

Wednesday, 13 May 2020

Extraordinary Meeting of the Council

Dear Member

I am pleased to invite you to attend an extraordinary meeting of Torbay Council which will be held remotely via Zoom (the links to the meeting are set out below) on **Thursday, 21 May 2020** commencing at **5.30 pm**

Join Zoom Meeting

<https://us02web.zoom.us/j/87516580853?pwd=NjVEaFdQc3VQL2FhQ0xhUkUrT0dJQT09>

Meeting ID: 875 1658 0853

Password: 849216

One tap mobile

+442034815240,,87516580853#,,1#,849216#

+441314601196,,87516580853#,,1#,849216#

Dial by your location

+44 203 481 5240

+44 131 460 1196

The items to be discussed at this meeting are attached.

Yours sincerely,



Steve Parrock
Chief Executive

(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.)

A prosperous and healthy Torbay

Download this agenda via the free modern.gov app on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#). For information relating to this meeting or to request a copy in another format or language please contact:

June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

Extraordinary Meeting of the Council Agenda

1. Opening of meeting

2. Apologies for absence

3. 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.)

4. Members' questions

To respond to the submitted questions asked under Standing Order A12.

(Pages 6 - 10)

5. Calendar of Meetings for 2020/2023

To consider the submitted report on the Calendar of future Council and other meetings.

(Pages 11 - 15)

6. Torquay Gateway Highways Improvement - Shiphay Lane Junction to Lowes Bridge Junction- Acquisition of Additional Land - Compulsory Purchase Order

To consider the submitted report on the above.

(Pages 16 - 25)

7. Exclusion of the Press and Public

To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

8. **Economic Regeneration Investment Opportunity**
To consider an exempt report in respect of a change to an Economic Regeneration investment opportunity previously approved by the Council.

9. **SWISco Guarantees**
To consider the submitted exempt report in respect of guarantees for the new SWISco organisation.

(Pages 26 - 33)

Instructions for the press and public for joining the meeting

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

Joining a meeting

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

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

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

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

Speaking at a Meeting

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman/Civic Mayor will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

Meeting Etiquette for Registered Speakers – things to consider when speaking at public meetings on video:

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

Agenda Item 4

Meeting of the Council, Thursday, 21 May 2020

Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

Round 1

Question (1) by Councillor Foster to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	The Government has now given guidance that Municipal Recycling Centres can be opened again. Can you please update Torbay residents on when Torbay's Recycling Centre will be open and what measures will be put in place to manage traffic control, social distancing and the safety of residents and staff on the site.
Question (2) by Councillor Barbara Lewis to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)	Can you please provide me with an update of what is happening at Crossways.
Question (3) by Councillor David Thomas to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	On my Riviera FM show on Tuesday 14th April 2020. Cllr Morey informed myself and listeners that he was looking to introduce a kerbside green waste collection in short order, his direct quote was 'not wait and see, something will be afoot sooner rather than later'. More than 1 month has passed since that promise and we have still not seen the introduction of this much needed service. Can Cllr. Morey please advise when it will be introduced and quantify timescales, I believe most people listening would expect more than a month to be in the 'later' bracket and doesn't feel like 'sooner'.
Question (4) by Councillor Hill to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	I have had a number of residents complain to me about people having bonfires in their gardens, burning garden waste. This is not only anti-social, but dangerous to some residents health who have difficulties with respiratory problems. Apart from a press release asking residents not to partake in bonfires, what else have the administration done or is about to do to help alleviate this situation.

<p>Question (5) by Councillor O'Dwyer to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>As the purchase of Debenhams was a regeneration purchase to improve the property and or facilitate change of use and or redevelop the site to ensure the site does not remain empty.</p> <p>What validated evidence was provided to ensure the site would break even for the authority and produce a positive yield over the first 5 years as this is currently a non producing income asset and limited due diligence was carried out plus there was no running costs/carry financial information provided except that any Fleetwalk profits would pay the current interest, capital repayments, management costs and planning fees.</p>
<p>Question (6) by Councillor Skyes to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>With the Government relaxing the rules on visiting beaches when will the Partnership re open the Toilets and Car Parks in the beach areas. In addition will the summer bins be put out and the cleaners who keep the beaches/proms clean be employed.</p>
<p>Question (7) by Councillor Pentney to the Cabinet Member for Adults and Public Health (Councillor Stockman)</p>	<p>I am aware of a number of Torbay residents who have arranged a Coronavirus test via the Government registration site and have ended up going to Exeter to have the test done. The Test Centre in Torquay was not an option when they tried to book the test. Why has this situation occurred?</p>
<p>Question (8) by Councillor Howgate to the Cabinet Member for Adults and Public Health (Councillor Stockman)</p>	<p>The chief executive recently said that Torbay had limited supplies of government supplied PPE. Can you update us over the level of supply over the lockdown in Torbay and how close Torbay has been to running out of PPE.</p>
<p>Question (9) by Councillor Dart to the Cabinet Member for Children's Services (Councillor Law)</p>	<p>National press, including channel 4 news, has highlighted a chaotic system around schools being able to obtain free school meal vouchers. Has Torbay been similarly affected and how are we supporting some of the most vulnerable families in Torbay.</p>
<p>Question (10) by Councillor Mandy Darling to the Cabinet Member for Adults and Public Health (Councillor Stockman)</p>	<p>In my role as a Parkinson's coordinator at Torbay hospital we have been issuing hundreds of shielding letters to vulnerable people across South Devon. This has been encouraging them to register with the national shielding system. I have had dozens of people contacting me who have been thrown out of the registration system due to an error in the governments system. What problems has the shielding hub experienced with local residents experiencing the same problems.</p>

Question (11) by Councillor Atiya-Alla to the Deputy Leader of the Council and Cabinet Member for Finance (Councillor Cowell)	Due to huge pressures on local government finance and despite the DCLG telling councils to spend what they have got through the crisis, what is the immediate risk to services that we provide?
Question (12) by Councillor Dudley to the Deputy Leader of the Council and Cabinet Member for Finance (Councillor Cowell)	Has the HM treasury provided extra resources or appropriate recompense for administration of business support schemes.
Question (13) by Councillor Doggett to the Cabinet Member for Adults and Public Health (Councillor Stockman)	Has the HM treasury provided extra resources or appropriate recompense for PPE for council staff and those working in the care sector?

Second Round

Question (14) by Councillor Foster to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	As Torbay residents start to get back to work, what measures does the council propose to enable more cycling to work, and how will the council consult with local residents on its proposals.
Question (15) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	What percentage are we still paying of the full Contract fee to TOR 2 currently and what full services are we still receiving.

<p>Question (16) by Councillor Howgate to the Cabinet Member for Adults and Public Health (Councillor Stockman)</p>	<p>Can the council confirm that no discharged hospital patients have been admitted into care homes without being tested for the virus first and receiving the all clear?</p>
<p>Question (17) by Councillor Dart to the Cabinet Member for Children's Services (Councillor Law)</p>	<p>Has the HM treasury provided extra resources or appropriate recompense for support for families undertaking home schooling?</p>
<p>Question (18) by Councillor Dudley to the Deputy Leader of the Council and Cabinet Member for Finance (Councillor Cowell)</p>	<p>Has the HM treasury provided extra resources or appropriate recompense for loss of income from planning fees, car parking charges and other usual income?</p>
<p>Question (19) by Councillor Doggett to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>Investing in our town centres is even more important in light of the economic downturn. Can you please advise what advice you may have received about bringing forward and perhaps increasing the £15 Million future highstreets fund for Paignton.</p>
<p>Question (20) by Councillor Pentney to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>The Torquay town deal fund is an opportunity of £25 Million to boost our town centre. Can you please explain how the council have been progressing this much needed investment in Torquay.</p>

Third Round

<p>Question (21) by Councillor O'Dwyer to the Deputy Leader of the Council and Cabinet Member for Finance (Councillor Cowell)</p>	<p>The previous budgets agreed by this administration only in February were obviously irrelevant before their implementation. On top of retaining the Moratorium into this financial year on spending what other cost savings and services changes were proposed and made by the authority before this new financial year started, when it was clear there would be a significant impact to income and the costs of the authority.</p> <p>Can you please provide the new budget assumptions for all of our services you have been working from, to all members to ensure knowledge of our financial stability and viability in the medium to longer term.</p>
<p>Question (22) by Councillor Dudley to the Deputy Leader of the Council and Cabinet Member for Finance (Councillor Cowell)</p>	<p>Has the HM treasury provided extra resources or appropriate recompense for technical support for staff working from home, similar to the £10,000 allowance for MPs.</p>
<p>Question (23) by Councillor Howgate to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>With the government giving the green light to day trippers from potentially areas of higher infection of COVID-19, which is highly likely to increase infections in Torbay, how is the council planning to protect our vulnerable community from this potential infection.</p>

Meeting: Extraordinary Council

Date: 21 May 2020

Wards Affected: All Wards

Report Title: Calendar of Meetings for 2020/2023

Is the decision a key decision? No

When does the decision need to be implemented? As soon as possible

Supporting Officer Contact Details: June Gurry, Head of Governance Support, (01803) 207012, june.gurry@torbay.gov.uk

1. Proposal and Introduction

1.1 To seek approval for the calendar of meetings for the remainder of the 2020 to 2023 term of office.

2. Reason for Proposal

2.1 The calendar of meetings for 2020 to 2023 (attached at Appendix 1) has been prepared based on the Council's proposed decision-making structure and in accordance with the Council's Standing Orders.

3. Recommendation(s) / Proposed Decision

3.1 That the calendar of meetings for 2020 to 2023, set out in Appendix 1 to the submitted report, be approved;

3.2 That the meetings scheduled for 2020 to 2021 be held in accordance with the Standing Orders for Remote Meetings.

3.2 That meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Head of Governance in consultation with the relevant Chairman/woman.

Supporting Information

4. Position

4.1 The Constitution for Leader and Cabinet System of Governance requires the Council to approve a programme of ordinary meetings of the Council.

The following meetings that reflect the Leader and Cabinet system of governance have been scheduled in the calendar for the 2020 to 2023:

- Council;
- Cabinet
- Overview and Scrutiny Board;

- Planning Committee;
- Licensing Sub-Committee;
- Health and Wellbeing Board;
- Standards Committee;
- Harbour Committee;
- Audit Committee.

4.2 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.

4.3 The calendar has also been structured to allow, wherever possible, for each type of meeting to be allocated a certain day e.g. Planning Committee to meet on Mondays, Licensing Sub-Committees and Council on Thursdays.

4.4 Meetings of the Employment Committee, Appeals Committee (Transport) and Civic Committee are proposed to be held on an ad hoc basis, to be determined by the Head of Governance in consultation with the relevant Chairman/woman.

5. Possibilities and Options

5.1 Wherever possible the timings of meetings have been set in accordance with the needs of the Committee Members and the public who attend them, 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 Head of Governance. 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.

6. Preferred Solution/Option

6.1 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.

Appendices

Appendix 1: Calendar of Meetings 2020 to 2023

Background Documents

Constitution of Torbay Council -

<http://www.torbay.gov.uk/DemocraticServices/ieListMeetings.aspx?CIId=458&info=1>

Calendar of Meetings 2020 - 2021

Committee	Preferred time & day	May 20	Jun 20	Jul 20	Aug 20	Sep 20	Oct 20	Nov 20	Dec 20	Jan 21	Feb 21	Mar 21	Apr 21	May 21
Audit Committee	2:00 PM (Wed)			29		30				20		24		26
Cabinet	5:30 PM (Tue)		16	14	11	22	20	17	15	19	18	23	20	18
Council	5:30 PM (Thur)			16		24			3		4 11 (Adj) 25			13 (Annual and Adj)
Harbour Committee	5:30 PM (Mon)		29			21			21			22		
Health and Wellbeing Board	2:00 PM (Thur)		18			10			17			18		
Licensing Sub-Committee	9:30 AM (Thur)	28	4 11 18 25	2 9 16 23 30	6 13 20 27	3 10 17 24	1 8 15 22 29	5 12 19 26	3 10 17	7 14 21 28	4 11 18 25	4 11 18 25	1 8 15 22 29	6 20 27
Overview and Scrutiny Board	5:30 PM (Wed)		10	8		16	14	11	9	13	17	17	14	12
Planning Committee	5:30 PM (Mon)		8	13	10	14	12	9	14	11	8	8	12	10
Standards Committee	2:00 PM (Wed)			1						27				

Calendar of Meetings 2021 - 2022

Committee	Preferred time & day	May 21	Jun 21	Jul 21	Aug 21	Sep 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22	Apr 22	May 22
Audit Committee	2:00 PM (Wed)	26		28		29				26		23		
Cabinet	5:30 PM (Tue)	18	15	13	24	21	19	16	14	18	17	22	19	
Council	5:30 PM (Thur)	13 (Annual and Adj)		15		16			2		3 10 (Adj) 24			17 (Annual and Adj)
Harbour Committee	5:30 PM (Mon)		28			27			6			21		
Health and Wellbeing Board	2:00 PM (Thur)		3			9			9			17		
Licensing Sub-Committee	9:30 AM (Thur)	20 27	3 10 17 24	1 8 15 22 29	5 12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	2 9 16 23	6 13 20 27	3 10 17 24	3 10 17 24 31	7 14 21 28	5 19 26
Overview and Scrutiny Board	5:30 PM (Wed)		9	14		15	13	10	8	12	9	9	13	11
Planning Committee	5:30 PM (Mon)		14	12	9	13	11	8	13	10	14	14	11	9
Standards Committee	2:00 PM (Wed)		30							19				

Calendar of Meetings 2022 - 23

Committee	Preferred time & day	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23
Audit Committee	2:00 PM (Wed)	25		27		28				25		22		
Cabinet	5:30 PM (Tue)	24	14	12	23	20	18	15	13	17	16	21	18	
Council	5:30 PM (Thur)	17 (Annual and Adj)		21		15			1		2 9 (Adj) 23			16 (Annual) 25 (Adj)
Harbour Committee	5:30 PM (Mon)		20			26			5			27		
Health and Wellbeing Board	2:00 PM (Thur)		9			8			8			9		
Licensing Sub-Committee	9:30 AM (Thur)	19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	1 8 15 22 29	6 13 20 27	3 10 17 24	1 8 15 22	5 12 19 26	2 9 16 23	2 9 16 23 30	6 13 20 27	
Overview and Scrutiny Board	5:30 PM (Wed)		8	6		14	12	9	7	11	8	15	12	
Planning Committee	5:30 PM (Mon)		13	11	8	12	10	14	12	9	13	13	17	
Standards Committee	2:00 PM (Wed)		29							18				



Meeting: Council

Date: 21st May 2020

Wards Affected: Tormohun

Report Title: Torquay Gateway Highways Improvement – Shiphay Lane Junction to Lowes Bridge Junction– Acquisition of Additional Land – Compulsory Purchase Order

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Councillor Mike Morey – Cabinet Member for Infrastructure, Environment and Culture, mike.morey@torbay.gov.uk

Supporting Officer Contact Details: Ian Jones, Highways and Transport Service Manager, 01803 207835, ian.jones@torbay.gov.uk

1. Proposal and Introduction

1.1 To achieve a way forward to ensure that the major highway improvement scheme known as the Torquay Gateway Improvements are delivered by seeking Members' approval to make a Compulsory Purchase Order (CPO) for an area of land which forms part of 89-95 Newton Road, Torquay, required for the section of the scheme between Shiphay Lane and Lowes Bridge junction, to enable it to be acquired if agreement cannot be reached by negotiation with the land owner.

2. Reason for Proposal and associated financial commitments

2.1 £2.49m of government funding has been agreed in principle from the Heart of the South West Local Enterprise Partnership through their Local Transport Board (LTB) for a series of highway and cycle improvements to the Torquay Gateway area. The improvements, which form part of the current Local Transport Plan and Local Plan, have been undertaken commencing April 2015 and the funding has been granted on the basis that the Torbay Council is in a position to complete the entire scheme within the LTB's time period, which has an absolute completion date for the LTB funding of March 2021. Works on the section of the scheme in question are planned to commence in the forthcoming autumn/winter period

2.2 For the majority of the proposed improvements there was no requirement for the acquisition of any private land and the individual schemes do not require planning

consent. However, one section of this improvement, to widen the A3022 between Shiphay Lane junction and Lowes Bridge junction, will require the acquisition of some land.

- 2.3 A report was presented to Council in December 2018, which identified that an area of land in the ownership of Network Rail was required to be acquired for this scheme. Authority was subsequently delegated to the Director of Corporate Services to acquire this section of land by negotiation or by CPO if negotiations were unsuccessful. Since that time further design work has identified that an additional small area of land, which forms part of the property at 89-95 Newton Road, Torquay, is also required to deliver the scheme in full. A resolution to acquire this additional parcel of land compulsorily is therefore requested.
- 2.4 The land will need to be acquired for the purpose of implementing the highway improvement. The acquisition of the land will be progressed by negotiation between the Council and the landowner where possible, however, if such negotiation does not result in successful acquisition of land then the Council will need to acquire the land by Compulsory Purchase Order.
- 2.5 The delivery of the highway improvements is subject to the acquisition of the additional area of land as detailed in Appendix 1. Failure to acquire this area of land would result in the Scheme not being delivered in its entirety.
- 2.6 The approval of the recommendations in this report is sought from the Council to seek to ensure delivery of the scheme within the required timescale.
- 2.7 The proposals contained in this report will commit the Council financially in respect of as yet undetermined land compensation costs along with associated land agency and legal costs: Costs are to be funded from the anticipated capital allocation for the scheme.

3. Recommendation(s) / Proposed Decision

- 3.1 That negotiations with the landowner of 89-95 Newton Road, Torquay, for acquisition of the land required for the Torquay Gateway Highways Improvement – Shiphay Lane Junction to Lowes Bridge Junction Scheme be continued to completion and to acquisition by agreement where possible.
- 3.2 That authority be delegated to the Director of Corporate Services to make a Compulsory Purchase Order for the land required for the Torquay Gateway Improvement Scheme affecting land adjacent to the A3022 Newton Road in in the following terms:-

That Torbay Council makes a Compulsory Purchase Order under sections 239, 240, 249, 250 and 260 of the Highways Act 1980 for the acquisition of all interests in the land (except those already owned by the Council) and new rights within areas shown (shaded pink for areas of land in respect of which all interests are to

be acquired and shaded blue for the areas over which new rights are to be acquired) on plan number 8/6/11/3_143A, attached as Appendix 1 to the submitted report for the purpose of highway improvement.

- 3.3 Subject to approval of 3.2 above, that the Director of Corporate Services and Operations be authorised to:-
- a) Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
 - b) To acquire interests in land and new rights within the Compulsory Purchase Order either by agreement or compulsorily; and
 - c) Approve agreements with the landowner setting out terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order.

Appendices

Appendix 1: – Proposed Compulsory Purchase Order Plan 8/6/11/3_143A

Background Documents

Report to Council titled: Torquay Gateway Highways Improvement – Shiphay Lane Junction to Lowes Bridge Junction– Acquisition of Land – Compulsory Purchase Order - December 2018

Torbay Local Transport Plan 2011-2026

<https://www.torbay.gov.uk/council/policies/transport/local-transport-plan/>

Application to LEP Local Transport Board for the Torquay Gateway Highway Improvements.

<https://www.torbay.gov.uk/council/policies/transport/local-transport-board/torquay-gateway/> (Click on Heart of the South West - Local Transport Board link found on page above).

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>To achieve a way forward to ensure that the major highway improvement schemes known as the Torquay Gateway Improvements are delivered by seeking Members' approval to make a Compulsory Purchase Order for an additional area of land at 89-95 Newton Road, Torquay required for the section of the scheme between Shiphay Lane and Lowes Bridge junction, to enable it to be acquired if agreement cannot be reached by negotiation with the land owner.</p>
2.	<p>What is the current situation?</p> <p>£2.49m of Government funding has been agreed in principle from the Heart of the South West Local Enterprise Partnership, through their Local Transport Board (LTB) for a series of highway and cycle improvements to the Torquay Gateway area. The improvements, which form part of the current Local Transport Plan and Local Plan, have been undertaken commencing April 2015 and the funding has been granted on the basis that the Torbay Council is in a position to complete the entire scheme within the LTB's time period.</p> <p>For the majority of the proposed improvements there was no requirement for the acquisition of any private land and the individual schemes do not require planning consent. However, one section of this improvement, to widen the A3022 between Shiphay Lane junction and Lowes Bridge junction will require the acquisition of some land.</p> <p>Authorisation was granted by Council to acquire a section of land in the ownership of Network Rail for this section of the scheme was granted by Council in December 2018 and negotiations are continuing. Further design work has identified an additional area of land at 89-95 Newton Road, which will be required to deliver the scheme in full.</p>
3.	<p>What options have been considered?</p> <p>The following options have been considered:</p> <ol style="list-style-type: none">1. That the proposed decision to acquire land for the Torquay Gateway Highway Improvement as detailed in Section 3 of the report be

	<p>progressed.</p> <p>2 That the proposed decision is not progressed. Not progressing the decision could mean that, where agreement over land acquisition cannot be completed, the scheme does not get delivered in full and to a fully compliant standard.</p>
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>The proposal supports the delivery of the Corporate Plan by meeting the specific Targeted Actions of 'Thriving Economy' by improving this section of vital transport infrastructure.</p>
5.	<p>How does this proposal contribute towards the Council's responsibilities as corporate parents?</p> <p>The proposal has do direct contribution towards the Council's responsibilities in this respect however the scheme is unlikely to be detrimental to the safety of children and young people.</p>
6.	<p>How does this proposal tackle deprivation?</p> <p>The improvement to this section of vital transport infrastructure will support future growth in the Torbay Area.</p>
7.	<p>How does this proposal tackle inequalities?</p> <p>The proposal will reduce congestion on this section of infrastructure providing improvements to air quality and public transport links. Controlled pedestrian crossing facilities will form part of the scheme.</p>
8.	<p>How does the proposal impact on people with learning disabilities?</p> <p>There is no direct affect in respect of this proposal however the proposal is unlikely to be detrimental.</p>
9.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>As with any highway improvement, the benefits will apply to all users of the highway. The implementation of the 'Torquay Gateway' highway improvements forms part of the current Local Transport Plan and Local Plan, approved as policy by Council.</p> <p>Both the Local Transport Plan and Local Plan were prepared in consultation</p>

	with all major stakeholders. The Local Transport Plan was prepared jointly with Devon County Council.
10.	How will you propose to consult? No further formal consultation is proposed in respect of this scheme.

Section 2: Implications and Impact Assessment

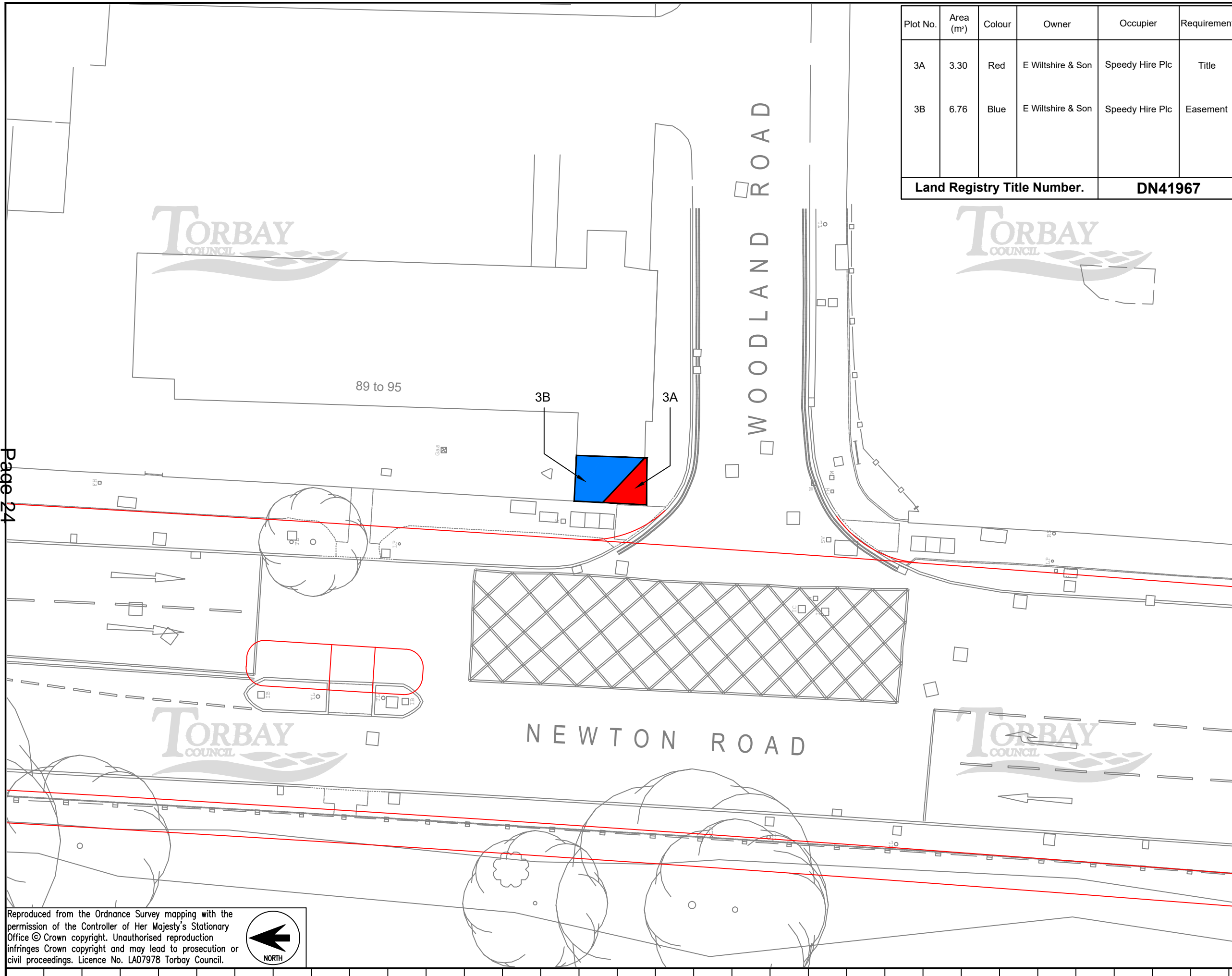
11.	<p>What are the financial and legal implications?</p> <p>The Council as the highway authority has powers under the Highways Act 1980 to acquire compulsorily or by agreement, land required for the improvement of a highway and to acquire compulsorily rights over land for highway purposes.</p> <p>A CPO may be made by the Council, but must be confirmed by the Secretary of State if there are objections. If objections are made to the Order and not withdrawn, the Secretary of State is likely to hold a public inquiry before determining whether or not to confirm the Order, in full or in part. That could incur the Council in presently unquantifiable costs. These might be significant, but may be considered small compared with the overall cost of the scheme.</p> <p>If the Council acquires land under compulsory purchase powers, statutory provisions as to compensation will apply. The Council will be required to pay market value, payment for any injurious affection and in certain circumstances additional costs such as Home Loss payments and disturbance.</p>
12.	<p>What are the risks?</p> <ol style="list-style-type: none"> 1. There is a risk that negotiations to acquire land for this scheme could fail and a Compulsory Purchase Order would be the only option for progressing the scheme. If the decision to make a Compulsory Purchase Order is delayed until that time then the Council may not be able to deliver the Scheme within the required timescale. This would have serious implications on the implementation of the Torquay Gateway Improvement in its entirety. 2. If objections are made to the Compulsory Purchase Order, and not withdrawn, the Secretary of State is likely to hold a public inquiry. This may delay the delivery of the scheme.

	<p>3. If land is not acquired for this Scheme then the existing highway would have insufficient width to deliver a fully compliant scheme.</p>
13.	<p>Public Services Value (Social Value) Act 2012</p> <p>The Torbay Development Agency will provide support to Torbay Council for the negotiation and valuation for the land to be acquired in liaison with the authority's legal officers.</p> <p>The management and delivery of the scheme will be carried out by officers from the Council's Highways and Transport Team and Future Planning Team.</p> <p>The detailed design and supervision of the scheme will be carried out by the Torbay Development Agency's Engineering Services Team.</p> <p>Accommodation works to properties where land has been acquired will be carried out under the contract for the main highway widening works, which will be procured as a formal contract in accordance with Financial Regulations.</p>
14.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>A full Business Case was submitted to the HotSW LEP in respect of the economic benefits of delivering the Torquay Gateway Scheme.</p>
15.	<p>What are key findings from the consultation you have carried out?</p> <p>There are no specific consultation findings to report as part of this proposal.</p>
16.	<p>Amendments to Proposal / Mitigating Actions</p> <p>No amendments have been made to the scheme, however every effort has been made to minimise the amount of land required to deliver the scheme.</p>

Equality Impacts

17.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			No differential impact
	People with caring Responsibilities			No differential impact
	People with a disability			No differential impact
	Women or men			No differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			No differential impact
	Religion or belief (including lack of belief)			No differential impact
	People who are lesbian, gay or bisexual			No differential impact
	People who are transgendered			No differential impact
	People who are in a marriage or civil partnership			No differential impact
	Women who are pregnant / on maternity leave			No differential impact

	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Improvements to major infrastructure will have positive impacts on future growth in the area.	None
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The proposal will assist in reducing traffic congestion and the use of public transport.	Reduced congestion may encourage an increase in car usage.
16	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	No cumulative impacts identified	
17	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	The proposed scheme is within direct access routes for Torbay Hospital, the Ambulance Service and Fire Service and therefore is likely to provide benefits to these services.	



Plot No.	Area (m ²)	Colour	Owner	Occupier	Requirement
3A	3.30	Red	E Wiltshire & Son	Speedy Hire Plc	Title
3B	6.76	Blue	E Wiltshire & Son	Speedy Hire Plc	Easement
Land Registry Title Number.				DN41967	

REVISIONS					
no.	date	By	Checked	details	
A	08.05.19	JPW	RDS	Plot number text updated.	

NOTES	
no.	details
KEY	
	Land to be acquired
	Land required for construction working space or accommodation works.

drawn JPW	scale(s) 1:200 @ A3
checked RDS	date 1 st April 2019

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SCHEME TITLE
**GATEWAY SCHEME
LOWES BRIDGE TO
SHIPWAY LANE
WIDENING SCHEME**

DRAWING TITLE
**Land Acquisition Plan
Plot 3**

drawing number	8/6/11/3_143	REV.	A
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