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COUNCIL - WEDNESDAY, 15 MAY 2013

The following documents were circulated at the above COUNCIL meeting and are now available on the website.

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Agenda Item 9



Thyme Cottage
19 High Street
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14th May 2013

Dear Elected members,

RE: Paignton Velodrome vote.

My name is Tom Pales. I run a small, independent business called Freetrike. Freetrike offers cycle coaching for people with disabilities living in and around Devon. The service uses specialist equipment and relies on the traffic-free National Cycle Network paths to deliver achievable, one-to-one coaching on their doorstep. I would strongly support any venture that would enhance cycle facilities in Torbay and enable inclusive cycling to take a more prominent place in this part of Devon.

My client base consists of individuals who are often house-bound or rely on mobility aids due to their disabilities. I currently have clients who have had strokes, traumatic amputations and Cerebral Palsy. With a little help, they have been able to get out, re-engage with their local communities and undertake regular exercise, which is good for both their physical and mental health. This has also had a positive impact on their carers.

Currently I only have one client in Torbay, a young man with Cerebral Palsy. The only safe, off road cycling in Torbay is along Paignton seafront, between the months of May to Sept. This poses significant restrictions to those individuals who are motivated and who wish to change their circumstances, by getting out and cycling.

I want to extend my service to individuals in the Torbay in region. The velodrome would offer an invaluable opportunity to a small but significant group of individuals in this region.



If you want any further information I would be very happy to meet with you. You can also find further information on my website, www.freetrike.co.uk and there are clips of clients utilising the Drakes trail, Tiverton canal, Exe Estuary trail on YouTube, under the heading of Freetrike.

Yours sincerely

Thomas Pales

Adjourned Annual Council Meeting

15 May 2013

(Amendments shown in bold text)

Revised Recommendation:

- 2.1 That the Council make available up to £780,000 of prudential borrowing subject to a level of funding being provided by British Cycling to enable a closed road circuit and outdoor velodrome to be constructed at Clennon Valley.
- 2.2 If approved the costs for prudential borrowing will be £57,000 per annum and added to the council's base budget in future years (para 6.2 refers) should income not cover this expenditure.
- 2.3 In addition the Council agrees to make provision within the base budget a sum up to £27,200 for future format maintenance costs and accept responsibility for any liabilities as set out in paragraph 5.3 of the report, should income not cover this expenditure.
- 2.4 **That the Chief Executive of Torbay Development Agency be instructed to provide the project management for the development on behalf of the Council and in consultation with British Cycling in respect of the design, funding and specification.**

Agenda Item 10, A Landscape for Success – the new Local Plan for Torbay

Officer Revised Recommendation

Adjourned Annual Council Meeting

15 May 2013

(Amendments shown in bold text)

Revised Recommendation:

- 2.1 It is recommended that the Council agrees the following high level growth figures and headline policies for housing and jobs, and related monitoring and review mechanisms, to be included in the Proposed Submission version of the new Torbay Local Plan:
- a) The Bay's important environmental assets are so crucial to Torbay's future (economically, socially and environmentally) that the Plan establishes a maximum capacity, based on clear evidence, for new development;
 - b) Delivery of between 5,000 – 6,000 net new FTE jobs over the Plan period and beyond. This figure should not be fixed as a maximum / ceiling;
 - c) Delivery of 8,000 – 10,000 new homes over the Plan period and beyond, with 400 new homes per annum (+/- 25%) over first 5 years of the Plan to meet demand, **including the provision of affordable housing to meet local needs;**
 - d) A major and positive review of the Plan every 5 years, in partnership with Teignbridge District Council and South Hams / West Devon District Council to ensure a sub-regional approach to new development; and
 - e) Provision of new jobs, homes and infrastructure will be monitored and reported, against clear criteria, on an annual basis and will inform major reviews every 5 years. If growth in new jobs and homes exceeds levels in the Plan (and associated criteria) this will trigger a strategic review of land / sites across South Devon, jointly with adjoining Local Authorities, to identify land / sites that could best meet additional demand.
- 2.2 That a further Report be presented to the Place Policy Development Group, which includes 1) the Proposals Maps currently in the course of preparation (consistent with the requirement in the National Planning Policy Framework that they be included in the Submission version of the Local Plan) and 2) the proposed revisions to policies, other than those dealing directly with growth levels.
- 2.3 That the Executive Head of Spatial Planning, in consultation with members of the Place Policy Development Group, determine the need for further consultation and decision by the Council prior to formal Submission, having considered the Proposals Maps and revisions to policies."

Agenda Item 11

LESS MILES...MORE TASTE



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14th May 2013

Dear Mr Oliver,

We write following the publication in the Herald Express on 9th May 2013 of an article concerning the proposed refund of £285,000 of Section 106 contributions to Tesco and the associated report of Kevin Atkinson of the TDA.

Like many small businesses in Torbay, we have had to make very significant Section 106 contributions to develop our business. Unfortunately, as we are local people and not an outside investor we received no help what-so-ever from the Council or the TDA.

As a result for a £500,000 development our Section 106 payment was £28,000 in cash, same representing 5.6% of invested capital. This contrasts extraordinarily with the Section 106 payment which was being asked of Tesco. On a £20million investment their £285,000 Section 106 is a mere 1.4% of invested capital.

You are now being asked to indemnify Tesco for even these modest Section 106 monies, so Tesco pay nothing what-so-ever. The assertion which purports to justify this action is that this already small sum will have the binary effect of making the whole development unviable. This assertion is extremely implausible.

However, at section 4.3 of Mr Atkinson's report he discounts the option of asking Tesco to justify this implausible assertion for reasons of needed to rush through the development.

We find this extraordinary. What does our Council and the TDA have against home-grown businesses that come from the bay itself? Why should we fail to properly scrutinise the plans of large business whilst raking over the finest detail in applications submitted by businesses already resident in the Bay.

What is good for the goose is good for the gander. Co-incidentally we have ourselves for some time now been considering expansion plans. However, at all previous decision points the existence of likely required Section 106 payments has made same expansion plans unviable.

Hence, please could you give us the same assurance that Tesco are asking for that we will not have to pay any Section 106 monies. We presume we will not be asked for justification of our assertion of the unviable nature of the expansion plans as Tesco have not been asked this question either.

We would point out that treating ourselves or any other business differently would likely be in direct contravention of European State Aid legalisation thus making the entire Council Section 106 policy completely non-credible and unenforceable. You have before you no legal advice on the European State Aid legalisation position and this is not an area of law which we understand Council Staff are in a position to provide proper specialist advice on.

Yours sincerely

Richard & Caroline Haddock

Agenda Item 15

Agenda Item 15, Establishment of the Torbay Health and Wellbeing Board

Officer Revised Recommendation

Adjourned Annual Council Meeting

15 May 2013

(Amendments shown in bold text)

Revised Recommendation:

2.1 That the Torbay Health and Wellbeing Board be established to comprise:

Up to five members of the Council (to be appointed by the Mayor)
Director of Adults Social Services
Director of Children's Services
Director of Public Health
A representative of Healthwatch Torbay
A representative of South Devon and Torbay Clinical
Commissioning Group

2.2 That the Article and Standing Orders in relation to the Health and Wellbeing Board (as set out in Appendices 1 and 2 to this report) be approved and included in the Constitution of Torbay Council, **subject to the original paragraph (h) in Article (x).04, as set out in Appendix 1, becoming paragraph (i) and the following addition be added:**

‘(h) In accordance with Section 10 of the Children Act 2004, to exercise the statutory duty to promote co-operation between Torbay Council, its relevant partners and other partners or bodies as the Council considers appropriate, to improve the well-being of children in the area’.

2.3 That, where the Chairman of the Board is an elected member of Torbay Council, the position attracts a special responsibility allowance of £3,265 and the Members Allowances Scheme be amended accordingly, **subject to the recommendations of the Independent Remuneration Panel.** (Note: The Independent Remuneration Panel have been consulted and support this recommendation.)