

## **OVERVIEW AND SCRUTINY BOARD**

A meeting of **Overview and Scrutiny Board** will be held on

**Tuesday, 30 October 2012**

commencing at **3.30 pm**

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

### **Members of the Committee**

Councillor Thomas (J) (Chairman)

Councillor Barnby	Councillor Kingscote
Councillor Bent	Councillor Pentney
Councillor Darling (Vice-Chair)	Councillor Stockman
Councillor Hill	Councillor Pountney

### **Co-opted Members of the Board**

Penny Burnside, Diocese of Exeter

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**Working for a healthy, prosperous and happy Bay**

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

**Kate Spencer, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207014**

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

# OVERVIEW AND SCRUTINY BOARD AGENDA

## 1. Apologies

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

## 2. Declarations of Interest

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

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

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

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

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

## 3. Urgent Items

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

## 4. Granting of a Long Lease for the Occombe House Site

(Pages 1 - 18)

The above decision was called-in by Councillors Faulkner (A), Davies, Doggett, Pentney and Darling on 19 October 2012.

The reasons for the call-in are:

Whilst there is significant merit in this proposal we wish to lodge the following concerns.

1. There has been a lack of openness and transparency regarding this decision as it was made behind closed doors.
2. There should be more evidence of how the project is being user and carer led and that these parties are satisfied with the proposals.
3. An assurance that any elements of the building continuing for use of the residents is fit for purpose.

4. Evidence as to how decanting impact on residents will be limited.
5. The commissioning of this service has taken years. What assurance can be given that matters will now proceed in a timely manner.

**Supporting Documents**

Record of Decision

Report considered by the Mayor

# Agenda Item 4

## Record of Decisions

### The granting of a long lease for the Ocombe House Site

#### Decision Taker

Mayor on 18 October 2012

#### Decision

That the Executive Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency, be authorised

- i) to permit the assignment of the current lease relating to Ocombe House and Fairwinds Day Centre to the Torbay and Southern Devon Health and Care NHS Trust (formerly Torbay Care Trust) chosen service provider;
- ii) to grant an Agreement for Lease and Lease (for 40 years at a peppercorn rent) to the Torbay and Southern Devon Health and Care NHS Trust chosen service provider for the site shown edged red on plan EM1898 on acceptable terms and for no capital premium under the Local Government Act 1972: General Disposal Consent 2003; and
- iii) if, following the Torbay and Southern Devon Health and Care NHS Trust's procurement exercise, their chosen service provider require a lease with a longer term than 40 years, then the Head of Commercial Services in consultation with the Mayor, Executive Lead of Adult Social Care and Older People and the Chief Executive of the Torbay Development Agency, be authorised to agree such longer term as she considers appropriate up to a maximum of 125 years.

#### Reason for the Decision

The granting of the lease would enable the current and future residents of Ocombe House to live independently at the site, as the intention is for the current lease to the Torbay and Southern Devon Health and Care NHS Trust be assigned to the chosen service provider with them then working with the families and Planning Officers (South Hams District Council) to redevelop the site for independent living accommodation with the proposal having social and economic benefits.

The lease should be for a maximum of 40 years, as any lease, which is longer than 40 years the Upper Tribunal (formerly the Lands Tribunal), under s84 of the Law of Property Act 1925 may on certain grounds, after 25 years into the term, discharge or modify restrictions as to user or buildings on the land affecting the leasehold interest. Only granting a lease to a maximum lease of 40 years therefore would prevent the service provider applying to the Upper Tribunal thus safe guarding the Council's position.

#### Implementation

This decision will come into force and may be implemented on 29 October 2012 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

## Information

Following discussions with the families of the remaining residents at Occombe House, the Torbay and Southern Devon Health and Care NHS Trust are undergoing a procurement exercise to appoint a service provider. The intention is that this service provider would run Occombe House in its current format and within a specified period, work with the families and Planning Officers to finalise proposals for the redevelopment of the site to provide independent supported living for the current and future residents.

## Alternative Options considered and rejected at the time of the decision

The alternative proposals considered were:

- i) That the Council does not agree to the Trust's proposals. The Trust would in the immediate period continue to run the home in accordance with the current lease. However this would not meet the aspirations of the families of the current residents. In these circumstances the Torbay and Southern Health Care NHS Trust and the Council would need to urgently review the position to find a way forward for the Occombe House residents and carers.
- ii) If the proposals did not proceed and circumstances changed then the responsibilities for the management of the site may revert back to the Council. As a consequence it would 'inherit' all the running costs and the repairs & maintenance liability of circa £186,800 (as identified in a condition survey carried out in August 2012).

## Is this a Key Decision?

Yes – Reference Number: I010796

## Does the call-in procedure apply?

Yes

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

None

## Published

18 October 2012

Signed: \_\_\_\_\_  
Mayor of Torbay

Date: \_\_\_\_\_



Public Agenda Item: **Yes**

Title: **The Granting of a Long Lease for the Ocombe House site.**

Wards Affected: **None as the site is outside the Torbay Boundary**

To: **Mayor** On: **18 October 2012**

Key Decision: **Yes – Ref. I010796**

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

Contact Officer: **Chris Bouchard, Asset Management**

☎ Telephone: **01803 207920**

✉ E.mail: **Chris.Bouchard@tedcltd.com**

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

1.1 For the Mayor to consider proposals put forward by the Torbay and Southern Devon Health and Care NHS Trust (Formerly Torbay Care Trust) hereby referred to as the 'Trust' about the provision of Independent Living accommodation at the Ocombe House site.

**2. Recommendation for decision**

**2.1 That the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency, be authorised**

- i) to permit the assignment of the current lease relating to Ocombe House and Fairwinds Day Centre to the Trust's chosen service provider;**
- ii) to grant an Agreement for Lease and Lease (for 40 years at a peppercorn rent) to the Trust's chosen service provider for the site shown edged red on plan EM1898 on acceptable terms for no capital premium under the Local Government Act 1972: General Disposal Consent 2003.**
- iii) If, following the Trust's procurement exercise, their chosen service provider require a lease with a longer term than 40 years, then the Head of Commercial Services in consultation with the Mayor, Executive Lead of Adult Social Care and Older People and the Chief Executive of the Torbay Development Agency be authorised to agree such longer term as she considers appropriate up to a maximum of 125 years**

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

- 3.1 In discussion with the families of the remaining residents at Occombe the Trust is currently undergoing a procurement exercise to appoint a service provider.
- 3.2 The intention is that this service provider would run Occombe House 'as is' and within a specified period work with the families and planners to finalise proposals for the redevelopment of the site to provide independent supported living for the current and future residents.
- 3.3 An Agreement for Lease would be entered into so that the long term lease is only granted once planning permission and any other necessary consent have been obtained.
- 3.4 It is considered that the lease should be for a maximum of 40 years. For any lease, which is longer than 40 years the Upper Tribunal (formerly the Lands Tribunal), under s84 of the Law of Property Act 1925 may on certain grounds, after 25 years into the term, discharge or modify restrictions as to user or buildings on the land affecting the leasehold interest.  
  
Only granting a lease to a maximum lease of 40 years therefore would prevent the service provider applying to the Upper Tribunal thus safe guarding the Council's position.
- 3.5 Whilst the Council would want to restrict the length of the lease to 40 years there may be circumstances whereby the Trust's chosen service provider would seek a longer term. Such requests to be considered if and when appropriate.
- 3.6 It is not unusual for a long term lease to be granted with a peppercorn rent but with a premium being paid. Under the Local Government Act 1972: General Disposal Consent 2003 ('the Consent') allows Councils to dispose of land for less than the best consideration that can reasonably be obtained It is considered that the proposal will have economic and social benefits

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

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

## Supporting information to Report

### A1. Introduction and history

- A1.1 Occombe House Residential Home is a Victorian House, which has previously accommodated 24 residents although it is currently only home to 7 residents. The site also incorporates the Fairwinds Special Development Centre, which provided a day service although this service has been de-commissioned since October 2012.
- A1.2 The site was leased to the Trust in 2008 with the Trust holding a 7-year lease from 01 December 2008. This does not have the protection of the Landlord and Tenant Act 1954 and therefore the Trust would not be entitled to a new lease at the end of the 7-year period. The site is shown edged red on plan EM1898, attached as Appendix 1 to this report.
- A1.3 In 2010 a proposal was submitted to the Care Trust Board and Torbay Council to consider the re-provision of Occombe House to secure high quality support in an environment that enables individuals with a severe learning disability to live the lives of their choosing, fulfilling their aspirations and individual choices enabling them to reach their full potential now and for the future as they grow older.

The Board was also asked to give a mandate to undertake to procure services that will provide for the changing needs of the seven long stay residents of Occombe House. This decision takes into account the need to plan for the future of the residents now, in a way which offers sustainable services that are secure for their future and which can adapt to the growing needs of the residents as they become older.

The key outcome for this development is:

*All people with a learning disability are supported to live in homes of their choice, choosing where, with whom and how they are supported within available resources.*

At the end of 2011 the Trust, in agreement with Torbay Council and the family and relatives of the residents of Occombe House, agreed that a programme of best interest meetings would be arranged to identify what would be the most suitable accommodation and support arrangements for each of the individuals living in Occombe House; that the Occombe House site could be considered as an accommodation location for supported living arrangements within this process. There was also an agreement that the Trust (in partnership with families and staff) would implement a procurement process to identify a suitable alternative provider for the long term service currently provided at Occombe House.

The decision has been considered and passed by the Trust Board. As a key decision within the partnership agreement with Torbay Council, the decision has been approved by the Mayor.

- A1.4 Following the procurement exercise the intention is that the current lease to the Trust is assigned to the chosen service provider with them then working with the families and planners (South Hams District Council) to redevelop the site for independent living accommodation.

- A1.5. Since there is no guarantee that planning consent will be forthcoming the Council would enter into an Agreement for Lease with the chosen service provider so that the lease is only granted once planning consent has been obtained. Other consents will also be required (e.g. Building Regulations) and therefore it is likely that the granting of the lease will also be subject to these consents being obtained.
- A1.6 As mentioned above the Council is being asked to grant a lease at a peppercorn rent. The current lease is on the same basis and whilst the Council could seek to monetary rent if a new lease was granted in 2015, due to the nature of the business and tenant liabilities, it is possible that such would not be appropriate.

The service provider will also be investing a large amount of capital in re-developing the site if planning permission is granted to and such would justify the granting of an effective rent-free period for the duration of the lease.

- A1.7 It is not unusual for a premium to be paid for the granting of a long lease. The Council is being asked to grant the lease without a premium being paid. Under the Local Government Act 1972: General Disposal Consent 2003 ('the Consent') allows Councils to dispose of land for less than the best consideration that can reasonably be obtained.
- A1.8 The Consent removes the requirement for authorities to seek specific consent from the Deputy Prime Minister and Secretary of State for any disposal of land where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted (the 'undervalue') is £2,000,000 or less.
- A1.9 The value of the site is considered to be below £2,000,000.
- A1.10 The Consent also means that specific consent is not required for the disposal of any interest in land which the Authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area.
- A1.11 The redevelopment of this site will have economic benefits in terms of employment e.g. building/construction, care and associated support services. It will also benefit the existing residents by allowing them to remain living in familiar surroundings.

## **A2. Risk assessment**

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

- A2.1.1 The key risk is that planning permission is not granted for the re-development proposals. This risk can't be mitigated by Torbay Council since South Hams District Council is the Local Planning Authority for the Occombe site.

### **A2.2 Remaining risks**

- A2.2.1 There is a risk that terms for the Agreement for Lease and the Lease cannot be agreed with the Trust's chosen service provider. If this is the case then the proposals will not be progressed unless the Trust can identify sufficient capital funding.

### **A3. Other Options**

- A3.1 That the Council does not agree to the Trust's proposals. The Trust would in the immediate period continue to run the home in accordance with the current lease. However this would not meet the aspirations of the families of the current residents with the possibility of bad publicity for the Council. In these circumstances The Trust and the Council would need to urgently review the position to find a way forward for the Occombe residents and carers.
- A3.2 If the proposals did not proceed and circumstances changed then the responsibilities for the management of the site may revert back to the Council. As a consequence it would 'inherit' all the running costs and the repairs & maintenance liability of circa £186,800 (as identified in a condition survey carried out in August 2012).

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

- A4.1 The Asset Management Team of the Torbay Development Agency and the Council's Commercial Services will be involved with the negotiation and preparation of the necessary documentation.

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

- A5.1 A separate Equalities Impact Assessment has been prepared by the Trust - see Appendix 2 to this report.
- A5.2 Any new facilities / buildings will be more energy efficient to comply with modern Building Regulations and as such it should be more environmentally sustainable.
- A5.3 it is envisaged that the proposals for the site could bring an opportunity for sympathetic development. This would be dealt with through any future planning application with South Hams District Council.
- A5.4 It is not considered that the proposal will have an impact on crime and disorder.

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

- A6.1 Throughout the procurement process the Trust has engaged closely and throughout with the parents and carers of the residents of Occombe House. A copy of a letter from the Trust to the Mayor is contained in Appendix 3 to this report details the families' involvement.

The families of the residents have been consulted at the appropriate stages in the process and have attended meetings and forums with potential bidders and the Trust procurement team for the project. Regular progress reports/briefings with respect to Occombe House have been given to Health Scrutiny and relevant lead Members & Council officers. Councillor Scouler also sits on the Trust Learning Disability Programme Board which is managing changes within the Learning Disability Service.

A6.2 As a consequence of the above engagement the Occombe Families have supported the Trust's procurement process with aiming to finding an external service provider to develop independent living accommodation on the Occombe site.

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

A7.1 None

**Appendices**

Appendix 1	Plan EM 1898
Appendix 2	Equalities Impact Assessment
Appendix 3	Letter from Trust to the Mayor

**Documents available in members' rooms**

None

**Background Papers:**

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

None

# Agenda Item 4

## Appendix 2



Title: Ocombe House & Fairwinds, Preston Down Road, Paignton

EM Plan No: EM1898

Asset No: P3023 & P3024

Date: 9th May 2008

FINANCE DIRECTORATE - ESTATES SERVICE

Page 9 Scale: 1:1250



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## Equality Impact Assessment (EIA):

<b>Name of Report/Proposal/Strategy:</b>	Key Decision for Occombe House site	
<b>Name (Key Officer/Author):</b>	Steve Honeywill, Torbay & Southern Devon Health & Care NHS Trust	<b>Business Unit:</b>
<b>Position:</b>		<b>Tel:</b>
<b>Date:</b>	September 2012	<b>Email:</b>

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 the Mayor/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 a 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)	<b>Does this report relate to a key decision?</b>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
2)	<b>Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following:</b> <ul style="list-style-type: none"> <li>• <b>The Community (including specific impacts upon the vulnerable or equality groups)</b></li> <li>• <b>Our Partners</b></li> <li>• <b>The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision)</b></li> </ul>	<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><i>Outline exactly what the proposal is / whether there is any change including reasons for the change. List the key objectives of the proposal/strategy.</i></p> <p>In 2010 a proposal was submitted to the Care Trust Board and Torbay Council to consider the re-provision of Occombe House to secure high quality support in an environment that enables individuals with a severe learning disability to live the lives of their choosing, fulfilling their aspirations and individual choices enabling them to reach their full potential now and for the future as they grow older.</p> <p>The Board were also asked to give a mandate to undertake to procure services that will provide for the changing needs of the seven long stay residents of Occombe House. This decision takes into account the need to plan for the future of the residents now, in a way which offers sustainable services that are secure for their future and which can adapt to the growing needs of the residents as they become older.</p> <p>The key outcome for this development is:</p> <p><i>All people with a learning disability are supported to live in homes of their choice, choosing where, with whom and how they are supported within available resources.</i></p> <p>At the end of 2011 the Authority, in agreement with Torbay Council and the family and relatives of the residents of Occombe House, agreed that a program of best interest meetings would be arranged to identify what would be the most suitable accommodation and support arrangements for each of the individuals living in Occombe House; that the Occombe House site could be considered as an accommodation location for supported living arrangements within this process. There was also an agreement that the Authority (in partnership with families and staff) would implement a procurement process to identify a suitable alternative provider for the long term service currently provided at Occombe House.</p> <p>The decision has been considered and passed by the Torbay and Southern Devon Health and Care NHS Trust Board. As a key decision within the partnership agreement with Torbay Council, the decision has been approved by the elected Mayor of Torbay.</p>
2.	Who is intended to benefit / who will be affected?	<p><b>Who are the key stakeholders / which individuals / specific groups may benefit from the proposal or who will be most affected?</b></p> <ul style="list-style-type: none"> <li>• The current residents of Occombe House</li> </ul>

No	Question	Details
		<ul style="list-style-type: none"> <li>● The Families and Carers of the current Occombe House residents</li> </ul>
3.	What is the intended outcome?	<p><b>It is important to identify the specific outcomes that this proposal intends to deliver.</b></p> <ul style="list-style-type: none"> <li>● <i>That the Trust out-sources the running of the current Occombe House facility via a procurement process to an independent operator.</i></li> <li>● <i>That the new operator within a set period and with the consent and support of families and carers develops a plan to replace the Occombe House residential unit with independent living accommodation on the Occombe site.</i></li> <li>● <i>The operator will work closely with the Planning Department of South Hams District Council to develop a scheme that delivers these objectives and that planning approval is sought.</i></li> <li>● <i>The new operator will lead and fund the capital scheme on the occombe site to build the independent living accommodation</i></li> <li>● <i>Torbay Council approves the use of the occombe site to achieve these objectives.</i></li> </ul>

## 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>Consider data and research already available locally and nationally. Your assessment should be under-pinned by up-to-date and reliable information about the different groups the proposal is likely to affect. For instance, population profile, satisfaction data, deprivation statistics and how this helps to build a picture around your proposal.</p> <p><b>Response:</b> The move to support persons with a Learning Disability in independent living settings to maximise their independence and support integration into the community is a long standing national policy objective and direction of travel. (Valuing People policy, Department of Health 2009)</p>
5.	How have you consulted on the proposal?	<p>Have you carried out any consultation on your proposal and if so how? Focus groups / survey / events? Remember that it may be important to also consult on any alternative options. Also include who you have consulted with and if applicable which specific groups you have consulted with (i.e. groups who may be specifically affected by your proposal, specific equality or hard to reach groups).</p> <p><b>Response:</b> The residents of occombe have all received "Best Interest" review to independently establish the wishes and aspirations of these individuals. The families of the residents have been consulted and engage fully in the procurement process run by Trust to appoint an independent operator to initially run Occombe House but most importantly develop plans in consultation with the families to deliver independent living accommodation on the occombe site. Council bodies and Members have also been consulted during this process.</p>
6.	Outline the key findings	<p>Include feedback on your proposal including where you have consulted on any alternative options. Also include response rates, number of attendees to events / focus groups, outline of specific interest groups consulted. Use bullet points to summarise the key conclusions.</p> <p><b>Response:</b> Through the competitive dialogue process to procure an operator to develop independent living on the</p>

No	Question	Details
	occombe site, the proposals have been shaped with involvement of the occombe families. This is evidences via the minutes of these meetings and subsequent briefings and progress reports and other correspondence.	
7.	<b>What amendments may be required as a result of the consultation?</b>	<p>Has feedback from the consultation and engagement process identified any changes required to the proposal? Have you had to alter your decision and look at alternative options?</p> <p><b>Response:</b> The views of families have been central to this process and the competitive dialogue alluded to above. The option of proving independent living on the Occombe site has been the preference of the families throughout the process and the Trust has endeavoured to find a viable and affordable solution to deliver this aspiration.</p>

### Positive and Negative Equality Impacts

No	Question	Details
8.	<b>Identify the potential positive and negative impacts on specific groups</b>	<p>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.</p>
	All groups in society generally	<p><b>Positive Impact</b></p> <p>Only the occombe group and families directly concerned</p>
	Older or younger people	<p><b>Negative Impact</b></p> <p>Ditto</p>
	People with caring responsibilities	<p>With properly planned and supported independent living in place at Occombe the carers will be assured that future of the residents is settled via secure tenancies</p>
	People with a disability	As above
	Women or men	As above
	People who are black or from a minority ethnic background (BME)	<p>Only the occombe group of seven residents and families are directly affected, with no related BME influences</p>

Details	
No	Question
	People who are lesbian, gay or bisexual
	People who are transgendered
	People who are in a marriage or civil partnership
	Women who are pregnant / on maternity leave
9.	<p><b>Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and/or foster good relations?</b></p> <p><i>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.</i></p> <p><b>Response:</b> The proposal does only impact upon the group of occombe residents, however throughout the engagement conversation with residents and families the Trust has been mindful of its duty of care in this regard</p>

**Section 3: Steps required to manage the potential impacts identified**

Details	
No	Action
10.	<p><b>Summarise any positive impacts and how they will be realised most effectively?</b></p> <p><i>Outline any positive impacts that you have identified relating to equalities and how these impacts will be realised most effectively. What ways can the positive impacts be maximised? Use the action plan on page 6 to outline actions, responsible officers and timescales</i></p> <p><b>Response:</b> The occombe resident will be able to live independently using their own personal budgets and thus will have more choice as individuals which would enable them to integrate further into the community, than the traditional model of living in a residential care setting.</p>
11.	<p><b>Summarise any negative impacts and how these will be managed?</b></p> <p><i>Outline any negative impacts that you have identified relating to equalities and how these impacts will be managed / monitored so that they are reduced / eliminated or mitigated. What ways can the negative impact be minimised? Use the action plan on page 6 to outline actions, responsible officers and timescales</i></p>

	<b>Response – None have been identified</b>
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**Section 4: Course of Action**

No	Action	Details
12.	State a course of action [please refer to action plan on page 9]	<p>Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes below and justify reasons for your decision - If '3' please provide full justification :</p> <p><b>Where: -</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>Outcome 3: Continue with proposal - Despite having identified some potential 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'.</b></p> <p><b>Outcome 4: Stop and rethink – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified.</b></p> <p><b>Response:</b> Outcome 2, best describes the objective of residents moving from Occombe House to independent living as outlined in the attached report and this assessment.</p>

**Section 5: Monitoring and Action Plan**

No	Action	Details
13.	Outline plans to monitor the actual impact of your proposals	The full impact of decisions will only be known once it is introduced. Identify arrangements for reviewing the actual impact of proposals once they have been implemented. Please also use the action plan below.

**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	<i>To identify a new provider for the running of Occombe House and develop plans for independent living accommodation on the occombe site</i>		Torbay and Southern Devon Health and Care NHS Trust to deliver	TSDHC and Torbay Council	By the end of 2012
2	Obtain planning approval for Independent living at occombe site and agree scheme details with families and the Trust		TSDHC and new operator	New Operator and TSDHC	During 2013

**Private & Confidential**

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20 September 2012

Dear Mayor Oliver,

I am writing to update you on the recent procurement process that we have been undertaking to identify an alternative provider for the re-provision and redevelopment of care to the residents of Occombe House.

This process has followed a competitive dialogue procurement process with a set of providers that the families and carers of the Occombe residents had selected from a list of approved providers of enhanced care.

The families and carers, as well as existing staff at Occombe House, have been part of every stage of this procurement process, fully involved and engaged in meetings and communicated to in writing in between. Relevant documents and information have been shared and discussed with all involved. We have found this to be a very productive and positive process.

We are now imminently reaching a key stage in the procurement process, in which we close the competitive dialogue stage and issue the invitation to tender. I am writing to assure you that to date we have been working closely with the family members and included them in every stage of the process.

We intend to continue to do so as we progress through issuing the invitation to tender, evaluating the bids and identifying a potential suitable provider for the future provision and redevelopment of the care provision for the Occombe residents on the Occombe site.

If you have any questions, please feel free to contact me.

Yours sincerely,

Dr Sonja Manton  
Assistant Director of Operations



Partners in Care

*NHS community services in Southern Devon are now provided by Torbay Care Trust*