasing demand for some of our core services. As a Council we are setting clear priorities for the future and we are determined to prioritise our spending where it has the greatest impact. So far we have sought to protect funding to the front line with approximately £2 million of our savings for 2013/14 coming from efficiencies in the delivery of existing services.

Against this background the Council continues to deliver good services to residents:

- Princess Promenade is now open to the public for the first time since 2006.
- Torbay has benefited from a variety of flagship affordable housing schemes with thirty-five new homes delivered through partnership working with housing associations and many more in the pipeline.
- Torbay Development Agency, through its ongoing support of businesses housed in its South West Innovation Centres, has created over 100 new jobs over the last 12 months for residents of Torbay.
- Parkfield, Torbay's flagship youth and activities centre, has been completed following a successful bid for £4.8 million from the Government's MyPlace programme.
- Through support from the European Development Fund, Torbay Council and the Commission for Architecture and the Built Environment, a £2.85 million sensitive regeneration and restoration of Cockington Court has been carried out.

Torbay Council will continue to support the most vulnerable, for example providing better support for families with complex needs.

By supporting inward investment, we have secured government funding for the building of the South Devon Link Road and to ensure that Torbay continues to prosper we will focus on developing skills and employment programmes for young people, support enterprise and provide opportunities for residents to acquire skills.

Across three themes we are ensuring that services are targeted in securing a healthy, prosperous and happy Torbay.

- **Investing in the future**
 - Develop a successful economy and improve job prospects
 - Ensure that every child has access to a good school, and target support to ensure all young people reach their potential
 - Invest to improve quality of life and reduce long term costs to the community
- **Protecting the Vulnerable**
 - Invest in early intervention and prevention to reduce the number of children and families experiencing complex problems
 - Protect the most vulnerable people from avoidable harm or abuse
 - In adult social care, offer greater personalisation for service users and support residents to live healthy and independent lives
- **Spending less money to greater effect**
 - Target resources on our priorities
 - Increase efficiencies
 - Make tough choices through disinvestment in low priority areas

As we look forward to 2014 and beyond, with further reductions in funding and the need to make larger cuts, the opportunities to make budget reductions across the board diminishes. The Council will need to make choices about what to fund and what not to fund. Other options and completely new ways of working will need to be considered as changes in operational productivity or efficiency alone are unlikely to provide the level of savings required. To meet the challenges ahead we will need to make difficult choices about what to invest in and what to cut in order to achieve the radical efficiencies required.

Financial Assumptions

Local government has experienced a disproportionate share of the spending cuts in comparison with other public sector organisations. The cuts to local government funding will carry on as the Government continues with its deficit reduction plan.

The publication of a two year funding settlement for local government in December 2012 will enable the Council to develop its plans for the future with a degree of certainty.

Significant changes in government policy such as welfare reform, the collection of business rates and the implications of the Localism Act and the ongoing pressures placed on us due to an ageing population will put additional strain on Council finances.

Involving the public

We recognise that some of the choices will result in closing down or reducing services that we currently provide, but it also provides an opportunity to redefine what and how services are provided. To do this we need to ensure that the public generally and users of specific services are informed and involved in re-shaping services. In order to support this we will:

- Make more information available about the services we currently provide, including our arms length organisations, contracted services, and the financial support we give to organisations in Torbay.
- Ensure that service users are consulted at the stage when proposals for services are being developed.
- Ensure that members of the public and service users have sufficient time to consider proposals for changes in services and they can feedback their views in a number of ways.
- Encourage and support members of the public to engage with the political decision making process.

Investing in the future

Develop a successful economy and improve job prospects

We will achieve this through:

- Jobs-led regeneration focusing on specific sectors
- Creating the right environment for inward investment
- Continuing to work towards completion of the South Devon Link Road
- Lobbying to improve rail services
- Continuing to support town centres Business Improvement Districts
- Revitalising the retail offer in the town centres
- Working towards creating a sustainable and flourishing leisure, culture and tourism sector that is open to residents and visitors
- Making it easier to get around the Bay by developing integrated transport where feasible

Measures for success:

- Completion of Torre Abbey Phase Two
- Keeping our key public spaces clean
- Outline business cases prepared for further investment in innovation centres.
- Completion of a feasibility study for a third harbour
- An adopted Local Plan by September 2013
- Adopted Neighbourhood Plans for Torquay, Paignton and Brixham by September 2013
- Completion of highways capital projects – including South Devon Link road by the end of 2015
- Increased investment from businesses, Government and the European Union
- An increase in new business start ups
- Increasing business in our three towns
- Maximise opportunities for job creation including through joint planning with neighbouring authorities, and investing in a “Jobs Fund”

Investing in the future

Ensure that every child has access to a good school and target support to ensure all young people reach their potential

We will achieve this through:

- Raising skills levels by working with schools, South Devon College and Universities to meet the standards set by Department for Education for attainment and attendance
- Working with partners, encourage public and private sectors to develop employment of apprentices
- Supporting early years settings and schools to improve standards
- Providing support to children and young people who at risk of underachievement
- Supporting schools to become academies where they choose to do so

Measures for success;

- Improvements in the attainment of children and young people at Key Stage 2 and GCSE
- Improvement in the attainment of vulnerable children and young people
- After statutory school age, young people are either in further education, training or employment

Investing in the future

Invest to improve quality of life and reduce long term costs to the community

We will achieve this through;

- Adhering to sympathetic regeneration
- Continuing to work on the Closing the Gap Strategy and roll out to other areas by involving communities
- Reducing the negative impact of alcohol, obesity, tobacco and drugs on our communities
- Reducing teenage pregnancy
- Promoting sport and outdoor activity to improve health and wellbeing.
- Working towards keeping crime low by:
 - Maintaining focus on the night-time economy
 - Working with the Police Commissioner for resources to ensure crime levels remain low and people feel safe
 - Jointly engaging and involving communities to resolve local issues in neighbourhoods
- Planning for the future supply and demand of energy for the Bay
- Reducing local greenhouse gas emissions
- Ensuring an appropriate supply of quality housing within communities
- Continuing to create a safe environment for all residents and visitors
- Continuing to work with our partner agencies to improve the health and wellbeing of our communities
- Improving opportunities for people with dependency issues and maintaining timely and effective access to services

Measures for success;

- Increasing numbers of people taking part in physical activity, including walking and cycling
- Sports clubs and voluntary organisations are able to manage their own facilities and access external funding

We will also play our part in working with other agencies to;

- Keep levels of crime low to enable people to feel safe in their homes and in public places
- Ensure fatalities and serious injuries from road traffic accidents remain low
- Increase in healthy life expectancy, particularly in our most deprived wards
- Reduce smoking during pregnancy
- Provide drug users with access effective treatment
- Reduce alcohol related admissions to hospital
- Reduce levels of obesity

Protecting the vulnerable

Invest in early intervention and prevention to reduce the number of children and families experiencing complex problems

We will achieve this through;

- With partners, using the principles of Early Intervention and Early Prevention in supporting communities
- Engaging with communities in rolling out locality working and community budgets as part of localism
- Supporting families with young children through universal services such as children's centres
- Continuing to work with our partner agencies to support families in need
- Developing of an Intensive Family Support Service (IFSS) to support families with complex needs
- Providing targeted support to families through the Family Intervention Project (FIP)
- Implementing Community Budgets to support families with complex needs
- Supporting people to improve their skills and confidence to gain employment

Measures of success;

- Improved school attendance
- Successful delivery of payments by results for families with complex needs

We will also play our part in working with other agencies to;

- Reduce the teenage conception rate
- Keep levels of crime and anti-social behaviour low
- Reduce the number of people claiming out of work benefit payments
- Deliver reductions in the cost of families with complex problems to the public purse

Protecting the vulnerable

Protect the most vulnerable people from avoidable harm or abuse

We will achieve this through;

- Continuing to improve Children and Adults Safeguarding
- Improving our support for vulnerable children
- Improving our assessment processes for children at risk
- Ensuring staff are clear about what to do when faced with an incident of abuse or where they suspect that a vulnerable adult is being abused or neglected
- Implementing evidence based programmes that have been proved to work in tackling the causes of social problems rather than simply dealing with their consequences
- Working effectively with key partners in information sharing and delivery

Measures for success;

- Continue to improve the timeliness of initial and core assessments for children and young people referred to Children's Services
- Reduce the number of children and young people who are subject to a Child Protection Plan or become Looked After
- Continue to increase in the timeliness of placements for children in care who were placed for adoption
- Reduce the numbers of children subject to a Child Protection Plan for a second or subsequent time

Protecting the vulnerable

In adult social care, offer greater personalisation for service users and support residents to live healthy and independent lives

We will achieve this through;

- ‘Self Directed Support’ enabling individuals who are assessed as having social care support needs to have a clear, up front allocation of money that they can use to design and purchase the support they need
- Supporting people to retain their independence, allowing them to live in their own homes for longer.
- Through short term intervention, helping people recover the skills and confidence they need to stay in their home longer

Measures for success;

- A reduction in the number of people placed in residential and nursing homes
- People feel involved in the delivery of their own care
- An improvement in the quality of people’s lives
- Carers feel they are supported

Spending less money to greater effect

Target resources on our priorities

We will achieve this through;

- Monitoring the TOR2 contract for improved recycling, waste and clean streets
- Generating income to support the delivery of priority services
- Carrying out an urgent review of grants and loans to businesses and voluntary sector organisations
- Ensuring that funding is subject to service level agreements supporting the delivery of Council priorities
- Ensuring that sustainable business plans are developed for Torbay Coast and Countryside Trust and the Riviera International Conference Centre

Page **Measures for success;**

- Achieving reductions in expenditure and continuing to provide services in our priority areas

Spending less money to greater effect

Increase efficiencies

We will achieve this through;

- Continuing to provide value for money for our communities by:
 - Reducing costs/increasing income/improving productivity so increases in council tax are kept low
 - Reviewing the structures of the council so they are still fit for purpose.
- Promoting democracy, transparency and civic engagement, and when able to, re-look at the Mayoral System of Governance.
- Reviewing contractual arrangements to ensure that they are being delivered effectively in our priority areas as well as providing value for money
- Reviewing our own operating structure to reduce back office costs, avoid duplication and increase efficiencies
- Promoting and encouraging greater use of online access to Council services by the community
- Making effective use of the Council's assets
- Where assets are no longer required by the Council, finding alternative uses through sale or lease

Page 133

Measures for success;

- Reducing the number of offices that the Council operates from
- Income from Council assets is maximised
- Savings are generated from all our services, including those that are contracted out
- Increase in the number of online transactions

Spending less money to greater effect

Make tough choices through disinvestment in low priority areas

We will achieve this through;

- Ensuring that our priority areas are supported by evidence from the Joint Strategic Needs Assessment
- Reviewing all of our services to ensure they are focusing on the Council's priorities
- Continuously reviewing of services and business plans
- Where a service or parts of a service do not support delivery of our priorities, engaging with the community with a view to making changes to service delivery, or to stop that activity

Measures for success;

- An up to date Joint Strategic Needs Assessment published annually
- Members of the community, including service users are involved in re-shaping and delivery of services

Glossary:

- **Child Protection Plan** - Child protection is a part of safeguarding and promoting welfare. It refers to the activity that is undertaken to protect specific children who are suffering, or are likely to suffer, significant harm. Effective child protection is essential as part of wider work to safeguard and promote the welfare of children
- **Community Budgets** - Are a new way for local public service providers to work more effectively together. Community Budgets allow providers of local services to contribute to a shared fund, so they can co-ordinate their work more effectively and efficiently
- **Family Intervention Project** – The Family Intervention Project provides targeted support to those families that cause a disproportionate amount of issues (such as anti-social behaviour) in their neighbourhoods
- **Initial and Core Assessments** - An 'initial assessment' is defined as a brief assessment of any child who has been referred to social services with a request that services be provided whilst a 'core assessment' is defined as an in-depth assessment which addresses the central or most important aspects of the child's needs.
- **Intensive Family Support Service** – Time limited support to protect children and to maintain and strengthen family bonds, to stabilize a crisis situation, to increase the family's skills and competences, to facilitate the family's use of a variety of formal and informal helping resources
- **Joint Strategic Needs Assessment** – describes a process that identifies current and future health and wellbeing needs in light of existing services and informs future service planning taking into account evidence of effectiveness. Joint Strategic Needs Assessment identifies 'the big picture', in terms of the health and wellbeing needs and inequalities of a local population.
- **Local Plan** - The document sets out key issues, aspirations for the future, and policies for delivering and managing change over the next 20 years. The Local Plan will form the statutory basis for decisions on spatial planning within Torbay when Adopted. This Plan takes into account comments made on the Core Strategy Regulation 25 Consultation – Vision, Objectives and Growth in Torbay' (September 2009), which forms the basis of the Plan. It also builds on the ongoing engagement with Torbay's three Neighbourhood Forums.
- **Looked After Children** - The term 'looked after children and young people' means those looked after by the state, according to relevant national legislation. This includes those who are subject to a care order or temporarily classed as looked after on a planned basis for short breaks or respite care. The term is also used to describe 'accommodated' children and young people who are looked after on a voluntary basis at the request of, or by agreement with, their parents. We refer to these children as "children in care".

- **Neighbourhood Plan** - The Localism Act 2011 introduced new powers for people to make neighbourhood plans and neighbourhood planning orders, with reduced interference from central government. These new powers are in addition to existing opportunities for community involvement, which are already part of the planning system.
- **Self Directed Support** - Self-directed support is about people being in control of the support they need to live the life they choose. This is often referred to as 'personalisation' or 'personal budgets', it's about giving people real power and control over their lives.



Meeting: Council **Date:** 28 February 2013

Wards Affected: All

Report Title: Joint Health and Wellbeing Strategy

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1. Purpose

1.1 The purpose of this report is to present to the Council the draft Joint Health and Wellbeing Strategy which was agreed by the Shadow Health and Wellbeing Board at its meeting on 22 November 2012.

2. Proposed Decision

2.1 That the Joint Health and Wellbeing Strategy be endorsed.

3. Action Needed

3.1 Following its endorsement, the Strategy will be published on the Council's website and publicised across the community.

4. Summary

4.1 Torbay Council and the South Devon and Torbay Clinical Commissioning Group must, through the Torbay Health and Wellbeing Board, prepare a Joint Health and Wellbeing Strategy. The Strategy should use the evidence from the Joint Strategic Needs Assessment and should outline the shared priorities for action, reflecting the issues that matter most to communities and where the greatest impact can be made to improve health and wellbeing outcomes.

4.2 Torbay's Health and Wellbeing Strategy has been developed through a series of discussions at the Shadow Board and the Health and Wellbeing Forum and has also been subject to consultation with the wider community through October 2012.

Supporting Information

5. Position

- 5.1 The preparation of a Joint Health and Wellbeing Strategy by the Health and Wellbeing Board (on behalf of the Council and the Clinical Commissioning Group) is a statutory requirement. The Strategy sets out the Vision, Outcomes, Principles and Priorities for the Torbay Health and Wellbeing Board until 2015.
- 5.2 The Vision for Torbay's Health and Wellbeing Strategy is 'A Healthier Torbay: Where we work together to enable everyone to enjoy a healthy, safe and fulfilling life.'
- 5.3 To achieve this vision the Board has identified three outcomes to be delivered:
- Children have the best start in life
 - A healthy life with a reduced gap in life expectancy
 - Improved mental health and wellbeing
- 5.4 Each Outcome has a number of priorities and actions linked to it. The Strategy is attached at Appendix 1 together with its Equality Impact Assessment at Appendix 2.
- 5.5 The commissioning plans of the Council, the Clinical Commissioning Group and the NHS Commissioning Board must be informed by the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy. The commissioning priorities of the South Devon and Torbay Clinical Commissioning Group are aligned with the key principles and objectives of the Joint Health and Wellbeing Strategy. (The Clinical Commissioning Group's Summary Commissioning Plan is attached at Appendix 3.)
- 5.6 Whilst neighbouring Health and Wellbeing Boards in Devon and Plymouth have taken a different approach and format to developing their strategies, a cross referencing has been completed and similar priorities have emerged and included in their plans with a focus on Families; Lifestyle Choices; Independence in Older Age; Social Capital and Building Communities.
- 5.7 The Strategy will be supported by relevant implementation plans taken forward by groups already in existence working in the specific focus areas. The Health and Wellbeing Board will take a role in overseeing the delivery, assurance and multi agency strategic leadership for the people of Torbay.

6. Possibilities and Options

- 6.1 At the time of writing, the final versions of Regulations and Guidance are still awaiting. However, if the Council feels that changes should be made to the Joint Health and Wellbeing Strategy, these should be highlighted and reported back to the Shadow Health and Wellbeing Board for consideration.

7. Preferred Solution/Option

7.1 The preferred option is that the Strategy which is included at Appendix 1 should be endorsed by the Council.

8. Consultation

8.1 The draft Joint Health and Wellbeing Strategy was prepared by the Shadow Health and Wellbeing Board which comprises of four Torbay Councillors, the Director of Adult Services and Director of Children's Services (both Torbay Council), the Director of Public Health, the Accountable Officer of South Devon and Torbay Clinical Commissioning Group and a representative of the Local Involvement Network (LINK)/Healthwatch.

8.2 The draft also took account of the views of the wider Health and Wellbeing Forum which includes representatives from organisations within the following sectors:

- Criminal Justice
- Housing
- Culture and Leisure
- Older People
- Economic Regeneration
- Voluntary Sector
- Children and Young People
- Health and Social Care Providers

8.3 Torbay Council's Policy, Performance and Review Team co-ordinated a consultation exercise which collected data between 24 September and 31 October 2012. All those invited to and/or attending the Health and Wellbeing Forum on 20 September 2012 were invited to complete an online survey and give their views on the draft Strategy's Vision, Principles, Outcomes and Priorities. The survey was also available to the general public on the Council's website and was publicised on the monthly Consultation Newsletter which is sent to members of the ViewPoint Panel, stakeholder and other members of the public on the Council's Consultation Database.

9. Risks

9.1 If the Strategy is not endorsed then the Council risks not meeting one of its statutory duties. However, the delay in publishing the final Regulations and Guidance, means that there is little information about the potential impact of this risk.

9.2 Once the Strategy is endorsed, there are risks attached to the delivery of the outcomes within the Strategy. These will be managed by the Health and Wellbeing Board.

Appendices

Appendix 1 – Joint Health and Wellbeing Strategy

Appendix 2 – Equality Impact Assessment

Appendix 3 – South Devon and Torbay Clinical Commissioning Group – Commissioning Plan – Plan on a Page

Additional Information

None

TORBAY JOINT HEALTH AND WELLBEING STRATEGY

2012/2013 – 2014/2015

CONSULTATION PROCESS

Joint Health and Wellbeing Plan – Discussed at Health and Well Being Board
05.07.12

Joint Health and Wellbeing Strategy

V1 - Submitted to Business Planning Group – 14.08.12

Amended

V2 - Circulated to Board Members & Stakeholder Forum – 20.09.12

Amended

V3 – Stakeholder and online consultation – End 31.10.12

Amended

V4 – Health and Wellbeing Board – 22.11.12

Approved with amendments

V5 – Torbay Council – 28.2.13

Contents

1. VISION (INTO PRACTICE).....	4
2. SCOPE, PURPOSE AND DEVELOPMENT	6
3. CONTEXT.....	7
3.1 The National Context	7
3.2 The Local Context.....	8
3.2.1 The needs of Torbay.....	8
3.2.2 Torbay Health and Wellbeing Board and Forum	9
3.2.3 Financial landscape.....	10
3.2.4 Policy drivers.....	10
4. BUILDING A SUSTAINABLE HEALTH AND WELLBEING STRATEGY.....	12
5. TORBAY OUTCOMES AND PRIORITIES	14

1. VISION (INTO PRACTICE)

The vision of Torbay's Health and Wellbeing Board is:

A Healthier Torbay: Where we work together to enable everyone to enjoy a healthy, safe and fulfilling life

To achieve this vision we have identified three outcomes to be delivered:

Children have the best start in life

A healthy life with a reduced gap in life expectancy

Improved mental health and wellbeing

The strategy has been developed with three underlying principles:

First and Most

Focusing attention and effort to address the health and wellbeing inequalities that exist between communities within the Torbay

Early Intervention

Improving overall outcomes and ultimately reducing cost with a focus on prevention rather treatment

Integrated and joined-up approach

Joining up planning, commissioning and delivery at a local level

The Board will measure and check how well organisations deliver on the top priorities for Torbay and ensure the necessary implementation plans are in place.

On the following page the diagram captures our approach, including our 16 priorities to deliver these outcomes.

Key Supporting Strategy Documents	Priorities	Outcomes	Vision
<p>Local Transport Plan Joined Up Health and Care Child Poverty Strategy South Devon and Torbay CCG Commissioning Plan Torbay Inter-Agency Carers Strategy Children and Young People's Plan Torbay Alcohol Plan Joint Strategic Needs Assessment Community Safety Strategy Community Plan Economic Regeneration Plan Culture Strategy Housing Strategy Licensing Policy Supporting People Strategy Older Person's Strategy</p>	<p>Promote the emotional wellbeing of children and young people Provide the full offer of the Healthy Child Programme Reduce teenage pregnancy Increase educational attainment Improve employment prospects of working families</p> <p>Reduce smoking Increase physical activity Reduce alcohol consumption Increase sexual health screening Reduce the risk of cardiovascular disease and cancer Support people with long term conditions Make children and vulnerable adults feel safe and supported</p> <p>Support independent living Support people with mental health needs Improve care for people living with dementia and their carers Increase the number of problematic drug users in treatment</p>	<p>Children have the best start in life</p> <p>A healthy life with a reduced gap in life expectancy</p> <p>Improved mental health and wellbeing</p>	<p>A HEALTHIER TORBAY: Where we work together to enable everyone to enjoy a healthy, safe and fulfilling life</p>

Underlying Principles
 First and Most
 Early Intervention
 Integrated and Joined Up Approach

2. SCOPE, PURPOSE AND DEVELOPMENT

This Strategy sets out how the Health and Wellbeing Board will encourage organisations in Torbay will work together to meet the needs the community. It explains what the health and wellbeing priorities are in Torbay and how joint action will be taken to make a real impact on people's lives.

It provides the framework for action: promoting prevention, early intervention and targeted support.

Key priorities have been drawn together from partner organisations, building on a sound understanding of evidence provided by the Joint Strategic Needs Assessment.

It has been prepared by the Health and Wellbeing Board in consultation with its wider stakeholder forum. The proposed outcomes and priorities have been subject to a wider consultation process which involved organisations and groups who work in the area of health and wellbeing, as well as residents.

The overall aim of the strategy is to enable communities to focus on reducing inequalities and experience good health and wellbeing throughout life. It takes account of the wider determinants which influence health and wellbeing and sits alongside Torbay's Community Plan (with the shared vision for 'Healthy, Prosperous and Happy Communities'). The Strategy will be used to inform the commissioning plans of the Council and the South Devon and Torbay Clinical Commissioning Group.

3. CONTEXT

3.1 The National Context

3.1.1 The Marmot Review

The Marmot Review in 2010, 'Fair Society, Healthy Lives'¹, proposed evidence-based strategies for reducing health inequalities including addressing the social determinants of health in England. It concluded that a good start in life, a decent home, good nutrition, a quality education, sufficient income, healthy habits, a safe neighbourhood, and a sense of community and citizenship are the fundamentals for improving quality of life and reducing health inequalities. We understand that, to address health inequalities, we need to improve opportunities for all our residents with a focus on those who are experiencing poverty and deprivation.

3.1.2 Health and social care reforms

The health and social care reforms which have been rolled out since the formation of the Coalition Government in May 2010 have introduced a number of new programmes and initiatives around improving health and wellbeing.

These include:

- a new public health system which will focus on improving the health of the poorest fastest.
- transformational change to the way that health services are commissioned; and
- the establishment of Health and Wellbeing Boards to strengthen partnership working across health and local authorities, underpinned by local democracy.

Torbay's Health and Wellbeing Board understands that, to address health inequalities, organisations across the area need to improve opportunities for all our residents with a focus on those who are experiencing poverty and deprivation.

3.1.3 Outcomes Frameworks

The Outcomes Frameworks which the Government set for the health service², public health³ and adult social care⁴ have a significant role on shaping the

¹ Fair Society, healthy Lives. The Marmot Review. University College London, Feb 2010.

² Health Service Outcomes Framework – include link

³ Public Health Outcomes Framework – include link

⁴ Adult Social Care Framework – include link

priorities for the local population. The Frameworks set out the Government's strategic direction for health and social care.

3.2 The Local Context

3.2.1 The needs of Torbay

This Joint Health and Wellbeing Strategy is grounded in a firm understanding of Torbay's population and its needs, and national and local trends and drivers as detailed in the Joint Strategic Needs Assessment (JSNA)⁵. It takes a 'life course' approach – providing a picture of local need at each stage of life set against the strategic Outcome Frameworks. It is important to identify that there are also challenges, with reducing public sector funding, in commissioning of services to meet the needs of the local population.

The top priorities emerging from the JSNA are:

- Integration of services for children, public health and safer communities on a locality basis
- Continued focus on inequalities, both for this board and others
- Management of long term conditions
- Alcohol and teenage pregnancy

The JSNA provides a comprehensive analysis of life in Torbay. As a snapshot, on an average day in Torbay:

4 babies are born
5 people die
2,200 appointments are made to see a GP
150 people are seen by an NHS dentist
115 people attend the Accident and Emergency department
30 people are admitted as an emergency admission to hospital
230 attend a first outpatient appointment
580 attend a follow up outpatient appointment
4 people enter Supporting People services
2,470 free school meals are eaten
35 children are absent from school
27 crimes are reported
24 anti-social behaviour incidents are reported
8 domestic abuse incidents take place

⁵ www.torbay.gov.uk/jsna

3.2.2 Torbay Health and Wellbeing Board and Forum

Torbay's Health and Wellbeing Board will be established on 1 April 2013. Until that time a Shadow Health and Wellbeing Board is in place. The role of the Board is to:

- Have strategic influence over commissioning decisions across health, public health and social care
- Strengthen democratic legitimacy by involving democratically elected representatives and patient representatives in commissioning decisions alongside commissioners across health and social care.
- Provide a forum for challenge, discussion, and the involvement of local people.
- Bring together the Clinical Commissioning Group and the Council to develop a shared understanding of the health and wellbeing needs of the community.
- Drive local commissioning of health care, social care and public health and create a more effective and responsive local health and care system.

The membership of the Health and Wellbeing Board is as follows:

Four members of Torbay Council
Director of Adult Services
Director of Children's Services
Director of Public Health
South Devon and Torbay Clinical Commissioning Group
Torbay Healthwatch

The range of influence on people's health and wellbeing is such that it is recognised that a number of different organisations operating within Torbay should be included in the work of the Board. The Health and Wellbeing Forum has been established to include representatives from organisations within the following sectors:

Criminal Justice	Economic Regeneration
Housing	Voluntary Sector
Culture and Leisure	Children and Young People
Older People	Health and Social Care Providers

In addition to the Forum, a smaller business planning group and commissioning framework supports the working and functioning of the Board.



Figure 1: Health and Wellbeing Board Planning Framework

3.2.3 Financial landscape

The level of spend within Torbay is considered a shrinking purse with the level of Government funding having an impact. There is an increasing challenge to manage the pressures from demographic changes, advancements in technology and drugs and increasing expectation and levels of need from our residents particularly those with long term conditions. It is predicted that activity is likely to grow by 20% over the next decade across the healthcare system⁶, therefore significant innovation is required.

A key success factor in changing mind sets and shifting behaviour will be for Torbay organisations and businesses to work with communities to deliver on what matters most to them through multi disciplinary locality working.

3.2.4 Policy drivers

There are a range of policy drivers which have played a significant part in the development of the priorities:

Political drivers:	Local political leadership, policy and strategy National legislation National and local elections Ability to remain engaged and adaptive
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⁶ Needs reference

Economic drivers:	<ul style="list-style-type: none"> Poor economic climate Significant areas of deprivation Welfare reform Climate of recession Payment by results Upward demand pressures Budgetary cuts
Social drivers:	<ul style="list-style-type: none"> Welfare reforms The Big Society Troubled families programme Elderly care Children's safeguarding The Third Sector
Technological drivers:	<ul style="list-style-type: none"> Self-care solutions including peer recovery Sharing of information Lack of IT cohesion

4. BUILDING A SUSTAINABLE HEALTH AND WELLBEING STRATEGY

This Health and Wellbeing Strategy is based around an integrated approach which reflects the collective responsibility of communities, the Council and health partners in improving and protecting health; as well as promoting the personal responsibility for one's own health and self-management.

The focus is predominantly on the health and social care related factors that influence people's health and wellbeing with outcomes which address the needs identified in the Joint Strategic Needs Assessment. The outcomes also align with those identified in other strategies⁷ which fit within the Community Plan framework.

A set of core underlying principles underpin this strategy.

First and Most

Focusing attention and effort to address the health and wellbeing inequalities that exist between communities within Torbay

Physical and psychological health and wellbeing is an essential foundation for a prosperous and flourishing society.⁸ It enables individuals and families to contribute fully to their communities, and underpins higher levels of motivation, aspiration and achievement. It improves the efficiency and productivity of the labour force which is critical to ensuring economic recovery.

Poor health and wellbeing also costs a great deal through medical and social care costs, reduced productivity in the workplace, increased incapacity benefits, and many other calls on public services and community support.

Our most deprived communities experience the poorest health and wellbeing, so systematically targeted approaches on the geographical areas and population groups at greatest need is crucial in reducing inequalities.

Early Intervention

Improving overall outcomes and ultimately reducing cost with a focus on prevention rather treatment

The White Paper 'Healthy Lives, Healthy People: Our Strategy for Public Health in England'⁹ set out the future for public health. It sets out a framework for tackling the wider social determinants of health and requires structures to be put in place to promote prevention, early intervention and targeted support.

⁷ These strategies are listed in the diagram in Section 1 of this Strategy.

⁸ Enabling effective delivery of Health and Wellbeing an Independent Report (2010)

⁹ Department of Health. (2010) Healthy Lives, Healthy people: Our strategy for public health in England

Integrated and joined-up approach

Joining up planning, commissioning and delivery at a local level

Putting public health responsibilities firmly back into local government with a ring fenced budget will ensure that local government and local communities are central to improving the health and wellbeing of the population and tackling inequalities.

The need for departments and organisations to work together has never been more important as there is a co-dependency between housing, education, employment; leisure and the general environment and the impact that these factors have on an individual's ability to work or take part in society. This is illustrated by Dahlgren and Whitehead's model below.

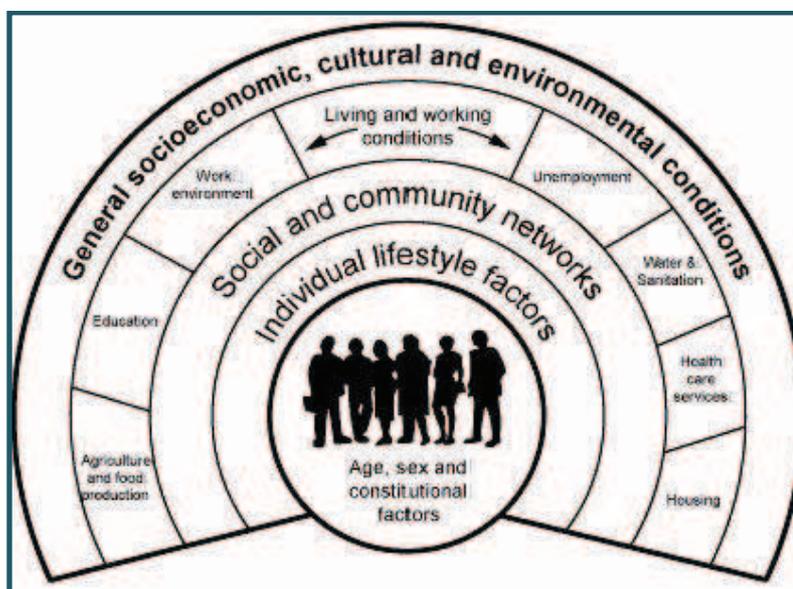


Figure 2: Source Dahlgren and Whitehead 1991

Torbay and Southern Devon Health and Care NHS Trust in partnership with the Council is a national leader in the transformation of community based health and adult social care services; targeting prevention and greater integration of services. Therefore, in addition to working collaboratively with business and the voluntary sector, we can open up the opportunity for greater synergy across organisations and between departments, in terms of strategic intent and planning as well as operational delivery, to ensure whole system transformation continues to take place.

5. TORBAY OUTCOMES AND PRIORITIES

OUTCOMES

PRIORITIES

Children have the best start in life

- Promote the emotional wellbeing of children and young people
- Provide the full offer of the Healthy Child Programme between 0 and 19 years
- Reduce teenage pregnancy
- Increase attainment
- Improve employment prospects of working families

A healthy life with a reduced gap in life expectancy

- Reduce smoking
- Increase physical activity
- Reduce alcohol consumption
- Increase sexual health screening
- Reduce the risk of cardiovascular disease and cancer
- Support people with Long Term Conditions
- Children and vulnerable adults feel safe and supported in their families and communities

Improved mental health and wellbeing

- Support Independent Living
- Support people with mental health needs
- Improve care for people living with dementia and their carers
- Increase the number of problematic drug user in treatment

Outcome 1

Children have the best start in life

The Marmot Review in 2010 (*Fairer Society, Fairer Lives*) was clear that what a child experiences during their early years lays down a foundation for the whole of their life and this impacts on their school readiness and educational attainment.

Where a child lives is important as children from disadvantaged backgrounds are more likely to begin primary school with lower personal, social and emotional development and communication, language and literacy skills than their peer. Therefore, if we do not succeed at the beginning in a child's life, then the disadvantages are far reaching for the rest of their years.

We want all families to realise their children's potential, helping them to prepare from an early age to be self-sufficient, with a network of support to enable them to live independent and healthy lives. We understand that some families will need more support than others and will respond with targeted programmes.

Priority 1

Promote the emotional wellbeing of children and young people

- Promote the role of health in schools, with its focus on reducing child poverty, improving emotional health and wellbeing and reducing substance misuse (including alcohol) and smoking
- Introduce children's Improving Access to Psychological Therapies service
- Increase access to education, training, employment and housing particularly increasing opportunities for young

Priority 2

Provide the full offer of the Healthy Child Programme between 0 and 19 years

- Children centre community hubs provide parenting support to ensure improved child development and school readiness
- 'Joined up' preventative services working in communities as a team with integrated care pathways leading to 'Early Help'
- Joint commissioning arrangements in place for health, social care, public health – focused on services for children

Priority 3

Reduce teenage pregnancy

- Ensure young women under 25 have access to a range of comprehensive sexual health services and contraception
- Promote sex and relationship education within education establishments
- Extend and improve use of communication methods with development of 'app'

Priority 4

Increase attainment

- Support schools in removing any barriers to achievement, especially for children and young people in care and those with complex needs so as to enable them to achieve more in line with their peers
- Develop the partnership with Oldway Teaching School to support schools in raising attainment for all children
- Through the Torbay Improving Schools Partnership, promote a culture of shared accountability and responsibility for the outcomes for all children across Torbay
- Work with schools and local providers to ensure that there is a broad and balanced curriculum offer which enables all children to reach their full potential

Priority 5

Improve employment prospects of working families

- Reduce the number of troubled families living in workless households through the troubled families programme
- Increase the skill levels of practitioners working with low-income families and workless families so that they can appropriately assist the families in accessing employment and training opportunities
- Ensure education, training and employment status and plans are included within newly developed single family assessment tools and pathways.

Outcome 2

A healthy life with a reduced gap in life expectancy

Life expectancy in Torbay is in line with national estimates. However, there is noticeable variation between where people live. For example, males in Tormohun having a life expectancy of 74.5 years compared to those living in Churston with Galmpton having a life expectancy of 82.4 years.

High levels of deprivation, low educational attainment, unhealthy lifestyle factors (high smoking, poor diet, low physical activity hazardous and harmful drinking) and access to quality primary care are all interrelated determinants of early death and lower life expectancy. In particular, smoking contributes to half of the life expectancy gap. Life expectancy is also significantly lower in certain groups such as those with severe mental illness, learning disabilities or problematic drug users.

We will work in partnership to prevent people becoming ill in the first place by supporting our residents to address the key lifestyle risk factors of smoking, physical inactivity and alcohol misuse, which are more common in the deprived areas of the bay. We will also encourage early diagnosis and management of the major killer diseases such as cardiovascular disease and cancer as reducing deaths from these diseases. We will develop specific programmes to address inequalities in health behaviours amongst young women in Torbay. We will provide an effective public protection and safeguarding system so that children and vulnerable adults are protected, feel safe and supported in their families and communities.

To achieve a reduction in the life expectancy gap, our actions will range from universal to targeted to meet the different levels of need, as appropriate – what Marmot terms 'proportionate universalism'.

Priority 6

Reduce smoking

- Target stop smoking advice and support to routine/ manual 35+yrs as part of Torbay Well@work 2012 with larger employers.
- Target stop smoking advice and support to mothers who are pregnant to stop smoking as well as women under 25yrs
- Encourage schools to integrate anti-smoking messages into the curriculum.

Priority 7

Increase physical activity

- Ensure the regeneration of Torbay improves the physical environment to encourage physical activity and reduce obesity, in particular developing cycling and walking routes and use of green gyms
- Scale up brief intervention training in physical activity and healthy eating for staff and communities
- Promote NHS Health Trainers and Health Champions programmes

Priority 8

Reduce alcohol consumption

- Continue to include alcohol screening in the NHS Healthchecks programme as this programme (focused on identifying and supporting those at high risk of cardiovascular disease, including hypertension) expands
- Extend the range of Identification and Brief Advice opportunities available through non-medical settings for people with alcohol problems e.g. safeguarding and early intervention services
- Improve pathway between hospital and community treatment services for people with alcohol related problems
- Promote and support peer-led recovery opportunities in the community

Priority 9

Increase sexual health screening

- Review and commission sexual health services which are accessible and offer choice of venue and opening times
- Provide training opportunities to ensure qualified practitioners are able to offer a comprehensive range of contraception, screening and testing opportunities
- Use social marketing techniques to promote awareness of HIV and sexually transmitted infections

Priority 10

Reduce the risk of cardiovascular disease and cancer

- Develop primary care based clinical infrastructure with a particular focus on preventative measures and diagnostics and management of these conditions
- Expand the NHS Health Checks programme to full roll out, ensuring it reaches those most at risk and that they are supported to make lifestyle changes
- Continue to improve the uptake in breast and bowel cancer screening

Priority 11

Support people with Long Term Conditions

- Focus on chronic disease management and case management to improve the patient experience and outcomes particularly diabetes, chronic obstructive pulmonary disease, stroke and heart failure
- Increase range of integrated services being delivered and provided in primary care and community which will reduce urgent and emergency admissions, ambulance care and alternatives to follow ups
- Offer alternative clinical management pathways to acute services referral following primary care led assessment or clinical referral triage
- Review and strengthen self-management and patient education programmes to support patients in managing their own conditions
- Continue to offer more choice, control and greater independence through personal budgets to support those living with long term conditions

Priority 12

Children and vulnerable adults feel safe and supported in their families and communities

- Maximise safeguarding of the most vulnerable children and their families through continued development and review of early intervention and universal services.
- Reduce the risk of serious harm to vulnerable victims of domestic abuse and their families.
- Reduce the risk of distress and harm to vulnerable members of the community subject to anti social behaviour and crime.

Outcome 3

Improved Mental Health and Wellbeing

Mental health is everyone's business. As *No Health Without Mental Health* states, 'good mental health and resilience are fundamental to our physical health, our relationships, our education, our training, our work and to achieving our potential.'

At any one time, roughly one in six of us is experiencing a mental health problem. We need to build resilience, promote mental health and wellbeing, and challenge stigma and discrimination. We need to prevent mental ill health, intervene early when it occurs, and improve the quality of life of people with mental health problems and their families

We want all residents in Torbay to enjoy the best possible mental health and wellbeing and have a good quality of life – a greater ability to manage their own lives, stronger social relationships, a greater sense of purpose, the skills they need for living and working, improved chances in education, better employment rates and a suitable and stable place to live.

Priority 13

Support independent living

- Tackle the difficulties people have accessing affordable housing, particularly young disabled adults wanting to leave home and those with poor mental and emotional health
- Increase the number of annual health checks within primary care to promote early diagnosis, treatment and prevention of long term condition
- Enable people with learning disability to live independently or interdependently with support and housing care
- Further develop self care support systems through implementation of telehealth, telecare, personal budgets, assistive technology, advice and information
- Identify and support unpaid carers in their caring role and in their life apart from caring; involve carers in all developments affecting them and the people they care for
- Improve care and choice in end of life care by continuing to implement the Gold Standard Framework within nursing and residential care homes

making sure that there is access to hospice care and care at home at end of life to ensure dignity and choice for people who are dying

- Engage and work with nursing and medical practitioners to design a workforce to support the shift from hospital based care to care closer to home

Priority 14

Support people with mental health needs

- Commission and promote arts, culture and leisure opportunities and events to improve mental well being and quality of life
- Work with libraries, museums, leisure centres to improve access to health information and support services
- Improve access to psychological therapies
- Continue to offer 'Mental Health First Aid' training which aims to identify mental health problems early
- Further develop improved care pathways for people living with an eating disorder, autistic spectrum condition or a dual diagnosis

Priority 15

Improve care for people living with dementia and their carers

- Provide education and awareness programmes which will improve earlier diagnosis rates
- Commission a dementia advisor service to enable easy access to care, support and advice following diagnosis
- Ensure appropriate use of antipsychotics, by continuing to audit and monitor local prescribing
- Continue to commission the third sectors in delivery of peer support services
- Improve care in care homes by considering the benefits of a specialist liaison service to work proactively with residential and nursing homes by providing advice, support and an awareness and education programme

Priority 16

Increase the number of problematic drug users in treatment

- Developing and improve opportunities for recovery capital for people with drug and alcohol issues and maintain timely safe and effective access to treatment
- Promote and support peer-led recovery opportunities in the community

TORBAY JOINT HEALTH AND WELLBEING STRATEGY

VISION

A Healthier Torbay: Where we work together to enable everyone to enjoy a healthy, safe and fulfilling life

PRINCIPLES

First and Most

Early Intervention

Integrated and joined-up approach

OUTCOMES

Children have the best start in life

A healthy life with a reduced gap in life expectancy

Improved mental health and wellbeing

PRIORITIES

- Promote the emotional wellbeing of children and young people
- Provide the full offer of the Healthy Child Programme 0 to 19 years
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6. Glossary

Cardiovascular disease - a class of diseases that involve the heart or blood vessels (arteries, capillaries and veins). Cardiovascular disease refers to any disease that affects the cardiovascular system.

Chronic obstructive pulmonary disease (COPD) – a progressive disease that makes it hard to breathe. COPD can cause coughing that produces large amounts of mucus, wheezing, shortness of breath, chest tightness, and other symptoms. Cigarette smoking is the leading cause of COPD. Long-term exposure to other lung irritants—such as air pollution, chemical fumes, or dust—also may contribute to COPD.

Director of Adult Services - responsible for promoting local access and ownership of services for adults and, in doing so, ensure that information about services and entitlement to services is communicated to users and potential users of adult services as well as their families, carers and the wider community. The Director of Adult Services will provide a key professional leadership role for staff working in adult social care services. He or she will also have a key role in ensuring accountability of services to local communities through consultation with local people and, in particular, users of services.

Director of Children's Services - responsible for children's social services, schools and childcare. Areas of responsibility include; safeguarding children and securing delivery of the council's corporate parenting duties, planning and funding education for children aged three to five and planning childcare opportunities for children aged five to 13, statutory duties in relation to children with special educational needs, providing or ensuring sufficient school places for pupils aged five to 18, standards in all schools funded by the Council, liaising with the Young People's Learning Agency on education for students aged 14-19, commissioning local youth services and support for vulnerable children and young people.

Director of Public Health - The Director of Public Health is the most senior advocate for public health across the local authority area. He or she is responsible for promoting and protecting health and wellbeing, tackling health inequalities, and improving health care quality and strengthening the capacity across the whole public sector to improve the health of the population.

Health and Wellbeing Board – a group of local commissioners across the NHS, public health and social care, elected representatives, and representatives of HealthWatch who discuss how to work together to better the health and wellbeing outcomes of the people in their area.

HealthWatch - A local HealthWatch is an independent organisation, able to employ its own staff and involve volunteers, so it can be the influential and effective voice of the public. The aim of local HealthWatch is to give citizens and communities a stronger voice to influence and challenge how health and social care services are provided within their locality.

Healthy Child Programme - This gives comprehensive advice on health and social care throughout a child's life. It differs from the previous schedule of child health surveillance in several key ways: greater focus on antenatal care, a major emphasis on support for both parents, early identification of at-risk families, new vaccination programmes, and new focus on changed public health priorities.

Identification and Brief Advice - It is a method of case finding (Identification) followed by simple alcohol advice (Brief Advice). Research has shown it to be an effective method when delivered to those who drink at "increasing" and "higher" risk levels. Brief advice is designed to motivate and encourage people to change their drinking behavior. It aims to encourage the recognition of potential harm that can be associated with excessive drinking. It also encourages people to consider reducing their alcohol consumption to sensible limits in order to reduce the risk of future health problems.

Improving Access to Psychological Therapies - is a government programme to improve access to talking therapies. Talking therapy can be used as an alternative or in addition to medication, which GPs might provide for mild to moderate mental health problems.

Independent Living - Independent Living is about disabled people having voice, choice and control over any support they need to go about their everyday lives. This means: greater choice and control over any assistance they need to go about their everyday life, access to housing, transport, health, social care, education, employment and other services and opportunities and participation in family, community and civic life.

Joint Health and Wellbeing Strategy - The strategy is a plan that will aim to improve the health and wellbeing of people in the local area. It will focus on a small number of local health and wellbeing priorities and will also include some measurement of how we are doing in improving these priorities.

Joint Strategic Needs Assessment - describes a process that identifies current and future health and wellbeing needs in light of existing services and informs future service planning taking into account evidence of effectiveness. Joint Strategic Needs Assessment identifies 'the big picture', in terms of the health and wellbeing needs and inequalities of a local population.

Mental Health First Aid - is the help provided to a person developing a mental health problem or in a mental health crisis. The first aid is given until appropriate treatment is received or until the crisis resolves.

NHS Health Checks - The NHS Health Check is for adults in England between the ages of 40 and 74. It involves a few straightforward health tests and some simple questions about medical history. The results of NHS Health Checks give patients and GPs a clearer picture of a patient's health and risk of developing one of the vascular diseases.

South Devon and Torbay Clinical Commissioning Group - Clinical commissioning groups are groups of GPs that, from April 2013, will be responsible for designing local health services in England. They will do this by commissioning or buying health and care services.

Supporting People Services - a UK government programme helping vulnerable people in England live independently and keep their social housing tenancies. It is run by local government and provided by the voluntary sector.

The Big Society - The aim is to create a climate that empowers local people and communities, building a "big society" that will take power away from politicians and give it to people.

The Third Sector - The 'third sector' is the term used to describe the range of organizations that are neither public sector nor private sector. It includes voluntary and community organizations (both registered charities and other organizations such as associations, self-help groups and community groups), social enterprises and co-operatives.

Torbay and Southern Devon Health and Care NHS Trust - the NHS organisation responsible for providing community health services in Torbay and Southern Devon, as well as providing and commissioning (buying) adult social care in Torbay.

Torbay's Community Plan - The plan aims to unlock Torbay's potential and drive forward its economic prosperity to deliver our vision of healthy, prosperous and happy communities with a higher quality of life and improved access to jobs. The need for sympathetic economic regeneration is supported by a host of statistics and national indicators that predict low paid work and little prospects for the future unless something is done about it.

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Draft Joint Health and Wellbeing Strategy
Name (Key Officer/Author):	Kate Spencer
Position:	Overview and Scrutiny Lead
Date:	4 February 2013
	Business Unit: Business Services
	Tel: 01803 207014
	Email: kate.spencer@torbay.gov.uk

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/>	N <input type="checkbox"/> N <input type="checkbox"/> N <input type="checkbox"/>

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>The proposal is to approve the Joint Health and Wellbeing Strategy which has been prepared, on behalf of Torbay Council (the Council) and the South Devon and Torbay Clinical Commissioning Group (the CCG).</p> <p>The preparation of a Joint Health and Wellbeing Strategy is a requirement of the Health and Social Care Act 2011.</p> <p>The Strategy sets out how Torbay's Health and Wellbeing Board will encourage organisations in Torbay to work together to meet the needs of the community. It explains what the health and wellbeing priorities are in Torbay and how joint action will be taken to make a real impact on people's lives.</p>
2.	Who is intended to benefit / who will be affected?	<p>The overall aim of the Strategy is to enable the community as a whole to focus on reducing inequalities and experience good health and wellbeing throughout life. However, a set of core underlying principles underpin the Strategy:</p> <p>First and Most – Focusing attention and effort to address the health and wellbeing inequalities that exist between communities within Torbay</p> <p>Early Intervention – Improving overall outcomes and ultimately reducing cost with a focus on prevention rather than treatment</p> <p>Integrated and joined-up approach – Joining up planning, commissioning and delivery at a local level</p> <p>Therefore, whilst the Strategy is aimed at all groups in within the community of Torbay generally, there are targeted priorities around specific groups, such as:</p> <ul style="list-style-type: none"> • Children and young people • Older people • Those with mental health needs • Those with learning disabilities • Those in the most deprived wards in Torbay • Carers

No	Question	Details
3.	What is the intended outcome?	<p>The Vision of the Health and Wellbeing Board is:</p> <p>A Healthier Torbay: Where we work together to enable everyone to enjoy a healthy, safe and fulfilling life</p> <p>To achieve this vision, the Board have identified within its Strategy three outcomes to be delivered:</p> <ul style="list-style-type: none"> • Children have the best start in life • A healthy life with a reduced gap in life expectancy • Improved mental health and wellbeing

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>The Joint Health and Wellbeing Strategy is grounded in a firm understanding of Torbay's population and its needs, and national and local trends and drivers as detailed in the Joint Strategic Needs Assessment (JSNA).</p> <p>The top priorities emerging from the JSNA are:</p> <ul style="list-style-type: none"> • Integration of services for children, public health and safer communities on a locality basis • Continued focus on inequalities by the Health and Wellbeing Board and others • Management of long term conditions • Alcohol and teenage pregnancy <p>The Executive Summary of the JSNA highlights:</p> <ul style="list-style-type: none"> • There are pockets of severe deprivation in Torbay, with around 15% (21,000) of the population living in areas in the top 10% most deprived in England (2010). • Life expectancy is significantly higher in the least deprived communities, and preventable mortality, such as from diseases attributed to smoking, is highest in the most deprived communities. • However those in the more deprived communities tend to experience disabilities at a younger age and live with the disability for a longer period. • Areas with the greatest levels of deprivation show higher rates of recorded domestic abuse, higher rates

No	Question	Details
		<p>of teenage pregnancy, higher rates of alcohol related admissions to hospital and housing in the poorest condition.</p> <ul style="list-style-type: none"> • Children born in the more deprived communities, on average, are born into areas with the challenges of poverty, lower levels of attainment, and increased exposure to risk taking behaviours, such as being born to a smoker. • Torbay's children have high rates of hospital admissions for unintentional and deliberate injuries. Injuries have been linked to long term health issues relating to the injury, and also mental health related issues due to the experience. • The rates of children looked after by the local authority in Torbay, the rate of children in need and the rate of children subject to child protection plans are amongst the highest in England. • Torbay has a higher proportion of older people in the population compared with the national average. This higher proportion is expected to increase over the coming years. • Life expectancy at 65 is generally higher for residents in Torbay than compared to England. With males estimated to live for a further 18.9 years and females 21.4 years. • Locally, life expectancy at 75 in Torbay shows significant variation by deprivation quintile. Those living in the most deprived 20% in Torbay can expect to live, on average, significantly less than residents in the least deprived 20% in Torbay. <p>The Joint Strategic Needs Assessment is available in full at www.torbay.gov.uk/jsna</p> <p>The current Joint Strategic Needs Assessment does not currently provide a breakdown by protected characteristic within each issue covered in the Assessment.</p>

No	Question	Details
5.	How have you consulted on the proposal?	<p>The draft Joint Health and Wellbeing Strategy was prepared by the Shadow Health and Wellbeing Board which comprises of four Torbay Councillors, the Director of Adult Services and Director of Children's Services (both Torbay Council), the Director of Public Health, the Accountable Officer of South Devon and Torbay Clinical Commissioning Group and a representative of the Local Involvement Network (LINK)/Healthwatch.</p> <p>The draft also took account of the views of the wider Health and Wellbeing Forum which includes representatives from organisations within the following sectors:</p> <ul style="list-style-type: none"> • Criminal Justice • Housing • Culture and Leisure • Older People • Economic Regeneration • Voluntary Sector • Children and Young People • Health and Social Care Providers <p>The draft Vision, Principles, Outcomes and Priorities were agreed for consultation at the meeting of the Shadow Health and Wellbeing Board held on 20 September 2012.</p> <p>Torbay Council's Policy, Performance and Review Team co-ordinated a consultation exercise which collected data between 24 September and 31 October 2012. All those invited to and/or attending the Health and Wellbeing Forum on 20 September 2012 were invited to complete an online survey and give their views on the draft Strategy's Vision, Principles, Outcomes and Priorities. The survey was also available to the general public on the Council's website and was publicised on the monthly Consultation Newsletter which is sent to members of the ViewPoint Panel, stakeholders and others who have expressed a wish to be involved in consultation.</p> <p>Consultation did not specifically take place with hard to reach groups or those representing groups with protected characteristics.</p>

No	Question	Details
6.	Outline the key findings	<p>The vast majority of people who responded to the survey supported the Vision of the Health and Wellbeing Board and the three underlying Principles upon which it is built. The majority of those responding also felt that the vision of the Board could be achieved if each of the proposed Outcomes were achieved.</p> <p>Most of the respondents also “strongly agreed” or “agreed” with the Priorities which were identified under each Outcome.</p> <p>The small numbers of respondents to the survey means that it is not statistically reliable to extrapolate the results through an equalities breakdown.</p> <p>The full results of the consultation are available at http://www.torbay.gov.uk/healthwellbeingsurvey</p>
7.	What amendments may be required as a result of the consultation?	<p>As a result of the consultation two main changes to the Strategy were agreed by the Health and Wellbeing Board:</p> <ul style="list-style-type: none"> • Amendment of the Vision to read: “<u>A Healthier Torbay</u>: Where we work together <u>so to enable everyone to enjoy</u>s a healthy, safe and fulfilling life” (This change in wording reflects the current role of the Health and Wellbeing Board as an enabling and influencing (rather than commissioning) body.) • Amendment of Outcome 2 to read: “<u>A healthy life with a reduced gap in life expectancy</u>” (There were a range of comments about how, given that people are living longer, we should focus on people having healthy, longer lives rather than a focus purely on reducing the gap in life expectancy.) <p>As well as identifying whether respondents agreed or not with the Board’s Vision, Outcomes and Priorities, views were sought about whether any priorities were missing from any of the three outcomes. A wide range of</p>

No	Question	Details
		<p>comments were received and have been taken account of within the Strategy as actions listed under each Priority. Examples include:</p> <ul style="list-style-type: none"> • Parental influence and parenting skills – this is included under Priority 2 • Physical activities, sporting and outdoor activities, sports and leisure facilities – this is included under Priority 7 • Focus on older children – there are references throughout the Strategy to children of all ages • Self esteem – this is included under Priorities 1 and 14 • Integrated care for the elderly – this is included under Priorities 11 and 14 • End of life care – this is included under Priority 13 <p>Further, some of the comments raised will be taken into account as the Board's role develops over the coming months, in particularly through ensuring that links are made with other partnerships and with other parts of the public sector. For example:</p> <ul style="list-style-type: none"> • Domestic violence: the Board recognised that there was a need to strengthen its links with the Stronger Communities Board • Veterans: this was the responsibility of the NHS Commissioning Board • Environmental Factors/Healthy Food: it was felt that these issues would be picked up through the Local Plan process • Schools involvement in physical activity: this issue could be the subject of a future Health and Wellbeing Forum. Consideration should also be given to how to fully involve schools in the health and wellbeing agenda.

Positive and Negative Equality Impacts

No	Question	Details		
8.	Identify the potential positive and negative impacts on specific groups			
	All groups in society generally	Positive Impact	Negative Impact	Neutral Impact
		<p>The aim of the Strategy is to improve the health and wellbeing being of everyone in Torbay.</p>		<p>Our most deprived communities experience the poorest health and wellbeing, therefore a systematically targeted approach on the geographical areas and population groups at greatest need will be taken to reduce inequalities. This is the First and Most principle.</p> <p>Consideration may also be given to having a targeted approach based on an equalities breakdown.</p>
	Older or younger people	<p>The Marmot Review in 2010 (Fairer Society, Fairer Lives) was clear that what a child experiences during their early years lays down a foundation for the whole of their life and this impacts on their school readiness and educational attainment.</p> <p>Where a child lives is important as children from disadvantaged backgrounds are more likely to begin primary school with lower</p>		

No	Question	Details
		<p>personal, social and emotional development and communication, language and literacy skills than their peer. Therefore, if we do not succeed at the beginning in a child's life, then the disadvantages are far reaching for the rest of their years.</p> <p>The Health and Wellbeing Board wants all families to realise their children's potential, helping them to prepare from an early age to be self-sufficient, with a network of support to enable them to live independent and healthy lives. It understands that some families will need more support than others and will respond with targeted programmes.</p> <p>Therefore Outcome 1 of the Strategy is that "Children have the best start in life".</p> <p>Torbay has a higher proportion of older people in the population compared with the national average. An aged population places increased pressures on both health and social care.</p> <p>There are a range of priorities under</p>

No	Question	Details
		<p>Outcome 2 “A healthy life with a reduced gap in life expectancy” and Outcome 3 “Improved Mental Health and Wellbeing” which aim to improve the health and wellbeing of older people.</p>
	<p>People with caring responsibilities</p>	<p>Under Priority 13 “Support independent living”, the Health and Wellbeing Board aims to “Identify and support unpaid carers in their caring role and in their life apart from caring; involve carers in all developments affecting them and the people they care for”.</p> <p>There are also a range of priorities around parents.</p>
	<p>People with a disability</p>	<p>There are a range of activities under Priority 13 “Support independent living” which will have a positive impact on people with a disability.</p> <p>It is recognised that women tend to live longer than men. Whilst Outcome 2 seeks to ensure a healthy life for all, it also seeks to reduce the gap in life expectancy.</p>
	<p>Women or men</p>	
	<p>People who are black or from a minority ethnic background (BME)</p>	<p>There is a need for further equalities analysis to distinguish any potential positive or negative impacts (for example around access to healthcare, isolation etc) on those</p>

No	Question	Details	
	Religion or belief (including lack of belief)		with this protected characteristic. There is a need for further equalities analysis to distinguish any potential positive or negative impacts (for example around access to healthcare, isolation etc) on those with this protected characteristic.
	People who are lesbian, gay or bisexual		There is a need for further equalities analysis to distinguish any potential positive or negative impacts (for example around access to healthcare, isolation etc) on those with this protected characteristic.
	People who are transgendered		There is a need for further equalities analysis to distinguish any potential positive or negative impacts (for example around access to healthcare, isolation etc) on those with this protected characteristic.
	People who are in a marriage or civil partnership		There is a need for further equalities analysis to distinguish any potential positive or negative impacts (for example around access to healthcare, isolation etc) on those with this protected characteristic.
	Women who are pregnant / on maternity leave	Priority 3 is to “Reduce teenage pregnancy” and there is an activity under Priority 6 “Reduce smoking” targeting mothers who are pregnant.	There is a need for further equalities analysis to distinguish any potential positive or negative impacts (for example around access to healthcare, isolation etc) on those with this protected characteristic.

No	Question	Details
9.	Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?	<p>The overall aim of the Strategy is to enable the community as a whole to focus on reducing inequalities and experience good health and wellbeing throughout life.</p> <p>There are specific priorities within the Strategy which target a range of issues facing those with protected characteristics (for example, domestic violence, services for children, deprivation, services for those with learning disabilities and mental health needs).</p>

Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	Summarise any positive impacts and how they will be realised most effectively?	<p>There will be positive impacts on society in general and, in particular,;</p> <ul style="list-style-type: none"> • Older and younger people – through ensuring that “Children have the best start in life” and the specific priorities under Outcome 2 “A healthy life with a reduced gap in life expectancy” and Outcome 3 “Improved mental health and wellbeing” • People with caring responsibilities – through Priority 13 “Support independent living” and those priorities in relation to parents • People with a disability – through Priority 13 “Support independent living” • Women who are pregnant/on maternity leave – through Priority 3 “Reduce teenage pregnancy” and Priority 6 “Reduce smoking”
11.	Summarise any negative impacts and how these will be managed?	<p>Whilst no negative impacts have been identified, there is currently a lack of understanding of the impacts on all of those groups with protected characteristics and their experiences in relation to healthcare, access to healthcare and wellbeing generally. Further analysis will need to be undertaken to ensure that any negative impacts are mitigated; this work will be undertaken by April 2014. The Joint Health and Wellbeing Strategy will be subject to review and amendment over the coming years.</p>

Section 4: Course of Action

No	Action	Details
12.	<p>State a course of action</p> <p>[please refer to action after section 5]</p>	<p>Outcome 3: Continue with proposal - <i>Despite having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</i></p> <p>The Joint Health and Wellbeing Strategy is a new requirement on councils and clinical commissioning groups which should be prepared via Health and Wellbeing Boards. Regulations and guidance from Government is still awaited about how these should be developed and used to inform commissioning plans. However, indications from the Department of Health are that councils and clinical commissioning groups will be encouraged to determine these issues locally.</p> <p>The Joint Health and Wellbeing Strategy will therefore be subject to review and amendment over the coming years.</p> <p>In this time period, further work will need to be undertaken to fully understand the needs of the community especially those with protected characteristics and how those needs (and possible barriers to services) can be addressed through re-iterations of the Joint Health and Wellbeing Strategy.</p>

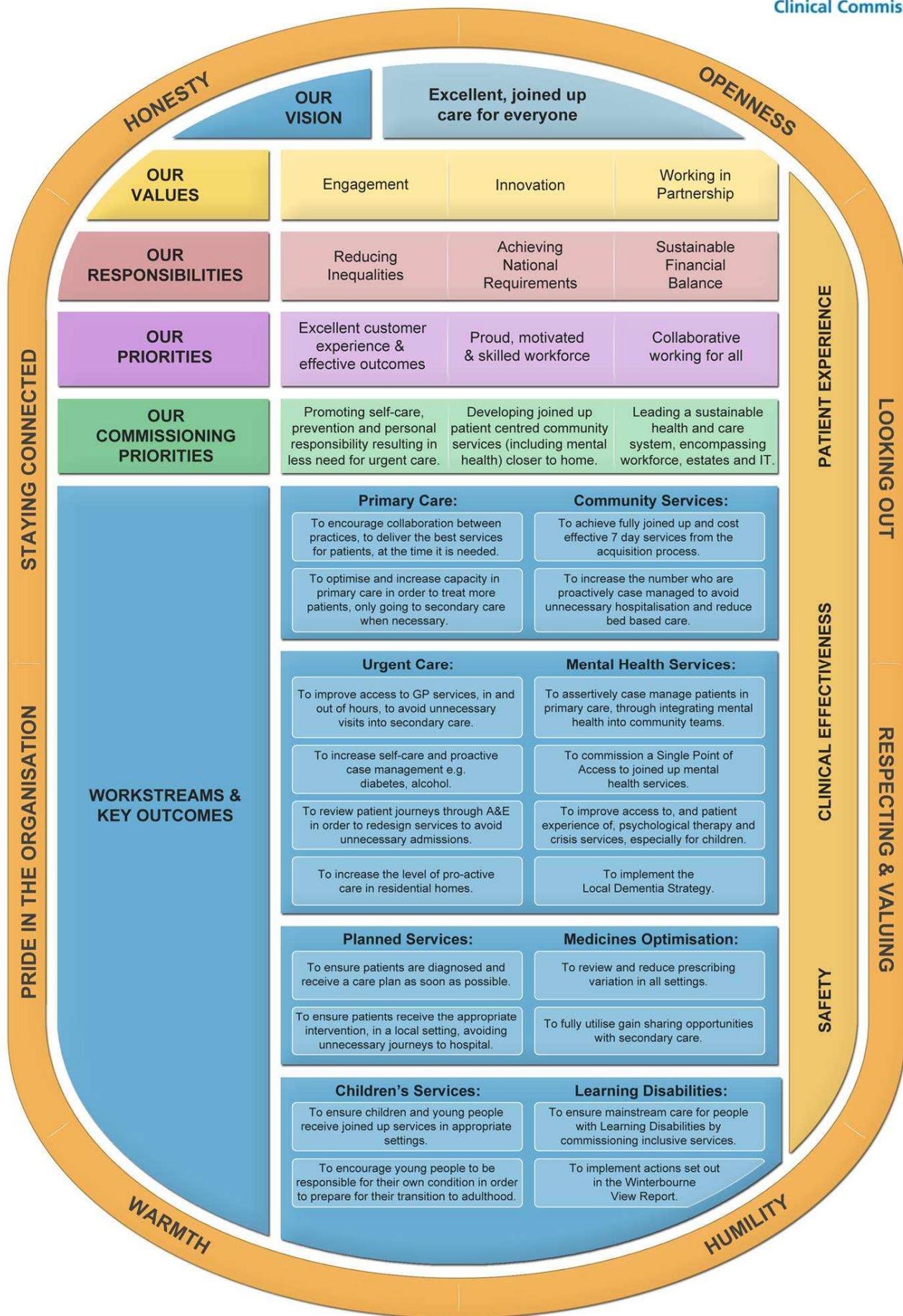
Section 5: Monitoring and Action Plan

No	Action	Details
13.	<p>Outline plans to monitor the actual impact of your proposals</p>	<p>Discussions are ongoing about how the Health and Wellbeing Board will monitor the implementation and success of the Joint Health and Wellbeing Strategy. Consideration will be given to how the take up of services, success of initiatives and achievement of other priorities can be measured showing these results for each group with a protected characteristic.</p>

Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Refresh of the Joint Strategic Needs Assessment to include fuller information about the needs of those with protected characteristics	To ensure that the needs of all sections of the community are fully understood.	Data	Health and Wellbeing Board	April 2014
2	Refresh of the Joint Health and Wellbeing Strategy to ensure the needs identified within the refreshed Joint Strategic Needs Assessment are prioritised and met.	To ensure that the needs of all sections of the community are considered and prioritised.	Joint Strategic Needs Assessment	Health and Wellbeing Board	April 2014
3	Monitoring the implementation of the Joint Health and Wellbeing Strategy including breakdowns by protected characteristics	To measure the success of the Joint Health and Wellbeing Strategy in meeting the needs of the community as a whole	Data	Health and Wellbeing Board	May 2013 and continuing





Meeting: Council

Date: 28th February 2013

Wards Affected: All

Report Title: Torbay Growth Fund

Executive Lead Contact Details: Mayor Gordon Oliver

Supporting Officer Contact Details: Alan Denby – alan.denby@tedcltd.com

1. Purpose

- 1.1 The purpose of this report is to set out how a Torbay Growth Fund will create jobs and improve the productivity of the Torbay economy.

2. Proposed Decision

- 2.1 It is proposed that Council:

- Approve the investment of £1,000,000 into a growth fund which will generate employment opportunities through business growth in Torbay.
- Authorise a selection panel comprising of the Mayor, Deputy Mayor and Executive Lead for Finance alongside the Director of Economic Strategy and Performance (TDA) and Executive Head of Finance to determine applications to the fund. Performance will be reported through SPAR and annually to Council.
- Approve the recommendation to allow the Chief Operating Officer in consultation with the Mayor and selection panel set out above to finalise the criteria on which funding will be awarded.

3. Reasons for Decision

- 3.1 The type of growth fund proposed by this report is an innovative approach to supporting the creation of employment opportunities required in Torbay and one of a number of important mechanisms to support investment, business growth and new jobs. The fund would be the first of its kind in the Heart of the South West Local Enterprise Partnership¹ area, complementing the South Devon Link Road and marking the Bay out as an attractive place to do business.

- 3.2 The Torbay Growth Fund will offer a financial incentive, based on set criteria, to

¹ The Heart of the South West Partnership covers the administrative boundaries of Devon, Somerset, Plymouth and Torbay

new and existing businesses who can demonstrate they will create jobs in Torbay.

- 3.3 Up to 50% of the fund will operate on a loan basis, creating a revolving fund which can continue to support business growth into the future making this a sustainable option.

4. Summary

- 4.1 The Torbay Growth Fund will be a powerful incentive to attract new businesses to invest in Torbay and encourage existing businesses to grow. Government funded enterprise zones are a recognized tool to drive growth but there is no such zone in the LEP area. In an increasingly competitive inward investment climate the fund, when combined with the other tools available, including local development orders, will make the Bay stand out as a business destination.
- 4.2 With work beginning on the South Devon Link Road now is an ideal time to encourage existing businesses to expand and attract new businesses into Torbay, ensuring they are established before the road is completed. This will enable them to be best placed to take advantage of the improved transport links.
- 4.3 As well as marking Torbay out as a place to do business changes to business rates meaning local authorities will be able to retain any increase in rates locally means the fund may bring the additional benefit of increased rate revenue as well as new jobs.

Supporting Information

5. Position

- 5.1 The Torbay economy is facing a number of challenges including high unemployment and the lowest Gross Value Added in the South West. The Torbay Growth Fund has been identified as an innovative way of addressing this.

6. Possibilities and Options

- 6.1 There are 3 possible options for the Torbay Growth Fund. Do nothing, implement a large scale growth fund or invest in a growth fund set up as recommended in this paper.
- 6.2 Do nothing – The Growth Fund is not implemented.
- 6.3 Implement a large scale capital growth fund – This type of fund typically invests in big infrastructure projects, enabling businesses to access the finance they need to build new premises. This option is risky in that it would require significantly higher levels of investment from the Council without guaranteed returns.
- 6.4 Approve the Torbay Growth Fund – For an investment of £1m the fund will create a minimum of 250 jobs and a unique marketing opportunity for Torbay.

7. Preferred Solution/Option

- 7.1 The preferred option is 6.4. Doing nothing will not support the Torbay economy to

grow or create new jobs and investment is a large scale capital investment fund carries significant risks. Approving the Torbay Growth Fund brings a number of benefits including job creation and improvements in productivity as well as encouraging inward investors.

8. **Consultation**

- 8.1 Feedback from businesses suggests that access to finance is one of the biggest barriers to growth. Businesses have also suggested that Torbay needs to do more to market itself as a destination for all types of companies, something the growth fund will be a key tool in².

9. **Risks**

- 9.1 The type of growth fund recommended in this report which offers an investment based on set criteria including the number of jobs created is relatively low risk. The funding mechanism will include a number of safeguard to ensure the beneficiaries are creating sustainable jobs in Torbay.

² TDA Business Barometer Survey – Spring 2012

Appendix 1: Torbay Growth Fund

1. This paper sets out the rationale for creating an innovative new fund to support the creation of employment opportunities in Torbay. The fund would be the first of its kind in the Heart of the SW Local Enterprise Partnership area, marking the Bay out as an attractive area to do business. It will include provision for:

- Grants to businesses to support their expansion
- Match funding for European grants before December 2013

The fund will be used alongside other tools such as Local Development Orders and the existing soft landings programme³ to create a comprehensive package of incentives (similar to government funded Enterprise Zones) to encourage businesses to invest and grow locally.

2. The report below sets out the mechanisms for a how a growth fund based on rewarding job growth could work, but does not exclude other uses for the fund.
3. The proposal is within existing budget and policy framework so the recommendation is to:
 - Approve the investment of £1,025,000 into a growth fund which will generate employment opportunities through business growth in Torbay.
 - Authorise a selection panel comprising of the Mayor, Deputy Mayor and Executive Lead for Finance alongside the Director of Economic Strategy and Performance (TDA) and Executive Head of Finance to determine applications to the fund. Performance will be reported through SPAR and annually to Council.
4. The recommendations will lead to business growth, job creation and ultimately should increase revenue for Torbay Council, particularly through business rates.

What is a growth fund?

5. There are two models of growth fund:
 - Large scale capital growth funds which are ring fenced and recyclable and used to address the issues of development viability, encouraging development of employment space and delivering jobs
 - Grants/loans to businesses, usually through business rate reduction, for inward investors or local businesses seeking to grow and directly linked to job creation.
6. It is acknowledged that Torbay suffers from a market failure in that new employment space is not brought forward speculatively due to below average market rents. Low land values driven by perceived low levels of demand, combined

³ <http://www.torbaydevelopmentagency.co.uk/invest-in-torbay/torbay-touchdown>

with a lack of development finance triggered by the economic downturn has also created a significant viability gap for major projects.

7. It is therefore highly unlikely that the private sector alone will deliver the required levels of employment space, and in the medium term a return to higher levels of national government funding for infrastructure is equally unlikely. While the creation of a dedicated capital growth fund could be a mechanism to address this ongoing issue of market viability it is also higher risk. A large scale fund may necessitate the Council undertaking recovery or legal action and cannot be guaranteed to return to the same levels as the original investment. Essentially while it offers a longer term fund it carries greater risk and requires greater rigour in the appraisal and monitoring of the scheme and as such is not advocated by this report.
8. While Both large scale capital investment fund models and smaller business grant schemes offer incentives to encourage private sector growth they do this in different ways. Rather than large scale investment in premises the grant fund would provide funding direct to businesses which can be used for a number of activities, both capital and revenue, which will enable the company to grow. These typically include investment in new equipment, buying in support to speed up product development/innovation and increasing marketing..
9. The type of intervention enabled by this type of growth fund is required because of the historic issues we have faced in encouraging more rapid growth of local businesses, and in recognition that Torbay faces strong competition for inward investment within the LEP area and from further afield.
10. This fund brings with it significant marketing opportunities for Torbay and improves incentives for inward investment. This will make the area more attractive to growing local businesses and inward investors, particularly when coupled with other development tools and as employment sites are brought forward.
11. The proposed introduction of Local Development Orders (LDOs) as set out in the Council paper 'Planning Tools for Delivery' offers a unique opportunity to promote these alongside the Torbay Growth Fund. LDOs support the provision of new employment space through simplified planning and will encourage businesses both local and new to the Bay to utilize specific sites. As set out below the assessment criteria for the fund can be used to offer larger grants to businesses who locate in target development areas. This could be linked to the proposed LDO at Whiterock to encourage development on that site. The offer of funding combined with simplified planning would make it an attractive proposition for businesses seeking to grow and create jobs.
12. A fund offering smaller scale grants and loans based on job creation is likely to deliver jobs more quickly and carries less risk in terms of Council investment.

Financing the growth fund

13. £1,000,000 has been identified for the growth fund and endorsed by SCOPE:

14. The rate at which the fund is spent will be dependent on demand. It is anticipated it would last two years, however if it is successful and there is significant interest

early in the lifespan the fund could be fully committed more quickly than this. As grants are directly linked to jobs the faster the fund is spent the more quickly jobs are created so this is not envisaged to be a problem.

How will the Torbay fund work?

15. It is proposed that Torbay Council should be the grant awarding body and that the growth fund will offer a combination of grants and loans. The split between grant funding and repayable loan will be determined on a case by case basis but it is proposed that the loan proportion could be up to 50%.
16. All monies repaid will be recycled within the growth fund in order to create a sustainable revolving fund. It is proposed that interest rates are set at 1.5% above base rate with a 5 year repayment period. Members should note that the fund, both grant and loan element of the fund, will be classified as a state aid which is allowable under the “De-minimis” state aid regulations.
17. The growth fund will offer funding to businesses based on a set amount per new job created. Businesses moving to new and or growing within their existing premises will be eligible provided they can demonstrate they will meet the fund criteria and will create jobs in Torbay.
18. The fund will offer an important financial incentive to businesses looking to relocate and existing businesses who are looking to grow. It will operate as part of a wider package of measures which are, or will be, available including:
 - Local Development Orders (LDOs) – The new local plan identifies simplified planning through LDOs as a way of promoting the sort of development the Bay needs in its employment areas. LDOs grant planning permission for specific types of development in specific areas, speeding up the planning process and making the area more appealing to businesses. The use of LDOs alongside business rate reductions through the growth fund will make specific areas of employment space, for example, White Rock and Edginswell attractive locations for businesses seeking purpose built space.
 - The ‘Torbay Touchdown’ Soft Landings programme which provides initial free of charge advice to inward investors covering numerous business & professional services – potentially including rent free/holiday periods in TDA Innovation Centres space⁴
 - Liaison with South Devon College to provide training packages
 - Support with recruitment and links to Job Centre Plus (number dependent)
 - Assistance with finding sites or property
19. The fund will be available to businesses irrespective of if they are currently located in or outside the Torbay area. In order to avoid displacement businesses already located in Torbay will have to demonstrate that relocating to larger premises will

⁴ Subject to availability, discretion and State Aid constraints

stimulate job growth and all applications will need to comply with the criteria set out in appendix 1.

20. To ensure best value for money in terms of jobs achieved the fund will focus specifically on companies/projects which can deliver growth and jobs. As a guide we would expect the fund to deliver a minimum of 250 jobs if the full £1m is invested in grants for businesses, equating to a maximum investment of £4000 per job. The eligibility criteria will be used to ensure the fund creates sustainable, full time jobs.
21. Development of the proposal has included consideration of the potential of the fund to influence the growth of businesses we are seeking to attract through the fund. While job creation is a priority, the fund criteria can be used to encourage growth in key sectors by prioritizing them for higher levels of support.
22. It is essential that the criteria for the fund are set to optimize job creation. Some suggestions for how this could be done are set out below; however it is recommended that the final criteria are determined by the Council's Chief Operating Officer in consultation with the Mayor and the selection panel.
23. A number of criteria could be used to determine a business's eligibility to apply for funding. Each of these would carry a different weighting and grants will be offered at a level of between £1000 and £4000 per job over a period of 3 years. A more detailed example of how this could work is appended to this report. Businesses will be expected to set out how the funding will grow their business and create jobs as part of the application process. As an example some of the activity which could be supported includes:
 - Investment in equipment needed to manufacture a new product
 - Funding to buy in product development support
 - Funding to develop the businesses marketing, for example a new website
24. It is proposed that there are minimum eligibility requirements for applicants including:
 - Jobs – Creating jobs is the primary aim of the fund. As such it is recommended that the Chief Operating Officer in consultation with the Mayor and selection panel set a minimum number of jobs to be created in order for a business to be eligible for funding. .
 - Applicants must not be eligible for any form of business rate relief. This includes small businesses with a rateable value of less than £12,000 who currently receive rate relief up to the value of 100%. Torbay Council has no plans to use its discretionary powers to introduce any non-statutory rate relief meaning only businesses with a rateable value of below £12,000 should be excluded.
 - All beneficiaries of the fund must endeavor to fill vacancies locally. Jobs must be at a minimum advertised through the Torbay job centre.
 - Businesses in accommodation, retail and a number of other sectors exempt from support under EU law will not be eligible to apply to the fund.

25. Once businesses have confirmed they are eligible to apply it is recommended that criteria are set to determine the level of grant awarded:
- Location – In line with the new local plan we are seeking to encourage investment on specific areas employment sites linked to the LDOs – for example Whiterock, Claylands and Edginswell. Funding could be offered on a sliding scale dependent on location with these areas prioritized for higher grant percentages.
 - Sectors – Given the low productivity (GVA) levels in Torbay we are seeking to promote investment in key sectors such as advanced electronics and manufacturing. Unlike most existing funds it is not proposed to exclude businesses who do not fall into priority sectors but again to operate a sliding scale. Higher levels of support could be offered to businesses in key sectors, but any companies who meet the minimum criteria (excluding retail, accommodation and a number of other EU exempt sectors) will be eligible to apply.
 - Clusters – Growth funds can be used to encourage clustering, with higher financial incentives being offered to companies within a specific sector locating in a specific location. Encouraging advanced electronics companies at White Rock would be an example of how the fund could be used to do this. .
 - Level of jobs created – The fund can be used to encourage higher skilled higher paid jobs into the Bay. A sliding scale with applicants creating graduate/NVQ 4 jobs scoring higher would encourage this.
26. In order to ensure the fund delivers a minimum number of higher paid and higher skilled jobs there is the potential to ring-fence a proportion of the fund. This will ensure that if early applications for lower paid/lower skilled jobs look likely to absorb all the funding quickly then the Council is within its rights to hold back a proportion of the fund in order to ensure it meets its goals.
27. EU State Aid legislation will also need to be considered as part of the mechanics of the growth fund. State Aid aims to avoid the distortion of the market through public sector intervention such as the proposed growth fund. There is an exemption to this (de minimis) which the fund will adhere to allowing small and medium size enterprises to receive not more than €200,000 of public funding in any 3 year rolling period. It should also be noted that a small number of sectors do not fall within the de minimis exemption (including fisheries and aquaculture) and will therefore not be eligible for grants.
28. The maximum grant investment by the fund will be £150,000 over 3 years which falls within the de minimis exemption. It will be up to the applicant to determine whether they have received any other public sector finance which may restrict their ability to apply to the growth fund and they will be required to declare this as part of the application process.

Marketing and evidence of need

29. Recent analysis has been undertaken by UK Trade & Investment, (the UK organisation responsible for promoting the UK overseas) of all FDI (Foreign Direct Investment) enquiries on the UK National pipeline of projects. Of the projects in the period Apr-Jul 2012 over 120 FDI projects have cited incentives such as the proposed growth fund as a key location driver. The fund, when combined with the South Devon Link Road increasing market access speed, the soft landings programme, aftercare and sector specific groups means Torbay's offer will be compelling.
30. We expect the fund to be open for applications from April 2013 and will focus marketing around this. Branding for the growth fund will build on existing inward investment material to create a comprehensive offer for Torbay.
31. Marketing the package of incentives on offer within Torbay to the correct audience will be essential to the success of the fund. It is proposed a high profile dedicated enterprise area section is created on the Council and TDA websites and optimized to ensure it appears in as many web searches as possible.
32. The fund and its criteria will also need to be clearly set out to UK Trade & Investment (UKTI) to maximise the marketing potential to overseas inward investors.
33. PR and direct mail will form the basis of the campaign, which is unique within the Heart of the South West LEP, as opposed to paid-for advertising. It is believed that the offer will be sufficiently attractive to generate interest in itself through free editorial and lead generation. However should take-up be less than expected, or from sectors with lower criteria scoring, some targeted advertising through trade and property press will be considered.

Decision Making Process

34. Businesses will be required to demonstrate they meet the minimum criteria set out by the Chief Operating Officer before progressing to the full application. There will be provision for small businesses to ask questions as part of the application process. It is suggested this is through a dedicated email address – growthfund@tedcltd.com.
35. It is expected that applications will be initially assessed by the TDA, using the criteria to determine level of grant and priority. Recommendations will then be made to a panel consisting of the Mayor, Deputy Mayor, Executive Lead for Finance, Executive Head of Finance and Director of Economic Strategy and Performance (TDA) for a final decision.
36. The application process will be rolling, with the panel expected to meet and make decisions every 6 weeks.

Safeguards

37. The growth fund will offer grant funding over a period of 3 years and will be subject to an agreed number of jobs being created within Torbay. The level of grant

awarded (between £1000 and £4000 per job) will be dependent on how many of the criteria applicants meet. Applicants will be expected to demonstrate their ability to create jobs through:

- A business plan for at least the length of the investment (3 years)
- Clear evidence of past performance
- Financial forecasts and evidence of financial backing for the investment
- Evidence of demand
- Evidence they will recruit from within Torbay

38. Businesses will only be eligible to make one application to the fund. In order to ensure additionality applicants must demonstrate that the additional jobs proposed could not be created without support from the growth fund.

39. The total grant awarded will be paid over a 3 year period with 40% paid in year 1 and 30% in years 2 and 3.

40. The grant will be subject to annual monitoring to make sure that the company is still eligible, namely to ensure that they are still growing. Job outputs will be monitored closely and if these are not being met funding will cease.

41. All applicants will be required to sign a declaration confirming that they owe Torbay Council no current business rate or rental arrears. Part of this contract will include consent from the business to allow the growth fund administrators to liaise with the business rates team in order to confirm this.

42. The purpose of the growth fund is to create long term jobs and businesses receiving funding will be expected to remain in Torbay for a fixed period after this has ended or be subject to claw back. It is suggested that this works on a sliding scale:

Number of years after grant payment ends	Percentage of grant clawed back
1	75%
2	50%
3	25%

Conclusion

43. A Torbay growth fund will be a powerful incentive to attract new businesses to invest in Torbay and existing ones to grow. Government funded enterprise zones are a recognized tool to drive growth but there are currently very few independent enterprise areas. In an increasingly competitive inward investment climate the fund, when combined with the other tools available, including local development orders will make the Bay stand out as a business destination.

44. With work beginning on the South Devon Link Road now is an ideal time to encourage businesses into Torbay, ensuring they are established before the road is completed. This will enable them to be best placed to take advantage of the improved transport links.

45. The type of growth fund recommended above which offers a grant based on job creation is relatively low risk, and will incorporate a number of safeguards to ensure beneficiaries are creating long term jobs within Torbay.
46. With the changes to business rates meaning local authorities will be able to retain any increase in rates locally the fund could offer the additional benefit of increased rate revenue as well as new jobs. While at this stage we are not suggesting the increased revenue is ring-fenced to increase the growth fund this is something which could be considered to continue the fund in the future if it is successful.

Appendix 1: Suggested Assessment Criteria

Minimum Requirements – To be set by the Chief Operating Officer in consultation with the Mayor and the selection panel but could include a number of safeguards to ensure the fund delivers job creation and economic growth.

In order to be eligible to apply to the fund all potential applicants must confirm that they:

- Will create a minimum number of new FTE jobs in Torbay;
- Cannot create the additional jobs proposed without support from the growth fund;
- Do not owe Torbay Council any business rates or rent arrears;
- Are not receiving any other form of rate relief;
- Do not have a rateable value below £12,000;
- Will use Job Centre Plus as a minimum to ensure vacancies are advertised within Torbay;
- Understand State Aid law and that the amount they are applying for will not exceed the de minimis total of €200,000 over a rolling three year period (including any other sources of public funding);
- Are not within the accommodation or retail sectors or any other sector excluded from investment under EU legislation.

It is suggested if these minimum requirements cannot be met an application cannot be submitted.

Scoring Criteria

Applicants will be scored using criteria to be determined by the Chief Operating Officer. An example scoring matrix is set out on the next page, demonstrating how a higher total score equates to a higher level of grant. The example is set out to prioritize value for money and investment in key sectors and areas.

In order to ensure compliance with State Aid legislation the value of grant will be £150,000 over 3 years. The total grant awarded will be paid over a period of 3 years with 40% in year 1 and 30% in years 2 and 3.

Applications will be scored using a matrix like the one below before being referred to the sign off panel for a decision.

Should the fund be oversubscribed then the amount of grant awarded may be reduced on a pro rata basis or scores may be used to rank applications.

Exclusions

The grant may not be used for:

- The repayment of existing loans or debts
- Recurring revenue costs (including stock, utility charges, subscriptions etc.)
- The reimbursement of goods/services already purchased prior to the date of an offer letter
- Items subject to hire/lease agreements

Appendix 2: Example Appraisal Matrix

Score	1	3	5
Sector – encouraging investment in key sectors	Any (aside from exclusions noted above)	Priority sectors (listed in strategy): <ul style="list-style-type: none"> Professional services Manufacturing Call Centres 	Priority inward investment sectors: <ul style="list-style-type: none"> Advanced electronics Medical / Healthcare Research / Technologies Marine Industries
Location/clustering – encouraging investment from businesses in key sectors at key locations.	Located outside identified key sites	Key site - Whiterock, Claylands, Edginswell. Business not specifically linked to cluster in that area	Key site - Whiterock, Claylands, Edginswell. Business specifically linked to cluster in that area Deprived Area
Section Total - /10			
Score	1	2	3
Skill level of jobs created	NVQ1 and NVQ2+	NVQ3+	NVQ4+
Section Total - /3			
Grand Total - /13			

Torbay Council reserves the right to either refuse applications to the fund if it is felt they will not be beneficial to the Torbay economy or to make higher awards to applicants in special circumstances.

It is proposed that the grant will be awarded based on a cost per job basis, with higher scores equating to a higher amount awarded per job, as set out below:

Total Score	Amount awarded per new job created
3-4	£1000
5-6	£1500
7-8	£2000
9-10	£2500
11	£3000
12	£3500
13	£4000

The total grant will be based on the formula –

(Total Score = amount per job) x number of jobs created = grant

Example 1

Business A is proposing to relocate from Newton Abbot to new premises at Woodland Road in Torquay. They are a professional services company and will create 13 new jobs at NVQ3 and above. Using the matrix on the previous page their score would be:

Sector – Professional services, priority sectors (Score of 3)

Location – Non key site (Score of 1)

Skill level – NVQ3+ (Score of 2)

Total Score = 6 (£1500 per job) x 13 jobs created = £19,500 grant

This would be paid over a 3 year period –

Year 1 – £7,800

Year 2 – £5,850

Year 3 – £5,850

Example 2

Business B is an advanced electronics company looking to move from Torquay to a new purpose built site at Whiterock. They plan to expand and take on 5 new full time staff as technicians skilled to at least NVQ4 level.

Sector – Electronics, priority inward investment sector (Score of 5)

Location – Whiterock, key industry at key site (Score of 5)

Skill level – NVQ4+ (Score of 3)

Total Score = 13 (£4000 per job) x 5 jobs created = £20,000 grant

This would be paid over a 3 year period –

Year 1 – £8,000

Year 2 – £6,000

Year 3 – £6,000

Funding is subject to the agreed job numbers being delivered.

Appendix 3: Enterprise Zones

24 centrally funded Enterprise Zones went live across England in April 2012. Businesses in these areas will benefit from:

- A business rate discount worth up to £275,000 per business over a five year period – up to 100% discount;
- Simplified planning through local development orders;
- Superfast broadband.

Many of the zones are still in development but we have used a number of them to demonstrate how locally funded enterprise areas within Torbay could work using tools such as the growth fund and local development orders.

Birmingham

Birmingham has identified six strategically important geographic areas as Economic Areas (one of which is funded through government as an enterprise zone), each targeting businesses in different sectors with the aim of building clusters. These areas will all benefit from simplified planning (LDOs) and financial support. Businesses will be required to work with the Council to generate jobs for local people.

Tees Valley

The Tees Valley Enterprise Zone is sector led. Sectors identified as being key to the future growth of the Tees Valley are the focus of a number of sites where incentives are offered. Only companies in specific priority sectors will be able to take advantage of the reduced business rates.

Sheffield

LDOs are in place on a number of the business rate relief sites, setting out precisely the range and classes of development that will be permitted and promoted. This gives investors in these types of development the certainty that they can proceed without the need for planning permission. It also means that any planning-related issues can be dealt with very quickly, usually within four weeks. Only companies from across the region's target sectors of modern manufacturing and technology are eligible for business rate discounts.

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Torbay Growth Fund	Business Unit:	TDA
Name (Key Officer/Author):	Alan Denby	Tel:	01803 208671
Position:	Director of Economic Strategy	Email:	Alan.denby@tedciltid.com
Date:	4 th February 2013		

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.



Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	Y <input type="checkbox"/>	N <input type="checkbox"/>
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/>	N <input type="checkbox"/> N <input type="checkbox"/> N <input type="checkbox"/>

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>The proposal is for the creation of a Torbay Growth Fund which will generate employment opportunities through business growth in Torbay. The fund will be open to applications from businesses both inside and outside the Bay and must be used to create jobs. The key objectives of the Fund are:</p> <ul style="list-style-type: none"> • To create jobs within Torbay • To highlight Torbay as a place supportive of business growth • To encourage inward investment
2.	Who is intended to benefit / who will be affected?	<p>The Growth Fund is aimed at businesses. Applications will be accepted from those already based in the Bay and those looking to invest here.</p>
3.	What is the intended outcome?	<p>The intended outcomes of the Growth Fund are:</p> <ul style="list-style-type: none"> • A minimum of 250 new jobs • Better promotion of Torbay as an inward investment location • Growth of the Torbay economy

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	Yes, we have reviewed all the available information on the Torbay economy and business community.
5.	How have you consulted on the proposal?	We have consulted internally within the Council with both officers and members. This has resulted in a number of changes to the proposal including a reduction in the minimum number of jobs a business must be able to create in order to apply.
6.	Outline the key findings	Those consulted suggested the fund parameters should be reviewed to ensure as many businesses as possible are eligible to apply.
7.	What amendments may be required as a result of the consultation?	The application criteria have been reviewed and the minimum number of jobs created required by applicants has been reduced. We will also offer support to small businesses as part of the application process.

Positive and Negative Equality Impacts

No	Question	Details		
8.	Identify the potential positive and negative impacts on specific groups	<i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the ‘neutral’ column to explain why.</i>		
		Positive Impact	Negative Impact	Neutral Impact
	All groups in society generally	All businesses who are looking to create jobs and grow will see a positive impact from the fund. Creating employment and improving the economy will have a beneficial impact on all groups in society.	Businesses who do not meet the criteria will not be eligible for funding.	
	Older or younger people	It is likely that new businesses being attracted into the Bay by the Fund will also create apprenticeships, which will have a positive impact on young people.		The Fund will be open to all businesses regardless of the age of applicants.
	People with caring responsibilities			The Fund will be open to all businesses regardless of the external responsibilities of applicants.
	People with a disability			The Fund will be open to all businesses regardless of any disabilities applicants may have. Application materials will be made available in different formats where necessary.
	Women or men			The Fund will be open to all businesses regardless of the gender

Details	
No	Question
	<p>People who are black or from a minority ethnic background (BME)</p> <p>Religion or belief (including lack of belief)</p> <p>People who are lesbian, gay or bisexual</p> <p>People who are transgendered</p> <p>People who are in a marriage or civil partnership</p> <p>Women who are pregnant / on maternity leave</p>
	<p>(please note Gypsies / Roma are within this community)</p>
	<p>of applicants.</p> <p>The Fund will be open to all businesses regardless of the ethnicity of applicants.</p> <p>The Fund will be open to all businesses regardless of the religious beliefs of applicants.</p> <p>The Fund will be open to all businesses regardless of the sexual orientation of applicants.</p> <p>The Fund will be open to all businesses regardless of the sexual orientation of applicants.</p> <p>The Fund will be open to all businesses regardless of the marital/civil partnership status of applicants.</p> <p>The fund will be open to all businesses regardless if the applicants are pregnant. It is unlikely women on maternity leave would be applying to the fund.</p>
9.	<p>Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?</p> <p>The council is committed to ensuring that we meet the diverse needs of our community. As part of the Equality Act there is a <u>general duty as well as our moral obligation</u> where we are required to have 'due regard' to eliminating unlawful discrimination, advancing equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Outline how your proposal meets the general duty.</p> <p>As well as ensuring the Growth Fund application process does not discriminate against any groups the Fund can be used to promote equality of opportunity through the jobs created. Applicants will be required to demonstrate that the jobs they are creating will be recruited in line with the Equalities Act and that there will be no discrimination.</p>

Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	Summarise any positive impacts and how they will be realised most effectively?	The Growth Fund will offer incentives to businesses to create jobs in Torbay. It will create jobs locally which will be open to In order to ensure all groups benefit from the Fund we will ensure it is marketed widely, and that information is available in different formats if requested. Success stories from the Fund will be publicised to help promote Torbay.
11.	Summarise any negative impacts and how these will be managed?	There is a potential for a negative impact on businesses who apply to the Fund but who are not successful. In order to avoid this the criteria on which applications will be judged will be clear and transparent, and businesses will be able to ask questions during the application process to ensure they stand the best possible chance of success.

Section 4: Course of Action

No	Action	Details
12	State a course of action [please refer to action after section 5]	<p>Outcome 2: Adjustments to remove barriers – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality.</p> <p>We have altered the parameters of the fund to ensure it is available to as many businesses as possible.</p> <p>Where: -</p> <p>Outcome 1: No major change required - EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.</p> <p>Outcome 2: Adjustments to remove barriers – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality.</p> <p>Outcome 3: Continue with proposal - Despite having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p>Outcome 4: Stop and rethink – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified.</p>

Section 5: Monitoring and Action Plan

No	Action	Details
13.	Outline plans to monitor the actual impact of your proposals	Once the Fund is established we will require applicants to monitor the equalities impact of jobs created.

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Create marketing and communication plan	To ensure the fund is accessible to all groups		Marketing/Inward Investment	Once Fund is approved
2	Ensure application information is available in different formats	To enable all groups to access the information and apply to the fund		TDA	When requested
3	Require applicants to have an equal opportunities recruitment process.	To ensure applicants are adhering to the Equal Opportunities Act		TDA	Annually
4					
5					



Meeting: Council

Date: 28 February 2013

Wards Affected: All

Report Title: Local Validation List for Planning Applications

Executive Lead Contact Details: David Thomas, Executive Lead for Strategic Planning, Housing and Energy, 07917072227, david.thomas@torbay.gov.uk

Supporting Officer Contact Details: Peter Roberts, Team Leader – Major Developments, (01803) 207742, peter.roberts@torbay.gov.uk

1. Purpose

- 1.1 This report recommends that the Council adopts the appended Local List for Validating Planning Applications in order to ensure that the relevant information is available to determine applications as soon as they are submitted. This will provide applicants with greater certainty about the requirements for valid application submissions. It will also ensure that the Local Planning Authority is in receipt of the requisite information with which to make a determination and can make quicker, robust decisions.
- 1.2 Torbay Council has to date relied on the national list to validate planning applications. Whilst this means that the information requirements to submit a valid planning application are less onerous for applicants, it also means that Torbay Council has no choice but to validate applications that may not include information that is required in order to make a decision. The national requirements are minimal and in most cases do not extend beyond the relevant fee, application form and plans.
- 1.3 The result of the Council validating applications without the requisite information to determine them is that applications take longer to decide while information is sought from applicants. This has led, for example, to the Council's performance against statutory targets for determination falling below previously established minima and, critically, below the proposed target that the Government is now promoting in relation to Major Planning Applications (see appendix 2 – Planning Performance and the Planning Guarantee).
- 1.4 Adopting the appended Local List will help ensure that the Council only validates an application when sufficient information is submitted to determine it and as such will avoid unnecessary delays in the determination process. This will better enable the Council to determine applications within statutory time frames, will improve the Council's performance in relation to the speed of decision making and will maintain the quality of outcome from development that the Council has focused on over the last few years.

1.5 In addition this will substantially improve the quality of submissions and provide greater certainty for applicants, communities and consultees in relation to planning applications.

1.6 The Council has been successfully using the Local List, to validate planning applications, since December 2012 following consultation as part of the Local Plan. The Local List will need to be updated every two years.

2. Proposed Decision (recommendation)

2.1 The Council adopts the Local List appended to this report and this list is used to test the validity of submitted planning applications. In accordance with the Local List, applications will remain invalid until information necessary for determination is submitted. The proportionate, flexible and pragmatic approach to validation set out on page 6 of the Local List (appendix 1) will ensure that this approach does not lead to perverse delays in the validation of applications or in applicants being asked to provide information that is not needed to determine the application

3. Action Needed

3.1 None - the Local List has already been published, following consultation, and is being used to inform the validation process.

4. Summary

4.1 Torbay Council has relied upon national validation requirements set out in the Town and Country Planning (Development Management Procedure) Order 2010 to validate planning applications. The national requirements are fairly limited and often result in initial submissions of less information than needed, even for fairly complex developments. The current process provides flexibility by enabling developers to submit applications for validation and then provide further information while the application process is running. Whilst this approach is welcomed by applicants, it has led to delays in decision making and the unacceptable drip-feeding of additional information to consultees and communities.

4.2 Adopting the appended Local List (appendix 1) will ensure that the Council only validates an application when sufficient information is submitted to determine it and as such will avoid unnecessary delays in the determination process. This will better enable the Council to determine applications within statutory time frames and improve the Council's performance in relation to the speed of decision making.

4.3 In addition this will substantially improve the quality of submissions and provide greater certainty for applicants and the general public in relation to planning applications.

4.4 It should be noted that validation of planning applications – and therefore the Local Validation List – is not an exact science. An application may be validated but, on further examination by the case officer, it is clear that additional information is required. The Town & Country Planning Act allows for request of further information within 3 weeks of validation.

4.5 The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 3) Order 2012 includes a stipulation that a Local List must be

updated every 2 years in order for it to be used in the validation of planning applications. As such the List will need to be re-published every 2 years and will be ratified ahead of publication either by Council or by whichever executive decision making function is of relevance at the time.

Supporting Information

5. Position

- 5.1 The Council is highly likely to be judged on its planning performance in relation to the speed of determination of Major Planning Applications. The current approach of relying on national validation requirements leads the Council to validate applications that do not contain all of the information required to determine them and results in frustration and delay for both applicants and the Council. Appendix 3 (attached) is the Council's response to the Government Consultation on Planning Performance and includes representation on the fact that the Council will be using its Local List to improve its performance on Major Planning Applications.
- 5.2 The adoption of a Local List will enable the Council to validate only those applications that contain the requisite information for them to be determined. In addition, the Local List will provide certainty and clarity for applicants, users of the service and the Council in relation to the submission requirements for applications.

6. Possibilities and Options

- 6.1 Torbay Council could continue to rely upon the national validation requirements in relation to planning applications and as such require very limited information before validating a planning application.
- 6.2 Continuing to use the national validation requirements would reduce the burden of information required upfront from applicants and continue to show flexibility in the handling of planning applications. However, given that a decision cannot be properly taken without all of the relevant information to hand, this information would have to be submitted during the course of the application in any event.
- 6.3 In continuing to use the national validation requirements and not establishing local requirements, the Council would be likely to continue to struggle to meet performance targets set nationally and would be likely seen as being poorly performing.

7. Preferred Solution/Option

- 7.1 Adopt the appended Local List for Validating Planning Applications and use this adopted list to test the validity of planning applications. The list will need to be re-published at least every 2 years in order to keep it up to date, it is envisaged that this would be ratified either through Council or by whichever Executive Decision Making function is of relevance at the time.

8. Consultation

8.1 Local Lists require public consultation prior to their adoption. The draft Local List was published for consultation within the appendix to the Draft Local Plan for 6 weeks between the 28th September and 9th November 2012, with further opportunity given to comment after that time. In order to ensure that agents and applicants were aware of the consultation additional mail shots and newsflashes were sent out and views were sought.

8.2 In the event only one formal response was received to the consultation, this set out some concerns about the burden the local list would place on developers. In response to these concerns the list has been amended to provide additional clarity and to reduce the burden on smaller developments. With these changes made, it is considered that the advantages in terms of certainty (for applicants and the Council) along with the need for the Council to improve determination times, weigh heavily in favour of its adoption notwithstanding any concerns at the burden this places on developers. In any event, as has been made clear in this report, the information required is proportionate to the proposed development and is intended to be only that which would be required to make a proper determination and as such would already be sought under the current process later in the application period.

9. Risks

9.1 The adoption of the Local List will place some additional upfront costs on applicants to include all necessary information within their first submission. This will reduce the level of flexibility that currently exists, with which applicants can validate an application with limited information and provide further information later in the process. It is likely that until the Local List has been in use for 6 months or more this will cause some concern for applicants. However, once validation requirements are well known by applicants the presence of a Local List will assist in adding clarity and certainty to the application process.

Appendices

Appendix 1: Local Validation List for Planning Applications

Appendix 2: Planning Performance and the Planning Guarantee (Government Consultation)

Appendix 3: Torbay Council's response to Government Consultation on Planning Performance and the Planning Guarantee.

Additional Information



Local List for Validating Planning Applications

Torbay Council wants to make quick decisions on planning applications for high quality development in the Bay. We want to see high quality development, which clearly benefits the Bay, to be built as soon after planning permission as possible. To achieve this we need the right information, at the right time. This document sets out the sort of information required to support different types, locations and scale of development proposal. This document also provides a basis for pre-application discussions between the applicant and the Council. We believe this approach will save applicants time, money and disappointment.

The Council is happy to discuss and use Planning Performance Agreements for major development proposals.

The Basics.....

In order for a planning application to be valid all of the following information must be included:

1. A completed application form,
2. The other mandatory national information requirements specified in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) (see pages 2-6) and other relevant legislation, and
3. Any additional information as may be specified by the Local Planning Authority on their Local List of information requirements (see pages 6-14)

National Requirements

The national requirements for the submission of planning applications are set out in the DMPO, summarised in the tables below:

Applications for Planning Permission		
Document / Plan	DMPO Ref.	Notes
Relevant application form completed in full, including signed Ownership Certificate, Agricultural Land Declaration and Declaration (original and 1 copy unless submitted electronically)	Article 6(1)(a) and Article 12	These can be obtained from the Planning Portal website www.planningportal.gov.uk . If you do not have access to the internet please contact the Spatial Planning department at Torbay Council.
Location Plan drawn to an identified scale and showing the direction of North (original and 1 copy unless submitted electronically) You can create your Location Plan online using accredited suppliers on the Planning Portal website www.planningportal.gov.uk . Location Plans are usually drawn at 1:1250 or 1:2500 scales. If possible, please show at least two street names on your plan. The site to which the application relates should be outlined in red and any adjoining land owned by the applicant in blue.	Article 6(1)(c)(i)	Not required for: applications to remove or vary conditions, applications where the development has already been carried out or applications to extend time limits for implementation (unless listed building or conservation area consents).
Any other plans, drawings and information necessary to describe the development, where plans and drawings are to be drawn to an identified scale and plans shall show the direction of North (original and 1 copy unless submitted electronically)	Article 6(1)(c)(ii)	Not required for: applications to remove or vary conditions, applications where the development has already been carried out or applications to extend time limits for implementation (unless listed building or conservation area consents).
Design and Access Statement about: <ul style="list-style-type: none"> the design principles and concepts that have been applied to the development with reference to the amount, layout, scale, landscaping and appearance of the development, and how the design 	Article 8	Legislative provision is set out in the The Town and Country Planning (Development Management Procedure) (England) Order 2010. Design and Access Statements are currently not required for the following development types:

<p>takes into account the context of the development; and</p> <ul style="list-style-type: none"> • how issues relating to access to the development have been dealt with, including consideration of Local Plan policies relating to access and any consultation undertaken on this issue. <p>NB. Major development proposals will be assessed against the design considerations set out in Local Plan. In addition, major development proposals incorporating 10 dwellings or more will be assessed against Building for Life criteria (or equivalent methodology). Therefore, for these types of application the Design and Access Statement should make reference to these policies and / or be structured around these considerations / criteria.</p>		<ul style="list-style-type: none"> - householder applications unless in a conservation area or relating to a listed building; - development incidental to the enjoyment of a dwellinghouse or flat; - change of use; - engineering or mining operations; - extensions up to 100 sq m to non-domestic buildings unless in a conservation area; - erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure up to 2m high or the existing height, whichever is greater, unless within the curtilage of a listed building or conservation area; - development up to 100m³ on operational land consisting of the erection of a building and where the height of the building does not exceed 15m or its former height, whichever is greater, unless in a conservation area; - alteration of existing building where the size of the building does not increase, unless within a conservation area; - plant or machinery up to 15m high or its existing height, whichever is greater, unless within a conservation area; - applications to remove or vary conditions; or applications to extend time limits for implementation (unless listed building or conservation area consents). <p>Guidance on Design and Access Statements is available on the Planning portal website www.planningportal.gov.uk</p>
<p>Appropriate fee</p>	<p>Article 29(3)(e)</p>	<p>As currently set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits (England) Regulations 2012.</p>

Applications for approval of reserved matters		
Document / Plan	DMPO Ref.	Notes
Application form completed in full, including signed Declaration (original and 1 copy unless submitted electronically)	Article 5	This can be obtained from the Planning Portal website www.planningportal.gov.uk . If you do not have access to the internet please contact the Spatial Planning department at Torbay Council.
Any other information required to identify the outline planning permission to which it relates (original and 1 copy unless submitted electronically)	Article 5	
Such particulars, plans and drawings necessary to deal with the matters reserved (original and 1 copy unless submitted electronically)	Article 5	
Appropriate fee	Article 29(3)(e)	As currently set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits (England) Regulations 2012. A guide is available on the Planning Portal website www.planningportal.gov.uk .

Applications for a non-material amendment following a grant of planning permission		
Document / Plan	DMPO Ref.	Notes
Application form completed in full, including signed Declaration (original and 1 copy unless submitted electronically)	Article 9	This can be obtained from the Planning Portal website www.planningportal.gov.uk . If you do not have access to the internet please contact the Spatial Planning department at Torbay Council. Notice must also be given to any other person who owns the land or is a tenant of an agricultural holding on the land.
Any plans, drawings or other information necessary to describe the subject of the application		
Appropriate fee	Article 29(3)(e)	As currently set out in the Town and Country Planning (Fees for Applications, Deemed Applications,

		<p>Requests and Site Visits (England) Regulations 2012.</p> <p>A guide is available on the Planning Portal website www.planningportal.gov.uk.</p>
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Applications for a Lawful Development Certificate for an Existing use or operation or a Proposed use or development		
Document / Plan	DMPO Ref.	Notes
Application form completed in full, including statement of interest in the land, the name and address of any other person known to have an interest in the land and whether they have been notified, and signed Declaration	Article 35(1) and Article 35(2)(c)	This can be obtained from the Planning Portal website www.planningportal.gov.uk . If you do not have access to the internet please contact the Spatial Planning department at Torbay Council.
Location Plan drawn to an identified scale and showing the direction of North	Article 35(2)(a)	Where more than one use, operation or other matter, please indicate these on the Location Plan (Article 35(4)). You can create your Location Plan online using accredited suppliers on the Planning Portal website www.planningportal.gov.uk . Location Plans are usually drawn at 1:1250 or 1:2500 scales. If possible, please show at least two street names on your plan. The site to which the application relates should be outlined in red and any adjoining land owned by the applicant in blue.
Such evidence verifying the information included in the application as the applicant can provide	Article 35(2)(b)	Further information may be requested (Article 35(9)).
Appropriate fee	Article 35(12)(b)	As set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests & Site Visits (England) Regulations 2012.

Local Requirements ('The Local List')

In addition to the national requirements, Torbay Council has its own requirements reflecting the character and nature of Torbay, as well as the need to achieve high quality development in such a unique place. These requirements are presented in the tables below for different types of planning application. **However, the documents and plans listed will not always be required and it will depend on the specific circumstances of the development.** Whilst information is provided in the tables describing when each document or plan should be included in your submission, applicants are encouraged to carry out a pre-application enquiry with Torbay Council to confirm the content of your application. Where there is any uncertainty please contact the Spatial Planning department at Torbay Council. In addition, **the tables are not exhaustive and the Council reserves the right to invalidate applications where further information is required, although this is only likely to happen in very special circumstances.**

Householder Application

In addition to the national requirements, the following documents may be required:

Document / Plan	NPPF Ref.	New Local Plan Ref.	When Required?
Statement of Heritage Significance (this can be incorporated into the Design and Access Statement)	Para. 128	Policy HE1	Where the development will affect a heritage asset or its setting, such as a conservation area or listed building
Parking Assessment		Policies IF4, DE3, H5 & H6	Where the development would reduce or alter the available parking spaces, or where new parking is proposed
Elevation at scale 1:10 or greater of proposed and existing windows and a typical section including reveal at scale of 1:1			Where development includes replacement windows in a conservation area or Listed Building

NB. Applicants are encouraged to discuss their proposals with their neighbours to resolve any potential issues, such as loss of light. In addition, applicants should be aware of any trees with Tree Preservation Orders (TPOs) that might be affected by their proposals and notify the Council if their proposal involves works to a tree in a conservation area.

Application for Outline or Full Planning Permission

In addition to the national requirements, the following documents may be required:

Document / Plan	NPPF Ref.	New Local Plan Ref.	When Required?
Planning Statement / Planning Policy Statement	Para. 11		For all major development proposals, as defined in the DMPO. This may be required in relation to non-major applications (for example, in Conservation Areas), please seek the advice of the Spatial Planning Department prior to submission.
Sustainability Statement (this can be combined with the above)	Para. 14	Policy SC1	For all major development proposals, as defined in the DMPO. This may be required in relation to non-major applications (for example, in relation to development outside the urban area), please seek the advice of the Spatial Planning Department prior to submission
Statement of Community Involvement (this can be incorporated into the Design and Access Statement)			For all major development proposals, as defined in the DMPO. This may be required in relation to non-major applications (for example, where the type of development proposed is likely to require control through conditions in relation to noise, odour etc), please seek the advice of the Spatial Planning Department prior to submission
Employment Statement / Economic Impact Assessment (including tourism impact)	Section 1	Policies E1, E2 & T1	Sites of 30 or more dwellings or 1ha (whichever is the smaller) and development proposals resulting in a net loss of employment / tourist accommodation floorspace
Town Centre Impact Assessment (including sequential test)	Para. 26	Policy TC3	Proposals for A1 retail comparison goods and town centre uses over 1,000 sq m gross floorspace and A1 convenience retail uses over 500 sq m gross floorspace outside of town centres

Transport Statement or Transport Assessment	Para. 32	Policy IF3	For major development proposals, as defined in the DMPO.
Travel Plan	Para. 36	Policy IF3	For major development proposals, as defined in the DMPO, and other development likely to have significant transport implications, please seek the advice of the Spatial Planning department prior to submission
Telecommunications Statement (including consultations and self certification statement)	Section 5	Policy IF2	All telecommunications development not permitted by Part 24 Class A of the GPDO as amended
Design Code	Para. 59		For all applications incorporating a masterplan
Health Impact Assessment	Section 8	Policies SC1 & SC3	For major development proposals, as defined in the DMPO
Open Space, Sports and Recreation Assessment	Para. 74	Policy SC2	For major development proposals, as defined in the DMPO, and for development proposals on existing open space, sports and recreational land
Energy Statement	Section 10	Policies EG1 & EG2	For major development proposals, as defined in the DMPO.
Flood Risk Assessment	Para. 102	Policy ER1	Developments in Flood Zones 2 and 3, and in an area within Flood Zone 1 which has critical drainage problems or where the site area is 1ha or more
Coastal Change Assessment (this can be incorporated into the Design and Access Statement)	Para. 107	Policy C2	For major development proposals in the undeveloped coastal zone
Phase 1 Habitat Survey / Extended Phase 1 Habitat Survey	Section 11	Policy NC1	Where biodiversity is likely to be affected by the proposal and for all major development, as defined in the DMPO
Geological Survey	Section 11	Policy NC1	For major development proposals, as defined in the DMPO. This may be required in relation to non-major development (for example, where geodiversity is likely to be affected significantly by a proposal), please seek the advice of the Spatial

			Planning department prior to submission.
Appropriate Assessment	Para. 119	Policy NC1	For development proposals likely to have a significant effect on a European site, as defined by the Conservation of Habitats and Species Regulations 2010(a) following a screening process and the necessary surveys. For further information please carry out a pre-application enquiry and consult Natural England.
Contamination Desk Top Study	Para. 121	Policy ER3	Where land contamination is suspected from previous uses
Land Stability / Geotechnical Report	Para. 121	Policy ER4	For major development proposals, as defined in the DMPO. This may be required in relation to non-major development (for example, where land instability is suspected), please seek the advice of the Spatial Planning department prior to submission
Noise Impact Assessment	Para. 123	Policy DE3	For major development proposals, as defined in the DMPO. This may be required in relation to non-major developments (for example, in relation to all schemes which require extraction flues or mechanical ventilation and all schemes that generate significant noise levels), please seek the advice of the Spatial Planning department prior to submission
Air Quality Assessment	Para. 124	Policy DE3	For major development proposals, as defined in the DMPO, within an Air Quality Management Area or within 500m of an Air Quality Management Area
Lighting Assessment	Para. 125	Policy DE3	For major development proposals where lighting is likely to affect amenity
Statement of Heritage Significance (this can be incorporated into the Design and Access Statement)	Para. 128	Policy HE1	Where the development will affect a heritage asset or its setting, such as a conservation area or listed building
Archaeological Desk Based	Para. 128	Policy HE1	Where the application site

Assessment (this can be combined with the above)			includes, or is likely to include, archaeological remains; this can be confirmed by carrying out a pre-application enquiry
Mineral Extraction Impact Assessment	Section 13	Policy M1	For development proposals for minerals extraction
Mineral Resource Impact Assessment		Policy M3	For development proposals on or in the vicinity of a mineral resource
Infrastructure Assessment (incorporating foul sewerage and utilities)		Policies IF1, ER2 & H6	For major development proposals, as defined in the DMPO
Parking Assessment (this can be incorporated into the Transport Statement or Transport Assessment)		Policies IF4, DE3, H5 & H6	For major development proposals, as defined in the DMPO. This may be required in relation to non-major development (for example, where proposals do not meet the standards set out in the Local Plan parking policy), please seek the advice of the Spatial Planning department prior to submission
Visual Impact Assessment (this can be incorporated into the Design and Access Statement)		Policy EN3	For major development proposals, as defined in the DMPO
Pollution Prevention Plans		Policy ER2	For major development proposals, as defined in the DMPO, within the 250m buffer of the Marine SAC
Waste Management Scheme / Waste Audit and 5 year Waste Management Plan		Policies W1 & W2	For major development proposals, as defined in the DMPO
Tree Survey / Assessment in accordance with BS5837:2012 or any superseding standard		Policy DE1	For development proposals likely to affect trees
Topographical Survey (existing and proposed)			For major development proposals, as defined in the DMPO. This may be required in relation to non-major developments (for example, where there is a significant change in levels across the site), please seek the advice of the Spatial Planning Department prior to submission
Landscaping Plans			For major development proposals, as defined in the DMPO
Information required in connection with Section 106 Agreement (Heads of Terms, method of payment, solicitor's			For development proposals where a S106 Agreement is required to provide contributions towards CIL or other necessary planning

contact details and confirmation will pay Council's legal fees)			obligations
Environmental Impact Assessment			For Schedule 1 development or Schedule 2 development likely to have significant effects on the environment, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Please seek the advice of the Spatial Planning department through a screening request (these are typically more likely to relate to major developments unless the proposal has significant environmental impacts, for example due to the sensitivity of the site).
Viability Assessment			Where the proposals do not meet CIL or other necessary planning obligations. This must be carried out by an independent consultant and paid for by the applicant. Please seek the advice of the Spatial Planning department prior to submission.
Elevation at scale 1:10 or greater of proposed and existing windows and a typical section including reveal at scale of 1:1			Where development includes replacement windows in a conservation area or Listed Building

Application for Approval of Reserved Matters

No further information is required other than that required to meet the national requirements. However, please seek the advice of the Spatial Planning Department prior to submission in the event that, for example, further design information is required to justify the proposed approach.

Application for Listed Building Consent

In addition to the national requirements, the following documents may be required:

Document / Plan	NPPF Ref.	New Local Plan Ref.	When Required?
Statement of Heritage Significance (this can be incorporated into the Design and Access Statement)	Para. 128	Policy HE1	All applications
Archaeological Desk Based Assessment (this can be combined with the above)	Para. 128	Policy HE1	Where the application site includes, or is likely to include, archaeological remains; this can be confirmed by carrying out a pre-application enquiry
Structural Survey			Where the application proposes demolition, significant alterations to the structure of the building or heavier floor loading
Elevation at scale 1:10 or greater of proposed and existing windows and a typical section including reveal at scale of 1:1			Where development includes replacement windows in a conservation area or Listed Building

Application for Conservation Area Consent

In addition to the national requirements, the following documents may be required:

Document / Plan	NPPF Ref.	New Local Plan Ref.	When Required?
Phase 1 Habitat Survey / Extended Phase 1 Habitat Survey	Section 11	Policy NC1	Where demolition is likely to have an impact on biodiversity / species habitats
Statement of Heritage Significance	Para. 128	Policy HE1	All applications
Archaeological Desk Based Assessment (this can be combined with the above)	Para. 128	Policy HE1	Where the application site includes, or is likely to include, archaeological remains; this can be confirmed by carrying out a pre-application enquiry
Pollution Prevention Plans		Policy ER2	For demolition of major development proposals, as defined in the DMPO, within the 250m

Application for Advertisement Consent

No further information is required other than that required to meet the national requirements.

Application for Lawful Development Certificate

No further information is required other than that required to meet the national requirements.

Application for prior notification of proposed development by telecommunications code system operators

No further information is required other than that required to meet the national requirements set out in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001. An application form can be obtained from the Planning Portal website www.planningportal.gov.uk together with respective guidance notes (V3.2.1). If you do not have access to the internet please contact the Spatial Planning department at Torbay Council.

Applications for prior notification of agricultural or forestry development (including proposed buildings, roads, excavation/deposit of waste material from the farm and fish tanks)

No further information is required other than that required to meet the national requirements set out in the Town and Country Planning (General Permitted Development) Order 1995. An application form can be obtained from the Planning Portal website www.planningportal.gov.uk together with respective guidance notes (V3.2). If you do not have access to the internet please contact the Spatial Planning department at Torbay Council.

Application for prior notification of proposed demolition

No further information is required other than that required to meet the national requirements set out in the Town and Country Planning (General Permitted Development) Order 1995. An application form can be obtained from the Planning Portal website www.planningportal.gov.uk together with respective guidance notes (V3.2). If you do not have access to the internet please contact the Spatial Planning department at Torbay Council.

Application for tree works: works to trees subject to a Tree Preservation Order (TPO) and/or notification of proposed works to trees in a conservation area

No further information is required other than that required to meet the national requirements. An application form can be obtained from the Planning Portal website www.planningportal.gov.uk together with respective guidance notes (V3.4). If you do not have access to the internet please contact the Spatial Planning department at Torbay Council.

Application for approval of details reserved by condition

There are no national requirements for applications for the approval of details reserved by condition except that they should be made in writing and that the authority should determine them within 8 weeks of the application being validated. In addition, there are no local requirements. An application form can be obtained from the Planning Portal website www.planningportal.gov.uk together with respective guidance notes (V3.2). If you do not have access to the internet please contact the Spatial Planning department at Torbay Council. Applicants are encouraged to discuss the application with Torbay Council before submission.

Application for removal or variation of a condition following grant of planning permission

In addition to the national requirements, the following documents may be required:

Document / Plan	NPPF Ref.	New Local Plan Ref.	When Required?
Any plans, drawings and information necessary to describe the development resulting from the removal or variation of condition, where plans and drawings are to be drawn to an identified scale and plans shall show the direction of North (original and 1 copy unless submitted electronically)			For applications for minor material amendments

Application for hedgerow removal notice

In addition to the national requirements set out in the Hedgerow Regulations 1997, the following documents may be required:

Document / Plan	NPPF Ref.	New Local Plan Ref.	When Required?
Phase 1 Habitat Survey / Extended Phase 1 Habitat Survey	Section 11	Policy NC1	All applications
Tree Survey / Assessment in accordance with BS5837:2012 or any superseding standard			Where significant trees are to be removed
Landscaping Plans			Where replacement hedgerow is proposed

Application to modify or discharge a planning obligation agreed under S106 of the Town and Country Planning Act

In addition to the national requirements, the following documents may be required:

Document / Plan	NPPF Ref.	New Local Plan Ref.	When Required?
S106 Agreement Modification / Discharge Statement			All applications in order to explain the planning reasons to modify or discharge the planning obligation

Application for non-material amendment following a grant of planning permission

No further information is required other than that required to meet the national requirements. An application form can be obtained from the Planning Portal website www.planningportal.gov.uk together with respective guidance notes. A Design and Access Statement is not required.

Application for a new application to replace an extant planning permission, in order to extend the time limit for implementation

In addition to the national requirements, the following documents may be required:

...Continued over...

Document / Plan	NPPF Ref.	New Local Plan Ref.	When Required?
Planning Statement / Planning Policy Statement		Para. 11	Where there have been any significant changes in policy or other material considerations since the grant of the original planning permission



Department for
Communities and
Local Government

Planning performance and the planning guarantee

Consultation

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Contents

	Page
The consultation process and how to respond	2
Introduction	4
Context	6
Assessing performance	8
Effects of designation	15
The planning guarantee	19
Consultation questions	21

The consultation process and how to respond

Scope of the consultation

Topic of this consultation:	The Growth and Infrastructure Bill will allow applicants for planning permission to apply directly to the Planning Inspectorate, where a planning authority has been designated as poorly performing. This consultation seeks views on our proposals for how this measure would be implemented, and for related proposals for the planning guarantee.
Scope of this consultation:	The consultation sets out the criteria that might be used to assess planning authority performance, what thresholds might be used, how any designations would be made and the consequences of such a designation (including the procedures that would apply where an application is submitted to the Planning Inspectorate, and the basis on which a designation would end). It also proposes a refund of the planning application fee in cases where the planning guarantee is not met.
Geographical scope:	These proposals relate to England only.
Impact assessment:	The Impact Assessment for the Growth and Infrastructure Bill can be viewed at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14682/growth_and_infrastructure_bill_-_impact_assessment.pdf

Basic information

To:	This is a public consultation and it is open to anyone with an interest in these proposals to respond.
Body responsible for the consultation:	The Department for Communities and Local Government is responsible for the policy and the consultation exercise.
Duration:	This consultation will run for 8 weeks. It will begin on Thursday 22 November 2012 and end on Thursday 17 January 2013.
Enquiries:	E-mail: robert.shane@communities.gsi.gov.uk

How to respond:	<p>Please respond to this consultation by email to: PlanningPerformance@communities.gsi.gov.uk</p> <p>Alternatively, please send postal responses to:</p> <p>Robert Shane Planning Performance Consultation Department for Communities and Local Government 1/J1 Eland House Bressenden Place London SW1E 5DU</p>
Additional ways to become involved:	N/A
After the consultation:	A summary of responses to the consultation will be published.

Background

Getting to this stage:	<p>The Growth and Infrastructure Bill can be viewed at: http://www.publications.parliament.uk/pa/bills/cbill/2012-2013/0075/cbill_2012-20130075_en_1.htm</p> <p>The Planning Guarantee was announced in the Plan for Growth in March 2011: http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf</p>
Previous engagement:	Further details of how the planning guarantee could be implemented were announced in July 2011.

Introduction

About this consultation

1. An effective planning system plays a vital part in supporting growth – promoting and enabling the homes, jobs and facilities that communities need, and minimising uncertainty and delay for those proposing or affected by development.
2. The Government has already taken important steps to ensure that the planning system fulfils this potential – in particular by publishing the National Planning Policy Framework in March 2012. This not only represents a radical simplification of national policy, but also emphasises the need for a positive approach to both plan making and decision taking, while retaining important protections. A number of reforms to simplify and speed-up planning procedures have also been announced, including the planning guarantee – that applications should take no more than a year to decide, including any planning appeal.
3. Our reforms have given significant additional power to councils and communities in deciding the scale, location and form of development in their areas. But with this power comes a responsibility to exercise planning functions properly. The Growth and Infrastructure Bill, introduced to Parliament on 18 October, contains a number of additional proposals that build upon our existing reforms. They include a measure to enable quicker and better decisions where there are clear failures in local planning authority performance, by giving applicants the option of applying directly to the Planning Inspectorate.
4. This measure is aimed only at those few situations where councils are clearly failing to deliver an effective service. Applicants for planning permission can reasonably expect timely and good quality decisions – justice delayed is justice denied. Where there is clear evidence of very poor performance we want to give applicants the choice of a better service, but will also want to ensure that those authorities have access to the support they need in order to improve as quickly as possible.
5. This consultation asks for views on our proposals for implementing this measure once the Bill is enacted. This will help to inform debate on the clause as it progresses through Parliament. The measure would be implemented through policy and secondary legislation, the final form of which will need to reflect Parliament's decisions on the Bill. The consultation also sets out our further proposals for implementing the planning guarantee, which is closely related to the provisions in the Bill.
6. We would welcome comments from any individuals or organisations with an interest in these proposals, which apply to England only. The closing date for responses is Thursday 17 January 2013.

What are we proposing?

7. The legislation will allow applications to be submitted to the Secretary of State where a local planning authority is designated for this purpose. We intend that this power would be used only where there is a track record of very poor performance in either the speed or quality of the decisions made by an authority; and that clear benchmarks are used to define what this means in practice.
8. Where an authority is designated, we propose that applications would be submitted to the Planning Inspectorate (on behalf of the Secretary of State), where the applicant chooses this route. This ability would be limited to those seeking permission for major development¹. A designated authority would need to demonstrate a sufficient degree of improvement before the designation is lifted.
9. Apart from its direct effects, we anticipate that the legislation will stimulate an increased focus on performance across planning authorities generally, and will help to ensure that the planning guarantee is met. As a further means of ensuring that decisions are made within the guarantee period, we are also proposing a refund of the planning application fee, should an application remain undetermined after 26 weeks. This would apply to all planning applications, and be implemented through a change to secondary legislation.
10. These proposals are set out in detail in the remainder of this consultation, along with a number of questions (which are summarised at the end of the document).

¹ 'Major development' is defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. It includes housing schemes of 10 or more houses (or 0.5 hectares or more where the number of dwellings is not yet known); development involving 1,000 square metres or more of new floorspace or a site area of 1 hectare or more; and development involving minerals and waste.

Context

Why positive and timely planning decisions matter

11. Obtaining planning permission is a key step for those wishing to carry out development – whether house builders proposing new homes, businesses with plans to expand or individuals hoping to make significant changes to their property. Delays in the process can mean frustration, unnecessary expense and the loss of investment and jobs. It can also create uncertainty for communities with an interest in the proposals.
12. In 2011-12 local planning authorities made 435,000 decisions on planning applications². Some 87% of these were approved, and the majority – 78% overall – were determined within the statutory time limits.
13. However the picture is far from uniform. In particular there has been a decline in the speed with which applications for major development are decided, despite a decrease in workload: over the past four years the proportion of major applications determined within the statutory 13 week time limit has fallen from 71% (2008-2009) to 57% (2011-12) – despite an 18% drop in major decisions during the same period.
14. In the past year over a fifth of applications for major development took more than half a year to determine, and 9% took more than a year; any subsequent appeal against a refusal of permission would add further time. Some 43% of planning appeals involving major development were successful in the past year.
15. There are also big variations in the performance of individual planning authorities. For example over 25 authorities decided more than 80% of applications for major development on time in 2011-12; whereas 14 authorities dealt with fewer than 25% on time. Appeal success rates against local authority decisions ranged from 14% to 80% (excluding authorities that had five or fewer appeals).
16. We recognise that there can be good reasons for some delays, in particular where authorities and applicants have both recognised that more time than the statutory period is required to negotiate the right outcome on large or complex proposals. This is not the issue that we wish to tackle; rather it is the instances of unnecessary delay and of poor quality decisions on applications that add to costs, and which delay or deter investment and growth.
17. The quarterly survey of home builders conducted by the Home Builder's Federation consistently cites 'planning delays' as one of the most

² Excluding 'county matter' applications, such as decisions on minerals and waste schemes.

significant constraints on homebuilding; in June 2012, 77% of respondents considered such delays to be a major constraint.

18. The costs of delay can be substantial. It has been estimated that the financing costs to developers of holding onto land and other assets while their projects are being evaluated amounts to £1 billion per year, with further substantial costs associated with land holdings that are required due to the uncertainty of the planning process and as a consequence of sites that fail to gain consent. This could push financing costs from £1 billion to over £2 billion³.
19. It is because of the consequences of unnecessary delays – whether those delays arise from slow decisions or poorly judged decisions that are overturned at appeal – that we believe it is right to take action where there is clear evidence that particular planning authorities are performing very poorly. We expect to have to use this power very sparingly. The Government remains committed to decentralising power and responsibility wherever possible, and this measure will not affect the great majority of authorities that already provide an effective planning service, other than to act as a reminder of the importance of timely and well considered decisions.

³ Professor Michael Ball (November 2011) Memorandum to Communities and Local Government Committee's Inquiry into the Draft National Planning Policy Framework

Assessing performance

Our approach

20. We intend to set out the criteria for assessing performance, and the thresholds for designating any authorities under this measure, in a policy statement that will be published in response to this consultation once the Growth and Infrastructure Bill gains Royal Assent.
21. The performance of planning authorities can be looked at in a number of ways, from a focus on particular indicators to wider measures of the 'quality of service'. The overall service that planning authorities provide to applicants and local communities needs to be efficient, proportionate and effective. It is right that this continues to be the focus of improvement efforts by authorities, supported by organisations such as the Planning Officers' Society and the Planning Advisory Service.
22. At the same time we consider that the basis for identifying any cases of very poor performance needs to be kept relatively simple, so that the approach is transparent, and to avoid placing additional reporting burdens on authorities. For this reason we propose to monitor and assess performance on the basis of two key measures: the speed and quality of decisions on planning applications. These have a direct bearing on the planning system's efficiency and effectiveness for both applicants and communities; and on its contribution to growth.

Question 1: Do you agree that local planning authority performance should be assessed on the basis of the speed and quality of decisions on planning applications?

Speed of decisions

23. We propose to use the existing statutory time limits for determining planning applications, as in principle all decisions should be made within these periods – unless an extended period has been agreed in writing between the parties. This means a maximum of 13 weeks for applications for major development and eight weeks for all others⁴.
24. We also propose, for identifying and addressing very poor performance, to focus only on applications for major development – as these are the

⁴ The statutory time limits are set out in The Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. An extended period of 16 weeks applies for applications subject to The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

proposals which are most important for driving growth, and which have the greatest bearing upon communities.

25. Some authorities deal with relatively few applications for major development, and performance in dealing with such proposals in any one authority can fluctuate from quarter to quarter, depending on the number and scale of proposals under consideration. We therefore propose that performance should be assessed on the extent to which applications for major development are determined within 13 weeks⁵, averaged over a two year period. This assessment would be made once a year (see paragraph 46).
26. We have considered whether an alternative approach – of using the average processing time for determining applications for major development – could be used instead. This would not reflect the obligation to make decisions within the statutory time limits; nor would it address as effectively the minority of decisions that take considerably longer to decide. It would also require a new reporting regime, additional to the existing arrangements for reporting planning performance, to capture the time taken to decide each individual application.

Question 2: Do you agree that speed should be assessed on the extent to which applications for major development are determined within the statutory time limits, over a two year period?

The role of planning performance agreements

27. We want to ensure that we focus on genuinely poor performance, and that authorities are not penalised unfairly for delays that are beyond their control. Some applications for major development do need more than the statutory time period to decide, especially where the issues are particularly complex and involve statutory consultees. Sometimes, delays may be at the instigation of the applicant, such as where a delay is sought to avoid triggering a purchase clause linked to the granting of planning permission.
28. The National Planning Policy Framework encourages the use of planning performance agreements. These involve a bespoke timetable agreed between the authority and the applicant where it is clear – at the pre-application stage – that more time than the statutory period will be required to reach a decision. Such agreements are reported separately by authorities, and are excluded from the statistics on the extent to which decisions are made within the statutory period.
29. Agreements to extend the time for a decision beyond the statutory period sometimes need to be made after an application is submitted (as the Development Management Procedure Order explicitly allows). We

⁵ Or 16 weeks in the case of applications subject to Environmental Impact Assessment.

consider that it would be fair to treat these in the same way as planning performance agreements for reporting purposes – so that they are not included in the assessment of the time within which an authority makes its planning decisions.

30. We therefore propose that post-application agreements to extend the timescale for determination should in future be recorded as a form of planning performance agreement, provided there is explicit agreement to the extension of time from the applicant (in writing), and the agreement specifies a clear timescale for reaching a decision.
31. In proposing this, we also consider that the approach sometimes taken towards planning performance agreements needs to change. Existing guidance⁶ encourages a very thorough approach that will not always be appropriate. We would like to see a more proportionate approach which is tailored to the size and complexity of schemes and the stage that they have reached in the application process. However agreements should, as a minimum, set out a clear and agreed timescale for determining the application.

Question 3: Do you agree that extensions to timescales, made with the written consent of the applicant following submission, should be treated as a form of planning performance agreement (and therefore excluded from the data on which performance will be assessed)?

Question 4: Do you agree that there is scope for a more proportionate approach to the form and content of planning performance agreements?

Quality of decisions

32. We propose to use the appeal success rate for major development to indicate the 'quality' of decisions made by each planning authority.
33. Successful appeals against planning authority decisions represent cases where the Secretary of State, or an Inspector acting on his behalf, concludes that a different decision should have been reached and the application allowed⁷. As such they provide an indication of whether planning authorities are making positive decisions that reflect policies in up-to-date plans (where relevant) and the National Planning Policy Framework.

⁶ Advisory Team for Large Applications (2008) Guidance Note: Implementing Planning Performance Agreements

⁷ Where the authority has failed to make a decision within the statutory period, and the applicant then exercises their right to appeal against non-determination, the planning authority is deemed to have refused permission. A small minority of appeals are made against conditions attached to a grant of permission.

34. Some individual appeal outcomes can turn on small differences of view about the application or interpretation of particular policies; or about the weight to be given to different material considerations. Where, however, an authority has a sustained track record of losing significantly more appeals than the average, it is likely to reflect the quality of its initial decisions. For this reason we propose that appeal success rates should be assessed over a two year period.
35. The appeal success rate also needs to be read in context. An authority that acts positively and approves the great majority of its applications for major development, but loses a very small number of appeals brought against it, should not be penalised for 'poor performance'⁸. It follows that the number of appeals lost each year needs to be related to the total volume of applications dealt with. We therefore propose that the measure of quality should be the proportion of all major decisions made that are overturned at appeal, over a two year period.

Question 5: Do you agree that quality should be assessed on the proportion of major decisions that are overturned at appeal, over a two year period?

Having the right information

36. The proposed measures of speed and quality both rely upon accurate data being supplied to the Department on a regular basis (i.e. decisions made within the statutory period, and the total volume of major decisions made so that the proportion overturned at appeal can be calculated).
37. This information is already supplied by local authorities as part of the quarterly returns required by the single data list⁹. At present there are very few gaps in the data provided by authorities, but there is a risk that in future authorities could withhold data for quarters in which their performance has slipped.
38. To discourage this we propose the following:
- Data for a single missing quarter in one reporting (financial) year would be estimated by the Department from the returns for other quarters – based on average performance for the quarters for which information is available.
 - Where data for two or three quarters in a reporting year are missing, figures for the absent quarters would be imputed in a similar way, but with a penalty then applied in proportion to the amount of data

⁸ An authority could, of course, have also refused applications for sound reasons, such as a clear conflict with up-to-date local or national policies; but these refusals should not result in a high appeal success rate against the authority's decisions.

⁹ Department for Communities and Local Government (March 2012) Single list of central government data requirements from local government

missing. We propose that this penalty would be a reduction of five percentage points per missing quarter for the speed of decisions, and one percentage point per missing quarter for decisions overturned at appeal¹⁰.

- Any authority with a whole year of data missing would automatically be designated as very poor performing.
39. For the initial introduction of the measure we also propose that planning authorities would be given an opportunity to fill gaps in the existing data prior to any designations being made¹¹. Gaps in the existing data which are not filled by authorities in this way will be imputed (and, if necessary, penalised) as described above.
40. The current statistical returns supplied to the Department do not indicate the determination times for district applications which are subject to environmental impact assessment. These could, as a result, be counted against the 13 week time limit for applications for major development, rather than the 16 weeks which the law allows. We propose to amend the returns so that this can be remedied for future data collection. As a transitional measure, any authorities identified for potential designation on the basis of existing data will be given an opportunity to notify us of any environmental impact assessment cases relating to applications for major development during the assessment period, which will be discounted from the calculation of performance.
41. To ensure that the information on which any designations would be based is readily available, the Department will publish quarterly statistics on the extent to which decisions on applications for major development have been overturned at appeal, alongside the existing data on the extent to which decisions are made within the statutory time periods.

Question 6: Do you agree with the proposed approach to ensuring that sufficient information is available to implement the policy?

Setting the bar

42. We wish to set out very clearly what constitutes sufficiently poor performance for a planning authority to be designated once the Growth and Infrastructure Bill becomes law. A minimum standard will provide certainty to authorities about the action they must take where their performance is poor; and make clear to applicants the circumstances in which they can expect the Government to act when there is demonstrable evidence that planning is not being delivered effectively.

¹⁰ For example: an authority that processed 40% of its major decisions within the statutory period over the reporting year as a whole (calculated in part using imputed data), and which had three quarters of data missing, would have its overall figure reduced to 30% for the year.

¹¹ i.e. information for the two reporting years against which performance will be assessed – likely to be 2011-12 and 2012-13

43. We therefore propose using absolute thresholds below which authorities would be designated, rather than a fixed percentage of authorities that are performing most poorly on the basis of speed or quality.
44. We intend to set these thresholds so that only very poor performance would result in an authority being designated: where 30% or fewer major applications have been determined within the statutory period or more than 20% of major decisions have been overturned at appeal. We consider it important that a designation could be made on the basis of either measure (rather than a combination of the two), so that applicants can access a better service where speed or quality is a significant issue.
45. We also propose raising the bar for the speed of decisions after the first year, to ensure that there is a strong but achievable incentive for further improvement in performance, and to reflect an anticipated increase in the use of planning performance agreements for the more difficult cases as proposed elsewhere in this consultation.

Question 7: Do you agree that the threshold for designations should be set initially at 30% or fewer of major decisions made on time or more than 20% of major decisions overturned at appeal?

Question 8: Do you agree that the threshold for designation on the basis of processing speeds should be raised over time? And, if so, by how much should it increase after the first year?

Making a designation

46. We wish to avoid frequent changes in the authorities to which a designation applies; to provide certainty for both applicants and councils, and to ensure that any designated authorities have sufficient time to improve. We therefore propose that designations would be made once a year, and that those authorities which are designated would remain in that situation for at least a year.
47. Any designations would need to be made fairly and transparently. We therefore propose that the designation process would follow automatically, following the publication of the relevant statistics on processing speeds and appeal outcomes for the year, were an authority to appear below the thresholds that have been set. For the first year, before any initial designations are made, authorities will be given an opportunity to correct any gaps or errors in the existing data (see paragraph 39 above); cases that were subject to environmental impact assessment will also be taken into account (see paragraph 40).
48. It will be clear from each year's data not just which authorities are to be designated (if any), but also which authorities are just above the bar and need to improve to avoid a designation the following year.

Question 9: Do you agree that designations should be made once a year, solely on the basis of the published statistics, as a way to ensure fairness and transparency?

49. Once the Growth and Infrastructure Bill receives Royal Assent we anticipate that the first designations would be made once the necessary secondary legislation is in place (planned for October 2013). The timetable would be:
- April 2013: Response to consultation announced; criteria and initial thresholds for designations confirmed
 - July 2013: Performance data for 2012-13 (as well as 2011-12) available, indicating which authorities are liable for designation
 - August-September 2013: Opportunity to correct any data errors and account for applications subject to environmental impact assessment
 - October 2013: Secondary legislation in place and initial designations made
50. For unitary authorities we propose that 'county matter' applications would be assessed – and any designations made – separately from the assessment of 'district' performance. Because unitary authorities deal with both types of application, taking their average performance across all types of case would not involve the same mix of application types faced by either district authorities or county councils (and so preclude a comparable assessment of performance).
51. The Bill sets out a limited number of planning authorities to which a designation would not apply: the Homes and Communities Agency, Mayor of London, a Mayoral development corporation and an urban development corporation. Where these organisations have responsibility for determining applications, it is specifically for deciding particularly large or complex schemes, so it would not be appropriate to assess their performance in the same way.

Effects of designation

Application process

52. Where a planning authority is designated on the basis of very poor performance, the Growth and Infrastructure Bill would give applicants the option of applying directly to the Secretary of State; applicants could if they wish continue to apply to the designated authority in the usual way.
53. The legislation would allow the Secretary of State to prescribe the types of development to which this choice would apply. As already explained (paragraph 24 above) we propose that it be limited to applications for major development, being those which are most important for driving growth, and which have the greatest bearing upon communities.
54. Where an application is submitted directly in this way, certain related applications may also be made to the Secretary of State at the same time. The Bill makes specific provision for applications for listed building and conservation area consent¹²; we do not intend at present to prescribe any additional categories of related consent.
55. The Bill also allows the Secretary of State to appoint persons to determine applications on his behalf, and we propose that the Planning Inspectorate carries out this role (the Secretary of State would also be able to 'recover' any such cases for his own determination, but we would expect that this power would be used sparingly).
56. Early pre-application discussions can have significant benefits for the overall efficiency and effectiveness of the planning application process, including the prospects for securing timely decisions once a planning application has been submitted. Those applying directly to the Secretary of State would be able (and encouraged) to seek pre-application advice from the Planning Inspectorate, the local planning authority or both. We propose that the Inspectorate would charge for any pre-application advice on a cost recovery basis.
57. The Planning Inspectorate would also receive the application fee (on behalf of the Secretary of State) for any application submitted directly to it, and we propose to amend the regulations so that this would be set at the same level as the fees payable to local planning authorities.
58. We propose that the process for determining applications submitted to the Inspectorate should mirror, as far as possible, that which usually applies when an application is submitted to a local planning authority. The Development Management Procedure Order would be modified

¹² The Enterprise and Regulatory Reform Bill currently before Parliament proposes to remove the requirement for conservation area consent to be obtained

accordingly. A necessary exception to this principle is the planning committee stage, alternative proposals for which are set out below.

59. Where a planning application is submitted directly to the Secretary of State there will be a small number of administrative functions which, for practical reasons, will need to be carried out locally. We propose that these should continue to be undertaken by the designated local planning authority (and the Bill allows the Secretary of State to issue directions to this effect). We propose that these functions would include:
- Site notices and neighbour notification
 - Providing the planning history for the site
 - Notification of any cumulative impact considerations, such as where environmental impact assessment or assessment under the Habitats Regulations is involved, or there may be cumulative impacts upon the highways network
60. The Planning Inspectorate would specify a timescale for the completion of these tasks. While we think that the planning authority is best placed to do this work, we would welcome views on whether alternative approaches should be considered, such as the use of a local agent.
61. The local planning authority would remain responsible for maintaining the planning register for its area, including details of any applications that are submitted directly to the Planning Inspectorate. The Planning Inspectorate would notify the planning authority of such applications.
62. Most applications for major development determined by local planning authorities are decided at a planning committee meeting, providing an opportunity for the merits of the proposal to be considered in public. The Bill allows the Secretary of State to determine the procedure to be followed where an application is submitted directly to him. We propose that the Planning Inspectorate should choose the most appropriate procedure to employ on a case by case basis (which could be an abbreviated form of hearing or inquiry, or written representations); but that the presumption should be that applications are examined principally by means of written representations with the option of a short hearing to allow the key parties to briefly put their points in person.
63. We do not propose that the Planning Inspectorate would enter into discussions with the applicant about the nature and scope of any section 106 agreement that may be appropriate, as we consider these are best determined locally by the applicant and the planning authority. In determining an application the Inspectorate would take into account, as a material consideration, any planning obligation advanced by the applicant, or any agreement which the applicant has entered into (or is prepared to enter into) with the authority.
64. We want to ensure that the Planning Inspectorate can offer a high standard of service when applications are submitted to it. We propose

that the performance standard for the Inspectorate in dealing with applications would, initially, be to determine 80% of cases within 13 weeks¹³ (or 16 weeks in the case of applications for major development which are subject to environmental impact assessment); unless an extended period has been agreed in writing with the applicant. This compares to the current average performance among planning authorities of deciding 57% of applications for major development within 13 weeks. The Inspectorate will provide quarterly data on its performance, and the performance standard will be reviewed annually.

65. The Bill does not provide for any right of appeal once an application has been decided by the Inspectorate, other than judicial review, as the application will already have been considered on behalf of the Secretary of State. This mirrors the position where applicants for planning permission choose to appeal against non-determination. Applicants will be made fully aware of this if they choose to submit their applications directly to the Inspectorate.
66. The discharge of any planning conditions attached to a planning permission issued by the Inspectorate would remain the responsibility of the local planning authority.

Question 10: Do you agree that the option to apply directly to the Secretary of State should be limited to applications for major development?

Question 11: Do you agree with the proposed approaches to pre-application engagement and the determination of applications submitted directly to the Secretary of State?

Supporting and assessing improvement

67. Any authorities designated on the basis of very poor performance will need time to improve, support while they are doing so and a fair opportunity to show when – and to what extent – their performance has improved.
68. We are proposing that any designation would last for at least a year, but would be subject to review well before that year ends, so that the authority has every opportunity for the designation to be lifted at the end of the one year period. During the period of designation we would expect the authority to take maximum advantage of opportunities for peer support and other forms of sector-led improvement (such as those offered through the Planning Advisory Service); and to explore options for radical change such as shared services.

¹³ This is in line with a number of existing performance standards for the Inspectorate

69. Designated authorities will not necessarily be dealing with a significant number of applications for major development, so we propose that any assessment of improvement should be based on a range of other considerations that we will set out in policy:
- The authority's performance in determining all those applications for which it remains responsible
 - Its performance in carrying out any administrative tasks associated with applications submitted directly to the Secretary of State (see paragraph 59 above)
 - A review of the steps taken by the planning authority to improve, and its capacity and capability to deal efficiently and effectively with major planning applications
70. This assessment would be undertaken by the Department for Communities and Local Government.

Question 12: Do you agree with the proposed approach to supporting and assessing improvement in designated authorities? Are there specific criteria or thresholds that you would propose?

The planning guarantee

Principles and scope

71. The planning guarantee was announced in the Plan for Growth (March 2011). The principle is simple: that no planning application – major or otherwise – should take more than a year to decide, even where a planning appeal has been made. It does not replace the statutory time limits for determining applications, which should continue to be met wherever possible, but instead provides a ‘longstop’ date by which any schemes that take longer (or which involve a planning appeal) should be determined.
72. In practice the guarantee means that cases should spend no more than 26 weeks with either the local planning authority or, in the case of appeals, the Planning Inspectorate. This gives both decision-making bodies an equal maximum time to come to a view, limiting the risk that over-runs with one part of the process might restrict the scope for the guarantee to be met. A similar 26 week limit would in future apply to the Planning Inspectorate where it is determining planning applications submitted to it directly as a result of the proposals in the Bill.
73. The guarantee applies to the time a valid application spends with these decision-making bodies. It does not cover the period before an application is submitted, after permission is granted, or any time between the local planning authority’s decision and any subsequent decision by the applicant to appeal. This is because the behaviour of applicants can have a significant bearing upon the length of these periods; for example, they have up to six months to decide whether to lodge an appeal against a refusal (12 weeks in the case of householder applications).
74. There are a small number of cases which, exceptionally, we propose to exclude from the scope of the planning guarantee. These are:
 - Applications subject to Planning Performance Agreements, due to the bespoke timetables involved
 - Similarly, planning appeals subject to bespoke timetables agreed between the main parties for particularly complex cases (including Secretary of State casework where this applies¹⁴)
 - Planning appeals that relate to enforcement cases (which are often particularly complex with additional evidence coming forward during the course of the appeal); or which involve re-determinations following a successful judicial review

¹⁴ i.e. ‘recovered’ appeals and call-ins

Question 13: Do you agree with the proposed scope of the planning guarantee?

Delivering the guarantee

75. An initial monitoring report on performance against the planning guarantee was published earlier this year, and we will continue to report on it annually¹⁵. The great majority of decisions on both planning applications and appeals are made well within 26 weeks, but it is reasonable to consider what further measures could be taken to encourage all decisions to be made within this time (subject to the exemptions mentioned above).
76. The prospect of authorities being designated on the basis of very poor performance in determining applications for major development within the statutory period will help to deliver the planning guarantee, as this should encourage an increased focus on the timeliness of decisions.
77. As the guarantee applies to individual decisions (rather than individual planning authorities) we consider that an additional measure would also help to ensure that the guarantee is met. We therefore propose to amend secondary legislation to require a refund of the planning application fee, where a planning application remains undecided after 26 weeks¹⁶. This would apply to planning authorities and to the Planning Inspectorate (where it is responsible for determining major planning applications).
78. Applications subject to a planning performance agreement would be excluded from this measure. We would want to avoid any risk of applicants deliberately delaying the determination of an application in order to obtain a refund, or of authorities refusing applications just to avoid the penalty; such behaviour would be taken into account by an Inspector in considering whether to award costs in any subsequent appeal proceedings.

Question 14: Do you agree that the planning application fee should be refunded if no decision has been made within 26 weeks?

¹⁵ Department for Communities and Local Government (September 2012) Planning Guarantee Monitoring Report

¹⁶ Unless the application falls into one of the exempted categories noted above

Consultation questions

Question 1: Do you agree that local planning authority performance should be assessed on the basis of the speed and quality of decisions on planning applications?

Question 2: Do you agree that speed should be assessed on the extent to which applications for major development are determined within the statutory time limits, over a two year period?

Question 3: Do you agree that extensions to timescales, made with the written consent of the applicant following submission, should be treated as a form of planning performance agreement (and therefore excluded from the data on which performance will be assessed)?

Question 4: Do you agree that there is scope for a more proportionate approach to the form and content of planning performance agreements?

Question 5: Do you agree that quality should be assessed on the proportion of major decisions that are overturned at appeal, over a two year period?

Question 6: Do you agree with the proposed approach to ensuring that sufficient information is available to implement the policy?

Question 7: Do you agree that the threshold for designations should be set initially at 30% or fewer of major decisions made on time or more than 20% of major decisions overturned at appeal?

Question 8: Do you agree that the threshold for designation on the basis of processing speeds should be raised over time? And, if so, by how much should they increase after the first year?

Question 9: Do you agree that designations should be made once a year, solely on the basis of the published statistics, as a way to ensure fairness and transparency?

Question 10: Do you agree that the option to apply directly to the Secretary of State should be limited to applications for major development?

Question 11: Do you agree with the proposed approaches to pre-application engagement and the determination of applications submitted directly to the Secretary of State?

Question 12: Do you agree with the proposed approach to supporting and assessing improvement in designated authorities? Are there specific criteria or thresholds that you would propose?

Question 13: Do you agree with the proposed scope of the planning guarantee?

Question 14: Do you agree that the planning application fee should be refunded if no decision has been made within 26 weeks?



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Dear Sir

Planning Performance and the Planning Guarantee – response to consultation

Torbay is currently 'open for business' and securing investment, because it takes a positive, proactive and quality driven approach to development. Investors in Torbay tell us this is what they want. Torbay can make quicker decisions, as we did whilst Planning Delivery Grant operated, but history tells us this will result in poor quality outcomes, more planning applications being refused, less certainty for investors, less time for input by communities and/or greater delays at the pre-application stage. The consequence of this is that Torbay will be seen as 'closed for business'. That outcome is at odds with a Bill aimed at supporting growth.

It cannot be the intention of Government to penalize Torbay for securing the right outcomes for the Bay, its people and its investors, yet this would be the consequence of introducing the measures as proposed. The Council firmly believes that whilst the premise of the Planning Guarantee is laudable, the measure of 'poor performance' is wholly wrong and will promote poor outcomes. As part of this response, we suggest a more just, meaningful and deliverable mechanism for implementation. A summary of the Council's response is included on pages 2 and 3 of this letter.

Torbay has taken time to approve major developments over the past 2 years, because we have sought to approve the vast majority of major applications we receive. If Torbay were forced, in

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

If you require this in a different format or language, please contact me.

order to move out of the 'poorly performing' category, to determine all major applications within 13 weeks the result would be:

- Refusal of far more applications, with consequent increase in appeals and costs to scheme promoters;
- Reducing the amount of land available for development, at a time when we're looking to increase supply;
- Less development for the market to deliver;
- A negative impact on economic growth , with consequent impact on business rates and at a time when the new South Devon Link Road is under construction, at significant cost to the public purse.

As such, the Planning Guarantee may improve (by one measure) Torbay's planning performance on paper, but confine the Bay's economic performance into the 'poorly performing' category just at a time when we can see the green shoots of recovery.

Summary

- **In the past:** Proposals for Planning Performance and the Planning Guarantee are similar to the quantity driven performance measures for Planning Delivery Grant. Under those measures, Torbay delivered quick decisions, but the measures were unpopular with investors, developers and communities and led to the perception that Torbay was closed for business.
- **Meeting client & customer needs:** Torbay Council deliberately changed its approach, 3 years ago, to better reflect client and customer needs. As a consequence Torbay is now seen as open for business. Torbay approves more than 90% of major planning applications; there have been no appeals against non-determination in the last 3 years; in the last 2 years Torbay has had only one major decision overturned at appeal; we have successfully introduced recession busting measures. We have secured high quality outcomes, new jobs and homes.
- **Unintended consequences:** The consequences of proposed new measures will be: more applications refused; less land available for development; less development for the market to deliver; a negative impact on growth, contrary to the NPPF and Growth & Infrastructure Bill.
- **Unjust:** It is unfair, unreasonable and unnecessary to penalize Torbay Council for taking steps to improve its performance for clients and customers by assessing that performance against one retrospective measure. It cannot be the intention of Government to penalize Torbay for securing the right outcomes for the Bay, its people and its investors.
- **Principle o.k.:** The Council considers the premises behind better Planning Performance and the Planning Guarantee to be acceptable, but the proposals for its implementation are wrong and unacceptable consequences would result.

The Council considers the following proposals to be just, meaningful and deliverable:

- 1. Two year performance assessment, including 12 months to improve: Torbay Council suggests that, for the first year of implementation, a Council's performance for the previous two years is assessed and a Council is given 12 months to improve its performance, if appropriate. If a Council is still considered poorly performing after 12 months, then it should be designated as such. After the first year of implementation performance should be assessed on an annual basis (looking back 12 months), with any Local Authority being given 12 months to improve its performance, by investing in its planning service, drawing on PAS resources etc.
- 2. A range of quantity and quality criteria, taken together: The Council suggests a range of criteria are used, collectively, to assess performance. These are: the availability of a pre-application service; validation timeframes; percentage of approvals for major developments; 13 week target (subject to a minimum no. of applications received threshold); member and officer agreement; percentage of appeals against non-determination; percentage of decisions on major applications overturned at appeal (subject to a minimum number of applications received threshold); implementation rates. These criteria can be adjusted, to secure steady and reasonable improvements in performance, but should not be applied retrospectively. PS2 returns need to be adjusted accordingly.

Torbay's context

By way of context, the English Riviera has - like many other towns by the sea - been hit hard by the recession and by a lack of significant investment over the last 10 years or so. However, the Council remains extremely positive about the future, not least because we've seen more development activity recently and the new South Devon Link Road will bring much needed additional investment to the Bay.

Torbay has fantastic potential, not only in tourism but in sectors such as health, research and development, hi-tech manufacturing, and professional and financial services. We have already seen steady growth in SMEs, which is not at all surprising given the quality of life offered in the Bay. The Bay also has a wonderful natural environment. It is the world's only urban geopark; its marine environment is superb; it has large amounts of AONB; it has a wonderful historic environment and cultural heritage.

As such, whilst the Council actively seeks investment and new development in the Bay, it is extremely important we get the balance right and ensure high quality outcomes. The result is a positive approach to major development, at present, but one which is not wedded to meeting

determination targets at the cost of securing high quality investment opportunities. Our high number of major planning approvals takes time to achieve, as we work in partnership with developers and our communities to secure the best outcomes for the Bay's economy, communities and environment.

We are proud, but not complacent, about the way in which we work closely with international and national developers and investors. These include, for example:

- Galliford Try
- Abacus / Deeley Freed
- Akkeron
- Northern Trust
- Bloor Homes
- Mansells
- Harbour Hotel Group

We ask these developers and investors for comment on our performance and how we can respond best to new duties, pressures and market issues. Their feedback has informed this response.

So, how are we performing against our own high standards?

- **Torbay is doing exactly what the Government wants** – being positive and flexible about development; using recession busting measures (including revised S106 arrangements) to ensure projects are viable and deliverable now, with 5000 jobs coming forward over the next 5 years as a result of new development. Recent figures show mortgage interest in Torbay has risen in the last 12 months, when interest in surrounding areas has declined. The Council's major developments team in Torbay is proactive, and, working closely with Councillors, landowners and developers is securing much needed development in the Bay.
- Torbay is one of the only Development Management Services in the Country to hold **ISO 9001**, awarded by the British Standards Institute (BSI), for its **quality management system**.
- **Torbay says yes to high quality development**. The recent approval for conversion of the Grade 2* listed Oldway Mansion and enabling development in its historic gardens, which were until recently owned by the Council, is the result of 18 months hard work, between the Council, Torbay Development Agency, the developer, English Heritage and community. The development will provide at least 70 permanent jobs and 150 construction jobs. This is typical of Torbay Council's approach, which has resulted in Torbay saying yes to more than 90% of 25 major applications since January 2012.
- **Getting the right outcomes for Torbay** takes time. With its superb environment and significant socio-economic issues (with successful international businesses alongside 24% of children growing up in poverty) getting sustainable outcomes is not easy. Design is also

high on the agenda - Torbay has its own successful, independent Design Review Panel which covers its own costs. Securing sustainable development, as per NPPF requirements, needs careful balancing of difficult issues. We do that well in Torbay.

- **Torbay's approach to development is welcomed by all.** Members are involved early; more than 90% of planning service customers are happy; developers, agents and landowners prefer our positive, open, flexible approach. Communities are often heavily involved with development. We've had no formal complaints about the way in which we handle major developments. A scheme for 350 new homes and 1200 jobs had input from a community based project group, which secured huge support for the scheme, including CPRE. That same scheme does not yet have planning permission, because the applicant has repeatedly asked for more time to resolve S106 issues
- This is not just lip service, **we have embraced Neighbourhood Planning and Localism.** Torbay is a frontrunner for three neighbourhood plans, covering 100% of its area – unique in the country for a Unitary Authority so we understand. The Council has gone further than many other Councils in 'delegating' responsibility for allocating development sites to Neighbourhood Planning Forums. This empowers local communities, builds trust and communication and, we believe, will reduce the amount of opposition to major development proposals. These plans will add detail to our **recently published draft Local Plan** (see www.torbay.gov.uk/newlocalplan). The new Local Plan seeks to reduce red tape, remove barriers to development whilst also achieving great outcomes for the English Riviera.
- **Torbay's approach is getting good results.** Major mixed use developments, new hotel and tourism developments, new manufacturing units and education facilities, new innovation centres and retail units, plus growth in existing businesses, will see more than 5000 new jobs created in Torbay over the next 5 years, helped by the new South Devon Link Road. Torbay has an approval rate of over 90% for these sorts of developments since January 2012 – this is commendable and what the Government wants.
- Due to the close working relationship between Members, officers and developers it is rare that Members of the Development Management Committee (DMC) go against officer advice. In the last 12 months, **95% of officer recommendations on Major Planning Applications to DMC were agreed.** This provides developers and investors with confidence in working with the Council at pre-application and pre-decision stages. Indeed, the Council is often asked by developers to hold back from making decisions to allow applicants to make important changes to their proposals.
- **Torbay's record on appeal** is also excellent. We lost 23% of appeals last year, far less than the national average of 33%. Only one appeal on a major development proposal has been allowed, showing that a near 100% record on the robustness of the Council's decisions and underlining that we're making high quality decisions on major investment proposals. There have been **no appeals against non-determination** on major applications

in Torbay in the past 3 years, demonstrating that developers are happy to work with us to achieve a mutually agreeable outcome even if this takes longer than 13 weeks.

- **Our recession busting measures are promoting development now.** A mixed use scheme in West Paignton is on site, delivering new jobs, new homes and much needed infrastructure improvements. Another scheme, currently under construction, is delivering a much needed £2M highway improvement without any public subsidy. We have delivered, on average, 31% affordable housing over the last 3 years – above target - and our deferred payments mechanism provides incentives for early delivery. A recent permission for residential development of one of four holiday parks (all in the same ownership) has secured investment in the three remaining holiday parks as well as delivering new homes. These sorts of developments require complex legal agreements, which take time to get right for all parties. Time taken on S106 agreements is the biggest single reason for an extended decision making period, but we're finding many developers are happy to use Committee resolutions to market and develop their product.
- **Quantity versus quality.** The Planning Guarantee seems to focus solely on speed of process, when the NPPF and Torbay's USP requires us to focus on quality outcomes and delivery. A pure quantity based system would not work for Torbay, or many other places, but we continue to evolve and are happy to review the way we do things. For example, we have recently reviewed the way we operate our pre-application service. We now charge for that service and, consequently, 90% of major development applications are valid on receipt, which is way above most LPAs, and applicants have greater certainty of outcome. This allows the clock to start ticking as soon as applications are received, rather than sitting for long periods of time in a pending tray.

Galliford Try has advised that it "would always favour an outcome based approach as opposed to a ridged approval / refusal within 25 weeks, as our experience of time led targets has been very negative. Previous drivers such as the approval of applications within 13 weeks of registration led to widespread manipulation by LAs. We would regularly receive requests for spurious and copious amounts of information prior to an applications registration in order to defer the commencement of the 13 week period. We would also regularly have the "gun to head" approach from LAs whereby we would have a planning refusal if we did not withdraw our application prior to the expiry of the 13 week period. This level of manipulation was regularly denied by John Prescott and the Labour administration however it was a very real problem for developers."

Given our approach, and the success it has achieved, we find it difficult to understand why – due to the application of one quantity based performance measure – the Government would want to penalize Torbay Council by categorizing it as poorly performing.

So, what impact might the Planning Guarantee have?

The Council has several concerns about the Planning Guarantee and, specifically, measuring performance simply on the basis of one of two criteria.

As is evident, Torbay has embraced localism and embarked on an ambitious neighbourhood planning programme. We are concerned that centralisation of planning decisions will be perceived as running contrary to the Government’s objectives for localism.

We are very mindful of the development industry’s needs to reduce planning application timeframes and reduce costs. However, the Planning Guarantee is likely to increase time and costs, due to the re-introduction of a target driven culture based on speed of decision and not based on making a positive decision.

Galliford Try have expressed the view that it would “never be its preference to pursue a planning application directly with the planning inspectorate and effectively forego the opportunity of an appeal, however, it would not rule out this “high risk” approach where time is of the essence or we feel that the performance of a LA, both through the pre-application and planning process as well as the engagement and views of locals (if strongly NIMBY), would lead us to believe that the application will not receive a fair hearing or appropriate support.” Similarly, Mansells has advised that it doesn’t see a direct approach to PINS “being used much, but is handy to have”.

History suggests that Local Authorities will feel obliged, in order to ensure their performance is seen as good, to refuse applications at the 13 week point rather than continue to work with applicants to a mutually acceptable conclusion. This will increase the number and cost of appeals, reduce the likelihood of new jobs, housing and infrastructure improvements and reduce the quality of outcomes locally.

Similarly, at the other end of the application process, Local Authorities would feel obliged not to validate planning applications until they were absolutely certain all necessary information had been submitted with the application. This would be frustrating, time consuming and costly to applicants – as past experience shows.

We believe the proposed measure, of determining 30% or more major applications in 13 weeks, will frustrate the development industry and the delivery of growth and infrastructure in Torbay far more than the positive, flexible approach used in Torbay.

Torbay is not complacent about its performance, there is always room for improvement

There are a number of ways in which we continue to seek improvement in our planning performance.

1. We continue to explore the potential of Planning Performance Agreements, including relatively informal agreements. We haven’t used them to date because our major developers find the current arrangements too cumbersome and inflexible. Indeed there is little action that can be taken in

reality if a PPA is not complied with. However, we note that Planning Performance Agreements are becoming a little more flexible and one or two major investors in Torbay, such as Galliford Try, will now consider using them.

Mansells' view is that both approaches (flexibility and PPA) require trust and co-operation on all sides but a PPA can take too long to agree

2. We have set up an Agent's Forum in Torbay, which provides an essential interface for communication and feedback.

3. We introduced, in December 2012, a Validation Checklist, to help ensure we receive high quality planning applications; are able to make quicker decisions; and to set out a framework for positive pre-application discussions.

Galliford Try "would always support a collaborative approach to any business process, particularly planning, and it is exceptionally useful for a developer to have schemes registered, perhaps without every last piece of information delivered, as this puts the scheme into the public consciousness, which is obviously very useful, and also provides us with a small amount of flexibility in order to deliver on the particular information requirements of the LA in question."

4. We are committing resources to the masterplanning of allocated sites that have stalled. Part of that process involves community engagement and other survey work to reduce the risks for future developers. This helps move sites forward and reduces the hurdles for major planning applications.

5. The Council supports increased community engagement in major development proposals. We have, when required, worked with applicants to set up community forums. This helps communities understand and realistically influence development proposals.

In conclusion, Torbay's major planning application service is performing well. Our service is valued by our customers and investors, engages with local communities and delivers growth and investment in Torbay. Whilst we fully support the notion of a Planning Guarantee, the current proposals upon which LPAs will be measured will be the antithesis of a driver for growth. They will provide a perverse incentive, much maligned under the previous Government, that is a target driven culture based on speed and not quality and delivery. This will result in far more applications being refused, because issues could not be resolved within 13 weeks, and will lead to frustration and delay in the development sector.

We turn now to the questions set out in the consultation document.

Q1 We believe that the measures of performance should be more intelligent and based on both quantitative and qualitative criteria. The either / or option being put forward is a one size fits

all approach, not conducive to the partnership working arrangements that we have with developers or achieving the high quality outcomes required by the NPPF. The proposed measures are likely to be skewed where they are based on major applications only, because many authorities only deal with a few of these per year. This would therefore skew both the time and appeal statistics and, as such, we recommend the measure used should be proportionate to the number of major applications dealt with.

Instead of the proposed measures, we consider a range of qualitative and quantitative criteria need to be used to assess performance over an initial three year period, reduced to a two year period after the first year of implementation. Torbay Council suggests that, for the first year of implementation, a Council's performance for the previous two years (April 2011 – 2013) is assessed and a Council is given 12 months to improve its performance, if appropriate. If a Council is still considered poorly performing after 12 months (April 2014), then it should be designated as such. After the first year of implementation performance should be assessed on an annual basis (looking back 12 months), with any Local Authority being given 12 months to improve its performance, by investing in its planning service, drawing on PAS resources etc.

Our suggested approach helps overcome a number of key issues:

- It is not a wholly retrospective measure, giving Local Authorities no opportunity to improve performance.
- The initial assessment period is, in effect, over three years helping to reduce the likelihood that blips in performance will be seen as permanent.
- It provides an opportunity for Local Authorities to make genuine improvements in service, over a 12 month period, by drawing on its own resources and the support of agencies such as PAS.
- It overcomes the problem of immediately removing funds (by removing the planning application fee), but not the workload, that could otherwise be used to support improvements in service provision.

As you will be aware, there is an extensive amount of benchmarking data that can be drawn on to inform performance criteria and Local Authorities' performance against those criteria. We would recommend the following set of criteria, as this would provide a more balanced measure of performance based on outcomes that are important to the development sector and local communities:

- **Pre-application service** – does the Local Planning Authority provide a pre-planning application advice service; to what extent is this used by major developers and what proportion of approvals / refusals for major development proposals engaged in meaningful

pre-application discussion. Recent changes to the General Development Procedure Order encourage the reporting of this activity on decision notices.

Galliford Try has advised that Local Authorities “should improve the quality of the pre-application consultation that takes place. Developers are paying for a review service by the LA which should give a more definitive steer as to their preference for the type and look of the development. The developer should be given a great deal of confidence that the scheme, following further design work, would receive a recommendation for approval from the planning department.”

- **Validation timeframes** and submission of appropriate information – how long does it take for planning applications to be validated.
- **Percentage of approvals** – the percentage of approvals is a good indication of performance and certainly one that is considered by investors as part of the decision on whether or not to move forward on a development proposal. This measure would also avoid the dangers of LPAs refusing applications, on negotiable technical issues, just to avoid over-running prescribed time limits.
- **Members and officer agreement** – The number of officer recommendations agreed by Members at Development Committee is a measure developers already use to assess the value of pre- and post- application discussions and, as such, to measure the degree of certainty of outcome.
- **Percentage of appeals against non-determination** – If developers are appealing against non-determination then they are clearly concerned that an LPA is not turning around the decision quickly enough or that they are unlikely to achieve an approval by the LPA. LPAs should have a very low % of appeals being heard on the basis of non-determination.
- **Implementation rates** - how many planning permissions turn into delivery on site in what timeframe? Whilst there is often little that Local Planning Authorities can do about this, it is a measure of a viable, marketable development proposal and could be used as a measure of land banking by major developers. Torbay Council is concerned the current system encourages some developers to hold back on delivery of new homes so further development sites can be secured on the basis that there is not a five year land supply (i.e. market delivery is misleading decisions based on the availability of a five year land supply).

Q2 We do not agree with the proposed purely retrospective measure, since it unjustly penalises authorities who have taken the deliberate approach to focus on quality and customer service as opposed to blindly meeting quantitative targets. Torbay’s more flexible approach was welcomed by developers and seen as a refreshing change from the back office, closed door approach that a target driven culture results in. The measure should start from April 2013 and it should be a combination of criteria, as set out in response to Q1, so as to avoid planning authorities being forced to take negative decisions that are anti-growth in order to meet targets.

Q3 We agree with the informal PPA proposal and will be using this from now on. However, if the overall proposals are to be applied retrospectively then Local Authorities must also be able to discount those proposals on which an informal PPA applied.

Q4 Yes. The current guidance on PPAs sets out quite a complex set of arrangements. The developers we work with have been clear that they do not wish to use PPAs to that degree of detail and complexity. A less onerous approach is welcomed. An informal agreement could be set out on a single side of A4, including milestones and general information.

Q5 Yes, but an authority that deals with very few major applications could be considerably disadvantaged. For example, if one of only two decision taken on major developments were overturned at appeal then that authority would be judged as poorly performing. As such this measure needs to be refined.

Q6 The PS2 quarterly returns provide a sound basis for assessing performance against the number of major decisions made on time. However, if further criteria were added – as we suggest is important (see response to Q1 above) – then other existing reporting mechanisms or new mechanisms would need to be used. We also agree that EIA applications, and those with a Planning Performance Agreement, should not be counted against a 13 week target.

Q7 No. The proposed measure of 30% or fewer major decisions made within 13 weeks unfairly and retrospectively penalises those local authorities, such as Torbay, who have actively sort to respond to the needs of investors and communities. In Torbay's case, investors and communities have welcomed the open, more transparent, quality of outcome approach we have adopted. On the contrary, investors, developers, agents and communities raised significant concerns about the 'quantity' based approach encouraged by the former Planning Delivery Grant arrangements. The quantity based proposals set out in the current consultation is seen as a very unwelcome return to Planning Delivery Grant arrangements. Consequently Torbay Council believes the proposals should be implemented as suggested above (see response to Q1). This is especially important during an economic downturn when more tailoured approaches are needed in order to secure viable, deliverable outcomes.

We believe that further explanation is required from the Government about why 30% is considered to be the appropriate threshold. Furthermore, there needs to be a more direct link between the 13 week threshold and appeal decisions, at least using both statistics to assess performance rather than just one (if there is no desire by Government to measure performance against a wider set of criteria). This would at least ensure there is some measure of quality assessment in the process, with a Local Authority being judged as poorly performing only if it failed to meet both criteria.

Q8 Again the measures should be more intelligent. There is a real risk of returning to a PDG approach, which led to a target culture not unlike the scenario NHS beds in corridors. Developers want a flexible and engaging planning service, but do not want the door closed on them at week 13, simply to meet targets, on a scheme that could otherwise have been successfully negotiated. There is potential to raise the 13 week / 30% threshold over time, but there should not be an arbitrary approach to defining such thresholds (as appears to be the case at present) and such a criteria must only be used in tandem with other smart criteria to assess whether a local authority is truly and habitually a poor performer.

Q9 The designations should not be made until the statistics have been verified and, as above, performance should be assessed across a range of 'smart' criteria, not solely on one criteria alone. In addition, the assessment should be forward looking as well as retrospective. This will in effect put a Local Authority on a warning that it could be designated as poorly performing unless it turns around its performance within a year.

Q10 We do not agree with the option to apply directly to the Secretary of State, this circumvents the local democratic process, is the antithesis of Localism and denies the Local Planning Authority the opportunity to secure a scheme, working in partnership with investors and the community, that get the best outcomes for its area.

Q11 Again, this will involve a significant amount of Local Authority time for little or no fee. In this era of austerity we have to reduce our non-fee earning work and increase our fee earning in order to recover incurred costs. This proposal will defeat that objective. At present we have restricted pre-application fees on the basis of securing planning applications through working hard to get developers to invest in Torbay. In addition, the proposal is counter-intuitive and counterproductive. It would penalise Local Authorities (by removing fee earning potential) at the very time they need to invest in improving their Planning Service.

Q12 Many Local Authorities are already exploring opportunities, such as sharing services, to reduce costs but maintain essential services. As suggested above, it is counter-intuitive to remove fee earning potential (from a poorly performing planning authority) at a time when it needs to invest most in improving its service. The support provided by PAS, and others, is temporary – by nature – and investment is needed to secure longer term improvements.

Q13 No. If an application is approved, or due to be approved, by the Planning Authority it is illogical to apply this measure.

Q14 We believe the notion of a refund of the fee to be very dangerous, this could once again generate very odd behaviour both on the part of the developer and the Authority. A Council will have effectively spent much of the application fee in dealing with the application to date. Consequently, there will not be money that can be refunded. It would also result in more refusals, in order to meet targets, which is entirely anti-growth. It is often the case that decisions, especially on proposals requiring S106 agreement, take longer than 6 months – not because the Local Authority is at fault, but because there are third party issues, for example, that the developer needs to resolve. But the security provided to a developer by an in principle decision (often made within 13 weeks) enables S106 issues to be successfully resolved. Consequently, if the proposal is likely to secure approval – as is the case in Torbay – there would be no need to recourse to PINS and no need for the application fee to be refunded.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Thomas', written over a faint, light-colored signature line.

David Thomas

Deputy Mayor, Executive Lead for Spatial Planning, Housing, Waste and Energy

Agenda Item 19



Meeting Council **Date** 28 February 2013

Wards Affected: All Wards in Torbay

Report Title: Revenue Budget Monitoring 2012/13 – Quarter 3

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1. Key Points and Summary

- 1.1 At the end of Quarter 3, the Council is projecting an overspend of £1.996m at the end of the financial year. This is after the application of £1.106m from the Comprehensive Spending Review (CSR) Reserve and of £0.275m of the Budget Pressures Reserves to support pressures within Children's Services and £0.225m from the Budget Pressures Reserve to support pressures within Spatial Planning.
- 1.2 The emerging pressures that were highlighted during the year and previous monitoring reports have materialised and have been included within the figures. Some of these risks to the 2012/13 budget were advised to Council when the budget was approved in February 2012.
- 1.3 The key variations within services which are projecting an overspend at the end of the year are:
 - Children's Services: £3.1m (after the application of reserves) due to pressures within Safeguarding and Wellbeing service due to the number and costs for looking after Children and the costs for the continued use of agency social workers.
 - Adult Social Care: £0.741m due to the number of Ordinary Residency cases coming into the Bay and the impact of new fee rates for Care Homes as approved by Council on 6 February 2013.
 - Spatial Planning: £0.287m (after the application of reserves) due to a combination of unachieved 2012/13 savings, increased costs for Concessionary Fares and a shortfall in Planning and building control income.

- Savings within Finance primarily due to treasury management savings.
- 1.4 As mentioned in the last monitoring statement the Budget Pressures Contingency created as part of the 2012/13 budget setting has been used to address specific pressures identified within the year i.e. Children's Services and Spatial Planning and further monies have been released from the CSR reserve to support increased costs within Residential Care.
- 1.5 Directors and Executive Heads have worked closely with Executive Leads to consider all options for addressing the projected overspend and to assess its impact upon the 2013/14 budget. As part of the budget proposals £2m additional resources has been allocated to Children's Services to fund the increased costs for Safeguarding and additional resources have been provided to Adult Social Care to fund the increased costs for Ordinary Residency.
- 1.6 The Council continues to adopt strict measures of financial control including the continuation of a vacancy freeze and challenging all expenditure not yet committed. The Council must achieve a balanced budget at year end. Options to achieve this are:
- a) those services overspending producing and delivering against in-year recovery plans which reduces or removes the projected overspend. For some services this will be extremely challenging due to the nature of the service and demand pressures and the limited time available until the end of the financial year;
 - b) all other services deliver in year savings resulting in an underspend at year end;
 - c) if insufficient savings can be made there is a risk that, as a last resort, uncommitted reserves or uncommitted budgets will be required to ensure a balanced budget can be achieved at the end of the year.
- 1.7 A summary of the projected overspend is shown in the table 1 below and how it must be managed:

Table 1

	£'m	£'m
Council Forecast Overspend		5.763
Managed by:		
In Year savings identified to date by services	2.161	
Funding From Budget Pressures Reserve	0.500	
Funding From CSR Reserve	1.106	
		3.767
Balance remaining		1.996
Further options to balance budget:		
Further in year savings to be identified through recovery plans	to be confirmed	
Uncommitted budgets (see para 1.12)	to be confirmed	
Uncommitted reserves (if required)	to be confirmed	
Balance		0

Strategy For in Year Budget Management

- 1.8 The majority of budget pressures identified are for services provided to the most vulnerable residents within the Bay and these are some of the Council's most volatile budgets. However, there are also pressures with respect to the achievement of income targets within services.
- 1.9 The Council recognised at the end of quarter 2 that some of the pressures within services will not reduce in this financial year. Therefore resources were allocated from the budget pressures reserve to Spatial Planning and Children's Services and a further allocation to Children's from the CSR reserve was made at the end of quarter 2. Further resources have been allocated to Children's and Adults Services in 2013/14 to address the ongoing pressures.
- 1.10 In line with the Council's policy any service which is overspending its approved budget allocation will be expected to continue to address the key issues through the

implementation of their recovery plans and where possible identify further savings during the remainder of the year. The significant projected overspends are within Adults and Children's services i.e. the most vulnerable people within the Bay. Executive Lead Members and the Senior Leadership Team continue to take appropriate action to curtail expenditure to reduce the projected overspend and will continue to explore all opportunities to ensure recovery plans are delivered and to identify where other efficiencies and savings can be made to ensure a balanced budget is achieved. However it is recognised that there is limited time available to make further reductions within services which are currently projecting an overspend at year end.

1.11 The Strategy to address the current pressures is the implementation of continued strict financial management and control by the Senior Leadership Team and Executive Lead Members including a range of measures for all services:

- a moratorium on all non essential expenditure and a reduction in all other expenditure with an assessment of the services consequences.
- a freeze on all non essential recruitment through robust control by the Establishment Control Panel.
- a review of budgeted expenditure that could be ceased and an assessment of the services consequences.
- bringing forward any savings proposals for 2013/14 and implementing these to derive in-year savings.

1.12 The Council currently holds uncommitted budgets of £2m which is a combination of unallocated un-ring fenced grants such as New Homes Bonus and the Council's Contingency. Based on the latest projections unless further in-year savings can be achieved, and assuming there is no further increase to the projected overspend, all of these uncommitted budgets will be required to declare a balanced budget at year end.

Paul Looby
Executive Head of Finance and Chief Finance Officer

Appendices

Appendix 1 Summary of Main Variations

Appendix 2 Pooled Budget with Torbay Care Trust

Appendix 3 Budget Monitoring of Council Subsidiaries and Associates

Documents available in Members' rooms

None.

Background Papers:

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

None

Summary of Main Variations

A.1 Report Overview

A1.1 The purpose of this report is to provide Members with a summary of the projections of income and expenditure for all Business Units within the Council and to set out how the Council will maintain expenditure within its approved budget of £123.7m.

A1.2 The revenue monitoring statement shows the expenditure and projected outturn position based upon the latest information available to finance officers in consultation with service departments. Where possible, the implications or consequences arising from the variations are reflected in the key performance indicators for that service.

A1.3. Ongoing performance and financial monitoring will be provided to Members through the quarterly performance reports.

A.2 Performance

A2.1 Table 2 below provides a summary of the projected outturn position for Council services.

Table 2
Projected Outturn Position – Quarter 3

Business Unit/Service	2012/13 Budget	Spend to Date	Projected Out-turn	Variation at Out-turn
	£'000	£'000	£'000	£'000
Adults & Resources				
- Adult Social Care	42,905	37,426	43,646	741
- Commercial Services	3,798	2,743	3,768	(30)
- Information Services	3,863	3,264	3,863	0
- Supporting People	5,913	4,618	5,763	(150)
	56,479	48,051	57,040	561
Children, Schools & Families	20,456	19,402	23,556	3,100
Public Health				
Community Safety	2,628	744	2,357	(271)
Public Health	0	0	0	0
	2,628	675	2,357	(271)
Place & Resources				
- Business Services	1,986	1,192	1,728	(258)
- Finance	12,352	(5,912)	11,173	(1,179)
- Residents & Visitors	9,034	4,572	9,063	29
- Spatial Planning	5,311	3,658	5,598	287
- TDA - Clientside	2,639	2,102	2,639	0
- TDA - TEDC	1,720	1,725	1,720	0
- Torbay Harbour Authority	0	(126)	0	0
- Waste & Cleaning	11,142	9,813	10,869	(273)
	44,184	17,024	42,790	(1,394)
Total	123,747	85,083	125,743	1,996

Main Variations

A2.2 A summary of the main variances and the principal reasons for any underspends or overspends and any emerging issues within each directorate are explained below.

Place and Resources

A2.3 There is a projected underspend of £1.394m. A summary of the main variations are identified below:

Residents and Visitor Services is predicted to declare an overspend of £0.029m at year end.

Members will recall there has been a shortfall in car parking income during the year. Latest projections show this will be £0.410m which is thought to be primarily as a result of the poor weather during the summer season which has had an impact upon the number of visitors to the Bay. This relates primarily to off street parking. On-Street income is expected to meet its income target.

As previously reported to mitigate against the shortfall in income, Residents and Visitors have implemented a full moratorium on all discretionary spending, allowing only Health & Safety works, committed and contracted expenditure to take place. However it should be noted that this moratorium has meant there have been service reductions across this business unit.

The largest reductions are likely to be made in repairs and maintenance budgets across the services and therefore only essential works will be completed as a result. This will have service implications and will be kept under review.

As with all services, strict controls will be put in place to ensure that expenditure is controlled at the point of ordering, so all expenditure can be thoroughly challenged before approval is given.

Waste and Cleaning is projecting an underspend of £0.273m. As previously reported this is due to a continuation TOR2's introduction of various waste reduction and diversions initiatives which has generated savings in landfill tax and transportation costs. This has been partly offset by lower than expected income due to the non implementation of disposal charges at the Council's civic amenity site at Paignton.

Spatial Planning – is projected to overspend by £0.287m. This is after the application £0.225m from the Council's budget pressures reserve to fund the shortfall in the final negotiated payment to bus operators. £0.050m of the earmarked reserve for future Planning Inquiries has also been used to fund a statutory housing land assessment.

The projected overspend has arisen due to increased passenger numbers and therefore costs for Concessionary Fares and budget pressures within Planning. Although there has been relative stability in the projected shortfall in income levels from planning and building control to quarter 3 (helped further by the 15%

government approved increase in statutory planning application fees), more recent trends suggest the position is worsening and that a further reduction of £0.050m may be declared by year end.

Economic Development Company (Client side) – is projecting to spend within budget as at the end of quarter 3. Officers are considering the impact of the moratorium on expenditure and expect to identify savings at year end within the repairs and maintenance budget subject to there not being any emergency works required in the last quarter of the year.

Finance – is projected to underspend by £1.179m. The savings are primarily due to:

- savings within treasury management as a result of higher than budgeted cash balances (linked to the timing and profile of spend within the capital programme) combined with higher investment rates than budgeted leading to better investment returns.
- lower audit fees resulting from new arrangements for external audit of local authorities.
- additional housing benefit administration grant.
- reduction in discretionary pension costs.
- staffing savings due to vacancy management and a reduction in general administrative expenditure.

Business Services is projected to underspend by £0.258m due to:

- savings within the recruitment budget due to the freeze on recruitment within most of the Council.
- the receipt of additional income for services to schools.
- administrative and staffing savings within the business unit.

A2.4 **Community Safety.**

Community Safety is projecting an underspend of £0.271m due to:

- additional contract income derived from the Cemeteries and Crematorium Service.
- vacancy management savings and a moratorium on spend within the Business Unit.

A2.5 Children, Schools & Families

Children's are projecting an overspend of £3.1m - this is after the application of £0.275m from the budget pressures reserve to fund the costs of the recruitment and retention initiative to reduce social care agency costs and a further £1.106m from the CSR reserve to fund the increased costs within Residential Care.

This remaining overspend reflects the ongoing budget pressures and volatility faced by this service, primarily within Safeguarding and Wellbeing due to the numbers and costs for children in care and placements within the independent sector.

Whilst the "Make an Impression" recruitment campaign has been successful with the recruitment and retention policy of social workers there is still continued use of agency social workers which has a significant impact upon the projected overspend for the year. The vacancy rate within social care has fallen from 46% to 20%. This will result in reduced expenditure next financial year as there will be a full year effect for this cost reduction.

The overspend has been partly offset by savings within Children's, Schools and Communities and Commissioning and Performance budgets.

The number of looked after children at the end of December was 279 and the number of children on Child Protection Plans was 220.

Children's Services Response to the projected overspend

Children's Services is continuing its process of remodelling the service that aims to reduce the dependency on statutory provision by creating a targeted Early Help Service and Child in Need Service. This will systematically reduce the number of Looked After Children and the amount of time they spend in care. It will also reduce the number of children subject to a Child Protection Plan, thus reducing budget pressures in relation to statutory activity and placement costs.

Children's Services are also in the process of developing a more robust and assertive Fostering Strategy, which is designed to increase the number of in-house foster carers via a focused recruitment campaign which has been re-launched and a reduction in the time required to train foster carers. The success of the new training program should result in an additional 15 in house foster carers from April 2013. This will reduce the council's dependence upon Independent Sector Placements (ISP) for fostering which cost 50% more than in house foster carers. As a consequence this will reduce the growing dependency on external independent fostering placements and residential care and associated costs.

Members will be aware of the Children's Services dependence upon Agency staff for social workers. This is being addressed by the Make an Impression Campaign and the approved Recruitment and Retention Strategy. This has resulted in a reduction in the number of vacancies for Social Workers from 46% to 20% with reduction in agency costs. A further two social workers were appointed on the 6th

of Feb and interviews are currently being arranged for additional posts in two weeks (8 candidates short listed). This will bring children's services in line with the 10% target by the 1st April.

As an invest to save model, by September 2013, the investment to the Recruitment and Retention Strategy will achieve an overall saving of approximately £0.664m. This will result in a permanent staff team without any ongoing dependency on agency staff beyond the national average and the need to provide initial support to newly qualified staff.

As a result of the continual appointment of permanent staff this will have a significant effect on the child's journey through social care which will enable more effective long term planning and care arrangements for vulnerable young people.

The reliance upon ISP residential placements over the last 18 months has put considerable strain upon the budget. Children's have in place a robust placement review and approval process via the Access to Resources and Permanency Panels. Regular reviews are expected to reduce placement costs in the next three months.

As part of the Service Review Process, other savings have been identified and are in the process of being formalised as part of the overarching budget strategy. These will result in a remodelling of the non safeguarding element of Children's Services.

These changes are part of an ongoing plan to manage the budget over the next 2 years and will be incorporated as part of the business plan currently being developed which will review current processes and structures together with any management information requirements which are needed to inform decision making around service delivery and performance management.

Adults and Operations

- A2.6 This portfolio covers a range of services with budget pressures of £0.561m projected to year end.

Adult Social Care – net overspend of £0.741m. As reported previously this is due mainly to the number of ordinary residency cases within the Council i.e. movement of 22 adult social care clients from other local authorities. This is a volatile area resulting in increased cost pressures for the Council. The issue of Adult Social care clients changing their residence has been recognised nationally but is currently having a detrimental impact upon Torbay as a net importer of clients. This area has been monitored closely throughout the year but it is recognised that it is difficult to actively manage this cost pressure. The full year effect of these additional costs have been recognised within the approved 2013/14 budget for Adult Social Care. Council approved on 6 February 2013 revised Care Home Fees and these are reflected within the overall projected outturn position.

The Torbay and Southern Devon Health and Care NHS Trust have a Cost Improvement Programme (CIP) which is used to monitor and deliver the savings as required when the 2012/13 budget was approved. As highlighted previously the main risks to not achieving the cost reduction package include the achievement of a number of reviews within domiciliary care, and any changes to care home fees settlement.

At the end of the third quarter the Trust continues to make progress in delivering these savings. However, the full year effect of some of these savings will not be achieved due to the timing of the CIP.

The Trust has advised the Council that it will manage any shortfall in the delivery of its CIP in year savings target by utilising section 256 monies.

Appendix 2 shows the pooled budget for the partnership as managed by the [Torbay and Southern Devon Health and Care NHS Trust](#).

Supporting People – is projecting an underspend of £0.150m due to contractual savings and effective commissioning. This projected underspend may increase further over the remaining quarter.

Commercial Services – is projecting a small underspend of £0.030 due to savings within the Members Allowances budget and a projected underspend on the Coroner's budget.

All other services within this portfolio are projected to spend within their budget allocation as at the end of quarter 3.

A3. Reserves

A3.1 The Comprehensive Spending Review reserve is the Council's uncommitted reserve which was set up to meet the financial challenges it faces over the next few years. These challenges include:

- any unforeseen events or pressures that emerge during the year;
- invest to save initiatives where demonstrable savings can be delivered in future years;
- making provision for any costs of restructuring Council services.

Where possible reserves should only be used to support one off initiatives as it is not sustainable to use reserves to support ongoing commitments.

A3.2 As reported in the last monitoring report, the CSR reserve was projected to be significantly reduced by the end of the financial year. It was stated that the Council needed to consider how this reserve can be replenished to ensure it has sufficient

one off resources to support the council in addressing the financial challenges it faces in the next few years. This has been considered and at the budget meeting on 13 February 2013 Council supported the recommendation contained within the Review of Reserves report which approved the release of £1.4m of reserves to the CSR reserve. Due to the financial challenges the Council faces in delivering a balanced budget next year, this transfer to reserves will support the Council in meeting these challenges.

A3.3 The Mayor has agreed to release the following monies from reserves during 2012/13:

- £1.106m to Children's Services to fund the increased costs within Residential Care.
- £0.1m to fund an initiative for Housing Enforcement with respect to landlords.
- £0.050m for Arboriculture Services for the maintenance of trees due to the unseasonal wet summer.
- £0.020m to undertake a land review at Hollicombe.

In addition, to date £0.7m has already been incurred to fund the costs arising from council reorganisations and restructuring and will be funded from the CSR reserve.

A3.4 A summary of the Council's uncommitted reserve is shown below in table 3.

Table 3 - Uncommitted Reserves

Reserve	Working Balance £'m
Comprehensive Spending Review Reserve	
Balance as at 1 January 2013	3.300
Contribution arising from Review of Reserves	1.400
Possible calls upon reserves	tbc
Balance as at 13 February 2013	4.700
Redundancy Costs arising from 2013/14 budget	1.000m (estimated)
Projected overspend – 2012/13	tbc

A3.5 The Council is faced with a number of other cost pressures which will further reduce the level of reserves it holds. These include redundancy costs which will arise from the 2013/14 budget proposals and will be a liability in 2012/13. In addition, if the Council is unable to declare a balanced budget at year end any overspend will have to be funded from the CSR reserve.

A3.6 The Council also has its General Fund balance which is £4.0m and represents 3.2% of the Council's net budget which I consider to be a prudent level. It should be

noted that the General Fund reserve should only be called upon in emergencies.

A.4 Dedicated Schools Grant (DSG)

A.4.1 The DSG is currently reporting an underspend of £0.238m. The DSG is a ring fenced grant and can only be used to fund schools related activities.

A.5 Debtors Monitoring

A5.1 This section of the report provides Members with an update for the third quarter in 2012/13 in respect of council tax and business rate collection.

Council Tax

A5.2 The targets for the collection of Council Tax in 2012/13 are:

- (i) collect 96.5% of the Council Tax due within the 12 months of the financial year (i.e. April to March); and
- (ii) collect 50% of the arrears brought forward from previous years.

A5.3 The Council is due to collect £60.2m after the granting of statutory exemptions and reductions and Council Tax Benefit in the period April 2012 to March 2013. To date the Council has collected £50.4m which is about 83.8% of the Council Tax due in year. The collection level is in line with last year's performance.

A5.4 The total arrears outstanding at 31 March 2012 were £3.9m and this has been reduced by £1.65m which is about 41.5% of the total arrears due.

A5.5 There are no Council Tax write-offs over £5,000 to report.

Non-Domestic Rates

A5.6 The targets for the collection of NNDR (business rates) re:

- (i) collect 96.5% of the business rates due within the 12 months of the financial year (i.e. April to March); and
- (iii) collect 50% of the arrears brought forward from previous years.

A5.7 The Council is due to collect £36.59m after the granting of mandatory relief in the period April 2012 to March 2013. To date the Council has collected £31.4m which is about 86.1% of the business rates due in year.

A5.8 The total arrears outstanding as at 31/3/12 were £1.49m and this has been reduced by £0.643m which is about 43.1% of the total arrears due.

A5.9 There are five write offs above £5,000 which have been circulated to Members of the Overview and Scrutiny Board and are available to all Members upon request.

A5.10 Total write-offs in respect of NNDR debts over £5,000 amount to £0.086m. In addition there are write offs of £0.015m for housing benefits, £0.007m for sundry debts and £0.110m in relation to social care debts.

A.6 Financial Performance of External Companies

A6.1 For completeness a summary of the financial performance of the companies that Torbay Council has an interest in is included. Attached as appendix 3 is a list of those companies which summarises their projected outturn position.

Appendix 2

MANAGEMENT ACCOUNTS
YEAR TO DATE TO 31 DECEMBER 2012 AND YEAR END FORECAST

SERVICE AREA	NET EXPENDITURE YTD				NET EXPENDITURE YEAR END FORECAST			
	BUDGET £'000	ACTUAL £'000	VARIANCE £'000	VARIANCE %	BUDGET £'000	ACTUAL £'000	VARIANCE £'000	VARIANCE %
HOSPITAL SERVICES	17,341	17,432	92	0.5%	23,119	23,271	152	0.7%
SOUTHERN DEVON COMMUNITY	7,723	7,660	(63)	-0.8%	10,311	10,249	(62)	-0.6%
TCT COMMUNITY SERVICES	10,432	10,340	(92)	-0.9%	13,923	13,817	(106)	-0.8%
NHS TORBAY - HEALTH IND SECTOR	9,403	9,403	0	0.0%	12,537	12,537	0	0.0%
PROVIDER HQ CORPORATE SERVICES	11,675	11,727	52	0.4%	15,414	15,395	(19)	-0.1%
PROFESSIONAL PRACTICE	7,008	6,996	(12)	-0.2%	9,347	9,344	(3)	0.0%
PUBLIC HEALTH								
MEDICAL DIRECTORATE	750	742	(8)	-1.1%	1,001	996	(5)	-0.5%
RESERVES	762	687	(75)	-9.8%	1,631	1,583	(48)	-2.9%
SUB TOTAL HEALTH	65,093	64,987	(106)	-0.2%	87,283	87,192	(91)	-0.1%
SOCIAL CARE	22,551	22,694	143	0.6%	30,068	30,809	741	2.5%
IN HOUSE SERVICES BAY WIDE	501	471	(30)	-6.0%	668	629	(39)	-5.8%
IN HOUSE SERVICES LEARNING DISABILITIES	2,016	2,016	0	0.0%	2,688	2,688	0	0.0%
SUB TOTAL ADULT SOCIAL CARE	25,068	25,181	113	0.5%	33,424	34,126	702	2.1%
TOTAL EXPENDITURE	90,161	90,168	7	0.0%	120,707	121,318	611	0.5%

CONTRACT AREA	SURPLUS (-) / DEFICIT YTD		SURPLUS (-) / DEFICIT YEAR END FORECAST	
NHS		(136)		(130)
LOCAL AUTHORITY		143		741

Budget Monitoring of Council Subsidiaries & Associates

Budget Monitoring of Council Subsidiaries & Associates 2011/12 - Quarter Three	Council Ownership	Gross Income to Date £m	Gross Spend to Date £m	Surplus or (Deficit) to date £m	Projected Outturn £m
Subsidiaries					
Torbay Economic Development Company	100%	3.8	3.4	0.4	0
English Riviera Tourism Company	100%	0.8	0.6	0.2	0
Associates					
TOR2	19.99%	13.7	13.4	0.3	0.5
South West Careers	25%	6.1	6.0	0.1	0.1
PLUSS	25%	14.1	14.0	0.1	0.1



Meeting: Council	Date: 28 February 2013
Wards Affected:	All Wards in Torbay
Report Title:	Provisional Calendar of Meetings for 2013/2014
Executive Lead Contact Details:	Councillor Ken Pritchard Executive Lead for Business Planning and Governance
☎ Telephone	(01803) 207313
✉ E.mail	ken.pritchard@torbay.gov.uk
Supporting Officer Contact Details:	Kay Heywood
☎ Telephone	(01803) 207026
✉ E.mail	kay.heywood@torbay.gov.uk

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1. **Purpose**
 - 1.1 To seek approval for the provisional calendar of meetings for the 2013/2014 Municipal Year.
 2. **Proposed Decision**
 - 2.1 **That the provisional calendar of meetings for 2013/2014, set out in Appendix 1 to this report, be approved for final ratification at the Annual Council Meeting.**
 - 2.2 **That meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman.**
 3. **Action Needed**
 - 3.1 The purpose of producing a draft calendar at this stage is to allow officers to start preparing for the next Municipal Year. The Council will ratify the provisional calendar at its annual meeting in May in accordance with Standing Orders.
 4. **Summary**
 - 4.1 The draft provisional calendar of meetings for 2013/2014 (attached at Appendix 1) has been prepared based on the Council's decision-making structure and in accordance with the Council's Standing Orders.

Supporting Information

5. Position

- 5.1 Before the end of each Municipal Year the Council considers the provisional calendar of meetings for the following Municipal Year, which is then ratified at the Annual Council Meeting.

The following meetings have been scheduled in the calendar for 2013/2014:

- Council;
- Development Management Committee;
- Licensing Committee;
- Licensing Sub-Committee;
- Harbour Committee;
- Standards Committee;
- Audit Committee;
- Appeals Committee (Transport);
- Overview and Scrutiny Board;
- Health Scrutiny Board;

- 5.2 The meetings of the Council have been programmed to allow sufficient reporting time between the meetings for the plans and strategies which are required to be approved through the Council's Policy Framework process and for the budget setting process.

- 5.3 The draft calendar has also been structured to allow, wherever possible, for each type of meeting to be allocated a certain day e.g. Development Control Committee to meet on Mondays, Licensing Sub-Committees on Thursdays and Council on Thursdays.

- 5.4 Meetings of the Employment Committee and Civic Committee are proposed to be held on an ad hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.

6. Possibilities and Options

- 6.1 Wherever possible the timings of meetings have been set in accordance with the needs of the Committee Members and the Public, for example the Licensing Sub-Committees convene at 9:30 a.m. which is suitable for those making representations. Timings are kept under constant review by the Governance Support Manager. There is a small risk that some people will still not be able to attend these meetings, however, in most cases where public participation is permitted, the Council will accept written representations to enable people to put their points of view across.

7. Preferred Solution/Option

7.1 Members may wish to set alternative dates for meetings. However, the meetings have been timetabled to allow sufficient time for the reporting of the plans and strategies which make up the Council's Policy Framework and the Council's budget setting process. A calendar of meetings is required under Standing Orders and facilitates the organisation of the Municipal Year.

8. Consultation

8.1 The Mayor, Group Leaders and the Chief Operating Officer have been consulted on the draft provisional calendar of meetings for 2013/2014.

9. Risks

9.1 Each Business Unit will be involved in preparing reports and officers will be required to present reports at meetings where appropriate.

Appendices

Appendix 1 Provisional Calendar of Meetings 2013/2014

Documents available in members' rooms

Additional Information

Background Papers:

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

Constitution of Torbay Council

SCHEDULE OF COUNCIL AND COMMITTEE MEETINGS

12 May 2013 to 14 May 2014

Agenda Item 20

Appendix 1
Annual Council 13 (Tue) 11am

	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Appeals Committee (Transport)					11	23	6	4	15	3 (Mon)	5	2	
Audit Committee		19			18				22		19		
Council	Annual Council 14 (Tue) Adjourned Annual Council 15 (Wed)		18		19	17		5		6 Adjourned 13 27			
Development Management Committee	13	10	8	12	9	14	11	9	13	10	10	14	12
Harbour Committee		3			23			16			17		
Health Scrutiny Board			11			10	14		9			10	
Licensing Committee	23						7						
Licensing Sub-Committee	16 30	6 13 20 27	4 11 18 25	1 8 15 22 29	5 12 19 26	3 10 17 24 31	14 21 28	5 12 19	2 9 16 23 30	6 13 20 27	6 13 20 27	3 10 17 24	1 8
Overview and Scrutiny Board		12	10	14		9		11	29			9	
Priorities and Resources 2013/2014 Review Panel					20	4	22 29		10 14 (Tue) 15 (Wed) 20 (Mon)				
Standards Committee		26					20						26

Scheme of Delegation of Executive Functions to the Executive, Committees of the Executive and Officers

This report is presented to the meeting of Council on 28 February 2013 in accordance with Standing Order C4.2(a) for inclusion in the Council's Scheme of Delegation (Schedule 6 to Part 3) of the Constitution of Torbay Council. Responsibility for Public Toilets has been removed from Councillor Excell's portfolio and will be included in Councillors Richards area of responsibility.

- The names, addresses and wards of the people appointed to the Executive by the Mayor are set out below:

Name	Address	Electoral Ward
Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor David Thomas	54 Lower Fowden Broadsands Paignton TQ4 6HS	Blatchcombe
Executive Lead for Tourism and Environment – Councillor Jeanette Richards	Montana 217 Dartmouth Road Paignton TQ4 6LG	Blatchcombe
Executive Lead for Safer Communities and Transport – Councillor Robert Excell	31 St Michael's Road Decoy Newton Abbot TQ12 1DJ	Tormohun
Executive Lead for Involved and Healthy Communities – Councillor Alison Hernandez	50 Cadewell Lane Shiphay Torquay TQ2 7ER	Shiphay with the Willows
Executive Lead for Children, Schools and Families – Councillor Chris Lewis	7 Lutyens Drive Paignton TQ3 3LA	Preston
Executive Lead for Adult Social Care and Older People – Councillor Christine Scouler	4 Merryland Close Preston Paignton TQ3 1HT	Preston
Executive Lead for Business Planning and Governance – Ken Pritchard	62 Lower Fowden Elbury Cove Paignton TQ4 6HS	Churston with Galmpton
Executive Lead for Culture and the Arts – Councillor Dave Butt	90 Marldon Road Paignton TQ3 3NW	Preston

2. The Mayor is responsible for the discharge of all executive functions (except as specified in paragraph 3. below). Executive Leads will have an advisory role in relation to the areas of responsibility set out below.

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Mayor Gordon Oliver (Executive Lead for Employment and Regeneration, Finance and Audit)	Employment and Regeneration, Finance and Audit	<ul style="list-style-type: none"> • Built Environment • Employment and Skills • Business support • Regeneration • Business Relocation, Creation and Growth (inc. social enterprise/apprenticeships) • Inward Investment • Property (assets) • Estates • <i>(Torbay Economic Development Company)</i> • <i>(Local Enterprise Partnership)</i> • <i>(Events Forum)</i> • Financial (including Capital and Revenue Budget and Budget Monitoring) • Corporate debt and creditor payments • Revenue and Benefits • Business Rates <i>(Devon Audit Partnership)</i> 	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Job-led regeneration focusing on specific sectors. ■ Create the right environment for inward investment. ■ Continue to progress with the South Devon Link Road. ■ Adhere to sympathetic regeneration. ■ Through the Torbay Strategic Partnership encourage public and private sectors to develop employment of apprentices. ■ Continued to provide value for money for our communities by: <ul style="list-style-type: none"> ○ Reducing costs/increasing income/improving productivity so increases in council tax are kept low. 	<p>Director of Place and Resources</p> <p>Chief Operating Officer Economic Development Company</p> <p>Director of Place and Resources</p> <p>Executive Head Finance</p>

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor David Thomas	Strategic Planning, Housing, Waste and Energy	<ul style="list-style-type: none"> • Spatial Planning • Housing Standards • Housing Options • Affordable housing • Facilities management • Environmental Policy (including waste and carbon reduction) • Energy • <i>(Waste Disposal (TOR2))</i> • <i>(Torbay Strategic Partnership)</i> • <i>(Torbay Town Centre Development Forum)</i> 	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Monitor the TOR2 contract for improved recycling, waste and clean streets. ■ Support the creation of Town Centres Business Improvement Districts. ■ Revitalise the retail offer in the town centres. ■ Plan for the supply and demand of energy for the Bay. <p>Health:</p> <ul style="list-style-type: none"> ■ Reduce local greenhouse gas emissions. <p>Happiness:</p> <ul style="list-style-type: none"> ■ Ensure an appropriate supply of quality housing within communities. 	<p>Director of Place and Resources</p> <p>Executive Head Spatial Planning</p>

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Executive Lead for Culture and the Arts – Councillor Dave Butt	Arts, theatres libraries and museums	<ul style="list-style-type: none"> • Culture, museums, archives, theatres, libraries, arts • Libraries supporting education and health • Theatre contracts and arts development grants • Museum grants • Music for schools • <i>(Arts Council Regional Board)</i> • <i>(Creative Torbay)</i> • <i>(Archives – Devon County Council Partnership)</i> • <i>(Cultural Champion for Torbay)</i> 	<p>Happiness:</p> <ul style="list-style-type: none"> ■ Work towards creating a sustainable and flourishing leisure, culture and tourism sector that is open to residents and visitors. 	
Executive Lead for Tourism and Environment – Councillor Jeanette Richards	Tourism and Environment	<ul style="list-style-type: none"> • Leisure, beaches, parks and open spaces • Special events • Tor Bay Harbour Authority • Public Toilets • <i>(Torbay Coast and Countryside Trust)</i> • <i>(English Riviera Tourism Company)</i> 	<p>Happiness:</p> <ul style="list-style-type: none"> ■ Work towards creating a sustainable and flourishing leisure, culture and tourism sector that is open to residents and visitors. 	<p>Director of Place and Resources</p> <p>Executive Head Residents and Visitor Services</p> <p>Executive Head Tor Bay Harbour Authority</p>

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Executive Lead for Safer Communities and Transport – Councillor Robert Excell	Safer Communities and Transport	<ul style="list-style-type: none"> • Safer Communities • Food Safety and Standards • Safety and Licensing • Trading Standards • Community Protection • Emergency Planning • Flooding and Drainage • Corporate Health and Safety • Corporate Security (CCTV, Street Lighting,) • Strategic Transport • Highways management • Parking • Cemeteries and Crematoria • Sport • Tree Services • <i>(Community Safety Partnership)</i> • <i>(Riviera International Conference Centre)</i> 	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Lobby to improve rail services. <p>Health:</p> <ul style="list-style-type: none"> ■ Promote sport and outdoor activity to improve health and wellbeing. <p>Happiness:</p> <ul style="list-style-type: none"> ■ Work towards keeping crime low by: <ul style="list-style-type: none"> ○ Maintaining focus on the night-time economy; and ○ Working with the Police Director for resources to ensure crime levels remain low and people feel safe. ■ Make it easier to get around the Bay by developing integrated transport where feasible. 	<p>Director of Public Health</p> <p>Executive Head Community Safety</p> <p>Executive Head Residents and Visitor Services</p>

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Executive Lead for Involved and Healthy Communities – Councillor Alison Hernandez	Involved and Healthy Communities	<ul style="list-style-type: none"> • Partnerships • Localism • Closing the Gap and Public Health (including Health Improvement and Public Health Commissioning) • Communication • Consultation • Community Development including Community Partnerships • Voluntary Sector Development • Champion for Volunteers • Local Democracy 	<p>Health:</p> <ul style="list-style-type: none"> ■ Continue to work on the Closing the Gap Strategy and roll out to other areas by involving communities. ■ Reduce the negative impact of alcohol, obesity, tobacco and drugs on our communities. ■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Lewis and Scouler). <p>Happiness:</p> <ul style="list-style-type: none"> ■ Jointly engage and involve communities to resolve local issues in neighbourhoods. ■ Engage with communities in rolling out locality workings and community budgets as part of localism. ■ Promote democracy, transparency and civic engagement, and when able to, re-look at the Mayoral System of Governance (joint with Councillor Pritchard) 	<p>Director of Public Health</p> <p>Executive Head Community Safety</p> <p>Executive Head Health Improvement</p>

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Executive Lead for Children, Schools and Families – Councillor Chris Lewis	Children, Schools and Families	<ul style="list-style-type: none"> • Safeguarding and wellbeing • Early Intervention • Family Intervention Project • Intensive Family Support Services • Domestic Abuse Services • School Improvement • School Leadership • Youth Offending Team • Youth, Childrens and Family Centres • Early Years Services • Integrated Locality Teams 0-19 • Children’s Commissioning (<i>Children’s Trust</i>) • (<i>Health and Wellbeing Board</i>) 	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Raise skills levels by working with schools and South Devon College to meet the standards set by the Department for Education for attainment and attendance. ■ Tackling child poverty <p>Health:</p> <ul style="list-style-type: none"> ■ Continue to improve Children safeguarding (joint with Councillor Scouler on Adults safeguarding). ■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Hernandez and Scouler). ■ Reduce teenage pregnancy. 	<p>Director of Children’s Services</p> <p>Director of Public Health</p> <p>Executive Head Safeguarding and Wellbeing</p>

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Executive Lead for Adult Social Care and Older People – Councillor Christine Scouler	Adult Social Care and Older People	<ul style="list-style-type: none"> • Adult Services • Older People • Supporting People • <i>(Torbay Care Trust)</i> 	Health: <ul style="list-style-type: none"> ■ Continue to improve Adults safeguarding (joint with Councillor Lewis on Children safeguarding). ■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Lewis and Hernandez) 	Director of Adult Services and Resources
Executive Lead for Business Planning and Governance – Ken Pritchard	Business Planning, Governance and Member Development	<ul style="list-style-type: none"> • Performance • Human Resources and Organisational Development (including Payroll) • Business Change and Programme Support • Risk Management • Information Services • Commercial Services • Governance • <i>(Local Enterprise Partnership)</i> 	Prosperity: <ul style="list-style-type: none"> ■ Continued to provide value for money for our communities by: <ul style="list-style-type: none"> ○ Reviewing the structures of the Council so they are still fit for purpose. 	Director of Adult Services and Resources Director of Place and Resources Executive Head Information Services Executive Head Commercial Services Executive Head Business Services
			Happiness: <ul style="list-style-type: none"> ■ Promote democracy, transparency and civic engagement, and when able to, re-look at the Mayoral System of Governance (joint with Councillor Hernandez) 	

3.
 - (i) The Deputy Mayor will be responsible for the discharge of all executive functions relating to the regeneration of the Castle Circus area of Torquay as the Mayor owns properties in this area and has a personal and prejudicial interest;
 - (ii) the Deputy Mayor will be responsible for the discharge of executive functions if the Mayor:
 - (a) is absent (e.g. on holiday) for a period of time or in cases of urgency where the Chief Operating Officer is satisfied that the Mayor cannot be reasonably contacted;
 - (b) is incapacitated through illness; or
 - (c) has a person prejudicial interest in any matter requiring determination.
 - (iii) If the Mayor or the Deputy Mayor (Councillor David Thomas) are unable to act on a matter requiring a decision then the Chief Operating Officer shall have the power to determine any matter requiring a decision.
4. No executive committees have been appointed at the present time.
5. No executive functions have been delegated to area committees, any other authority or any joint arrangements at the present time.
6. The Mayor has also (so far as lawful) delegated to officers the discharge of those functions that are referred to in Schedule 7 and are executive functions in the manner set out in that Schedule, in accordance with (and subject to) the Council's Standing Orders in relation to the Executive.
7. So far as the Constitution requires officers to consult with "the relevant member", the areas of responsibility of the Executive Leads are as set out paragraph 2 above.