

Friday, 3 May 2013

## Adjourned Annual Meeting of the Council

Dear Member

I am pleased to invite you to attend the Adjourned Annual meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Wednesday, 15 May 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.)

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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:

**June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207012**

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

# Meeting of the Council Agenda

## 1. Apologies for absence

## 2. 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.)

## 3. Communications

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

## 4. 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.

(Page 1)

## 5. Petition - Uncontrolled Pedestrian Crossing - Dartmouth Road/Fisher Street, Paignton

Approximately 39 signatures, this petition has been referred direct to the decision maker (Transport Working Party).

## 6. Petition - Coach Parking in St Annes Road, Torquay

Approximately 304 signatures, this petition has been referred direct to the decision maker (Transport Working Party).

## 7. Members' questions

To answer the attached questions asked under Standing Order A13.

(Pages 2 - 6)

- 8. Notice of motions**  
To consider the following motions, notice of which has been given in accordance with Standing Order A14 by the members indicated:
- (a) Notice of Motion - Save Our Seabirds (Page 7)
- (b) Notice of Motion - Fire Safety (Page 8)
- 9. Clennon Valley Cycling Facilities** (Pages 9 - 83)  
To consider the above report on the proposed creation of sports facilities at Clennon Valley.
- 10. A Landscape for Success - the new Local Plan for Torbay** (Pages 84 - 95)  
To consider the above report setting out a framework to assist in the preparation of a new draft Local Plan.
- 11. Brixham Town Centre Car Park Redevelopment - Mayoral Decision** (Pages 96 - 99)  
To consider a report on the above.
- 12. Disposal of Council Assets - Mayoral Decision** (Pages 100 - 119)  
To consider the above report on the proposed disposal of assets.
- 13. Supporting the development of a Community Development Trust for Torbay** (Pages 120 - 144)  
To consider the above report seeking approval for the direction of travel and a commitment to the development of a Community Development Trust.
- 14. Overview and Scrutiny Annual Report** (Pages 145 - 146)  
To consider the Annual Report of the Council's Overview and Scrutiny Board.
- 15. Establishment of the Torbay Health and Wellbeing Board** (Pages 147 - 156)  
To agree the establishment of the Torbay Health and Wellbeing Board and the associated Article and Standing Orders for inclusion in the Constitution.
- 16. Shared Arrangement for Director of Public Health** (Pages 157 - 159)  
To consider the above report on interim arrangements for the shared appointment of the Director of Public Health with Plymouth City Council.
- 17. Appointment of Independent Persons to Assist the Council Standards Committee** (Pages 160 - 162)  
To consider the appointment of two new independent persons to assist in the consideration of complaints against members.

- 18. Composition and Constitution of the Executive and Delegations of Functions** (Pages 163 - 172)  
To receive details on the composition and constitution of the Mayor's Executive for 2013/14, together with the record of delegations of Executive functions.
- 19. Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Leads**  
To consider:
- (a) Appointing the Overview and Scrutiny Co-ordinator for 2013/14; and
  - (b) Appointing the following Scrutiny Lead members for 2013/14:
    - People
    - Place
    - Business
    - Health
- (Note: Executive Leads shall not be appointed as the Overview and Scrutiny Co-ordinator or Scrutiny Lead Members.)
- 20. Appointments to Committees and other Bodies** (Pages 173 - 190)
- (a) To appoint committees and other bodies, agree their terms of reference and to review the allocation of seats to political groups in line with statutory requirements.
  - (b) To request nominations from the group leaders of members to serve on those committees.
- 21. Calendar of Meetings 2013 - 2014** (Pages 191 - 194)  
To seek approval for the provisional calendar of meetings for the 2013/2014 Municipal Year.
- 22. Scheme of Delegation for Council Functions**  
To agree the scheme of delegation for Council functions as set out in Part 3 of the Constitution in so far as they relate to Council functions.

# Agenda Item 4

I have received reports that Tor 2 have failed to collect rubbish/recycling from Pendennis Road and Lichfield Avenue in Torquay.

Can the Executive Lead advise if similar complaints have been received from other residents in Torquay?

Have Tor 2 been charged any penalties for failing to collect the rubbish/recycling and what other actions have the Council taken to make sure this doesn't happen again?

Swithin Long

# Agenda Item 7

Adjourned Meeting of the Council

Wednesday, 15 May 2013

Questions Under Standing Order A13

<p><b>Question (1) by Councillor Baldrey to the Executive Lead for Finance – Mayor Oliver</b></p>	<p><b>With the cuts in Benefits now starting to happen for the people of Torbay, does the Executive Lead for Finance consider that a hardship fund which I understand has been allocated of only £80,000 will be sufficient to meet the needs of the current financial period?</b></p>
<p><b>Question (2) by Councillor Stockman to the Mayor – Mayor Oliver</b></p>	<p><b>Can the Mayor confirm that there has been sufficient resources reserved to support those who find themselves in difficulties regarding the cuts to Welfare and the Bedroom Tax. Please could you also confirm:</b></p> <p><b>When Debt Collectors will be used?</b></p> <p><b>Whether there are sufficient resources reserved to pursue arrears though the courts and how much you anticipate this will cost.</b></p>
<p><b>Question (3) by Councillor Darling to Councillors Brooksbank and Mills?</b></p>	<p><b>In a recent radio Devon interview, I was horrified to hear, the Chief Fire Officer, describe full time Fire crews as a Luxury. Do you share my concerns about this statement?</b></p>
<p><b>Question (4) by Councillor James to the Mayor – Mayor Oliver</b></p>	<p><b>In September we put a motion forward asking that you support the desire of the LGBT community in Torbay to be able to get married to the people they love. In December you suggested that we should wait to see the details of the coalition government's bill before making this decision. This bill has now been published and very importantly contains a triple and quadruple lock to protect those who may have concerns about this for reasons of conscience. Now that these conditions have been fulfilled and the plans for equal marriage will soon finish their passage through Parliament, will you today assure the LGBT community that you support the policy of this government to give them marriage equality?</b></p>

<p><b>Question (5) by Councillor James to the Executive Lead for Adult Social Care – Councillor Scouler</b></p>	<p><b>This week a report was published by Astra Zeneca and the homeless charity Depaul UK (Making it matter: Improving the health of homeless people) calling on strategic health bodies like ourselves to ensure there are joined up services for homeless young people that recognise their complex needs. It points out that there are over 80,000 young people homeless in the UK each year and that number is rising. They often suffer from poor physical and mental health and the report calls for easier access to support services and better co-operation between all providers. In light of this report, could the Executive Lead for Adult Services answer the following?</b></p> <p><b>How many young people (aged under 25) are classified as homeless in Torbay and how has that number changed over the last 5 years?</b></p> <p><b>What are Torbay Council and its partners doing about homelessness among young people at present?</b></p> <p><b>How will we be responding to this report and what lessons will we be learning from it?</b></p> <p><b>What action will we be taking to engage housing associations, homelessness services and other independent providers who have considerable experience in integrating health, housing and care and support for vulnerable groups?</b></p>
<p><b>Question (6) by Councillor Darling to the Mayor – Mayor Oliver</b></p>	<p><b>The Devon and Somerset Fire Authority has a conservative majority. How have you been using any influence you have with Tory colleagues in Devon and Somerset to stop the loss of a Fire Engine in Torquay and ensure the cuts are redirected to back office functions rather than front line fire crews?</b></p>

<p><b>Question (7) by Councillor James to the Executive Lead for Business Services – Councillor Pritchard/Mills</b></p>	<p><b>A recent report by UNISON shows that 28,000 local government workers are earning below the national minimum wage of £6.31 due to come into place in October. It also points out that 13% of councils have asked staff to take unpaid annual leave and unsocial hours payments are being taken away. In light of this, please can you assure the council of the position of staff in Torbay by answering the following: -</b></p> <p><b>What number and percentage of local government staff in Torbay are earning below £21,000?</b></p> <p><b>What number and percentage of local government staff in Torbay are earning below £6.31 an hour (the new national minimum wage)?</b></p> <p><b>What number and percentage of local government staff in Torbay are earning below £7.45 an hour (the living wage)?</b></p> <p><b>Have any staff been asked to take unpaid annual leave?</b></p> <p><b>Have we had “unsocial hours payments” and if so, have we removed or reduced any of these?</b></p>
<p><b>Question(8) by Councillor Faulkner (A) to the Executive Lead for Community Safety – Councillor Excell</b></p>	<p><b>As you are aware there has been many landslides at Oddicombe Beach destroying one property on the top cliff and putting others at risk. Visitors etc are still going to the beach to view this situation and have been actually seen climbing the rock fall. Could the Council make signing larger to stop people doing this making them aware of the greater danger? As I would hate to see a fatality there.</b></p>
<p><b>Question (9) by Councillor Cowell to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)</b></p>	<p><b>Are you satisfied that the number of staff within our planning department, particularly enforcement, is sufficient to provide a good service to residents?</b></p>



<p><b>Question (10) by Councillor Cowell to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)</b></p>	<p><b>When can we see a draft of the emerging Housing Strategy?</b></p>
<p><b>Question (11) by Councillor Cowell to the Executive Lead for Safer Communities and Transport – Councillor Excell</b></p>	<p><b>Would you join me in congratulating Hele’s Angels on their initiative in setting up an activity in the near future that focuses on anti-social behaviour relating to dogs. An initiative in partnership with the RSPCA, council, police and community to educate some dog owners about dog fouling and unruly behaviour.</b></p> <p><b>Would you also analyse the success of this project with a view to carrying out a Bay-wide initiative in an effort to deal with a significant problem that blights our communities?</b></p>
<p><b>Question (12) by Councillor Cowell to the Executive Lead for Safer Communities and Transport – Councillor Excell/Hill</b></p>	<p><b>Following the recent review of parking charges, can you tell me what plans you have to continue with this review and how business and residents will be involved?</b></p>
<p><b>Question (13) by Councillor Darling to the Mayor – Mayor Oliver</b></p>	<p><b>Under the Member/Officer Support Compact:</b></p> <p><b>Members Will:</b></p> <p><b>16. provide regular feedback from the outside organisations they are appointed as Council representatives to other members and officers; As a member of the Devon and Cornwall Police Authority since May 2011 and now a member of the Police and Crime panel, When and how do you intent to give feedback to Members?”</b></p>
<p><b>Question(14) by Councillor Hytche to the Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas</b></p>	<p><b>I am concerned about the new local plan and the possible number of new homes, all of which could be built on green field sites so favoured by developers. Could we stipulate in our local plan, that only brown field sites will be considered for new homes till the surplus has been addressed?</b></p> <p><b>We have derelict sites that are in desperate need of development, for example the old steam laundry in Rock Road, derelict for over forty years,</b></p>

<b>(D)</b>	there are several more, list available at the Town Hall.
<b>Question (15) by Councillor Darling to the Executive Lead for Tourism – Councillor Richards</b>	<p><b>Please find below an email sent to you on the 7th April 2013 regarding a problem at Oddicombe Beach. When Can I expect a response?</b></p> <p><b>Good Afternoon</b>  <b>Over the Christmas break I watched a small green catamaran break up on Oddicombe beach. Since then it has been next to the compound awaiting someone to claim it. I was disappointed to see it there over the Easter bank holiday weekend and contacted officers regarding its removal. I was shocked to receive an email saying no budget had been allocated to date. As part of the budget round we were assured that beaches management would be more of a proactive service, responding to problems as they arose. This level of service suggests it is dead in the water. I would welcome your assurances?</b></p>

## **Adjourned Annual Council Meeting**

**Wednesday, 15 May 2013**

### **Council Motion – Save our Seabirds**

Torbay Council notes that over 400 birds have been rescued during two separate pollution incidents in the past two months on the south coast of the UK, and that over 2000 more have died.

This Council further notes that the birds (including Guillemots, razorbills and puffins) have been found covered in polyisobutylene (PIB), a synthetic clear lubricating oil. This substance clings to the feathers of seabirds, preventing them from flying and destroying the waterproofing of their plumage. According to the Devon Wildlife Trust, it is legal for this substance to be deposited in the sea just 12 miles off shore.

Torbay Council calls on Richard Benyon MP, the Minister for the Environment, the Members of Parliament for Torbay and the Members of the European Parliament in the South West Region to bring about changes in legislation to prevent such pollution incidents from happening again.

This Council asks the Chief Operating Officer to write to Richard Benyon MP, the two Members of Parliament for Torbay and the South West Region's Members of the European Parliament to advise them of this Council's views.

Proposed by Steve Darling

Seconded by Ian Doggett

# Agenda Item 8b

## **Adjourned Annual Council Meeting**

**15 May 2013**

### **Council Motion – Fire Safety**

Torbay council has major concerns about fire safety in Torbay if the Draft Plan presented by the Devon Fire Rescue and Service is accepted.

Therefore this council, in opposing Proposal 10 of the draft plan which reduces full time fire cover at Torquay, mandates our representatives to oppose this option and calls upon the Fire Authority to look at alternative ways of finding the £5.5m cuts required by government.

Council further raises its' concerns that the lack of detailed engagement with its' staff has led to a flawed set of options and the Authority should instruct officers to fully engage with its' staff and produce a new set of proposals.

Proposed by Councillor Cowell

Seconded by Councillor Stockman



**Meeting:** Full Council

**Date:** 15<sup>th</sup> May 2013

**Wards Affected:** All Wards

**Report Title:** Cycling Development, Clennon Valley

**Executive Lead Contact Details:** Cllr. Robert Excell

**Supporting Officer Contact Details:** Sue Cheriton, Executive Head – Residents & Visitor Services – Ext 7972 / Steve Parrock – Chief Executive TDA Ext 8973 Ian Williams Ext 7954 / Iain Masters Ext 8975

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## 1. Purpose

To ask members to decide whether up to £780,000 of the Council's prudential borrowing will be made available for the creation of the following sports facilities at Clennon Valley.

- (i) A 1.5km Closed Road Circuit to benefit the maximum number of users from a wide variety of sports.
- (ii) An outdoor velodrome, this will be the only such facility in the South West and therefore of regional significance.

## 2. Proposed Decision

- 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.

## 3. Reasons for the Decision

- 3.1 The proposed development will increase the number of active sports participants in

cycling and other sports via promotion of cycling as a recreational sport by the provision of two outstanding sports facilities at Clennon Valley.

- 3.2 The development of the facilities will benefit the local economy as they will be the only such facilities in the South West and therefore of regional significance attracting users from outside of Torbay and visitors for competitions and events.
- 3.3 British Cycling have confirmed that funding of up to £780,000 is available. British Cycling have also confirmed that they will not provide any funding if the match funding is not provided directly by Torbay Council .
- 3.4 Agreement from Full Council for the provision of capital funding for the proposed development will allow officers to progress the scheme development, carry out the required consultation, make technical investigations and prepare the designs needed in order for a planning application to be submitted. If the development is to be delivered it is essential that this work is done as soon as possible as the funding from British Cycling is available for a limited time period and British Cycling have indicated that if the application for their funding is to be successful the Council must be in a position to commence work on the development as soon as possible with the expectation that the development to be at or near completion by no later than April 2014.
- 3.5 Subject to a satisfactory outcome of the investigations and consultations referred to above; sufficient match funding being agreed and provided by British Cycling and the necessary consents (including planning permission) being obtained the development will be able to commence in Autumn 2013. It is expected that once commenced the development will take 8 months to complete. Discussions are ongoing with British Cycling with regard to the exact timetable for the Development.
- 3.6 The facilities will support positive community, sports, health, tourism, economic and employment outcomes further details of which are provided in the business case at Appendix 2 ('the Business Case')

#### 4. **Summary**

- 4.1 The Business Case includes 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 the Council will not commit to providing the funding required the offer of match funding from British Cycling will be made to other local authorities within the South West as British Cycling are committed to providing the facilities to be developed during 2013-2014. If no other location can be found in the South

West it is assumed that the funding will be used for other cycling facilities nationally.

## Supporting Information

### 5. Position

- 5.1 A report was presented to Full Council on the 28th February 2013 when the following motion was carried:-
- (i) That this Council supports, in principle, the development of a velodrome and a Closed Road Cycling Circuit at Clennon Valley subject to satisfactory resolution of the means of funding the capital costs and the future revenue costs of the project;
  - (ii) That the Chief Executive of the Torbay Development Agency be requested to seek proposals from prospective developers or investors for the cycling facilities referred to in the submitted report who will provide funding to match the British Cycling grant contribution to the facilities; and
  - (iii) That no capital monies are committed to the project at this time and until discussions with developers/investors have reached a satisfactory conclusion.
- 5.2 The options for funding have been investigated by the Torbay Development Agency (TDA) and a summary of the outcome is outlined in sections 5.8 to 5.11 of this report.
- 5.3 The scheme involves the development of a outdoor 'velodrome' built to British Cycling recommended specification/design 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 format maintenance and made provision of £27,200 p.a. 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.
- 5.4 British Cycling (BC) has identified the regional need for a Velodrome and a Closed Cycle Circuit in the South West Region. BC have stated that the provision of these facilities in the South West are one of their highest National Priorities. Torbay is stated to be BC's preferred location. BC have confirmed that they have monies available to jointly fund this project providing 50% match funding can be secured and their required criteria met.
- 5.5 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.

- 5.6 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.
- 5.7 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.
- 5.8 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.
- 5.9 The TDA has conducted the review of funding options requested at Council on 6th February. TDA Officers have identified limited scope for securing significant additional sources of capital but a number of sources of potential significant revenue have been highlighted.
- 5.10 Capital funding through S106 sources is currently being explored and may be used to reduce the level of prudential borrowing required. The sum of £143K from S106 is assumed from existing approved developments. British Cycling(BC) has discouraged TC from considering 3rd party capital funding for fear it would fetter community access. BC has instead encouraged investigation of revenue options
- 5.11 The TDA has received In principle offers (and/or expressions of interest) in providing revenue funding to cover the cost of prudential borrowings from the following: soft market testing of possible cycle hire/sales facilities (two offers received), negotiations with a major local tourism accommodation provider has identified in principle willingness to support the project (the same provider is proposing to pay the full capital cost of a similar circuit facility elsewhere in the UK), sources of funding from education providers including Exeter University, South Devon College and local schools have been identified. Parkwood (the operator of the Torbay Leisure Centre) has written to the Council expressing a willingness to manage the facility at a 'no cost' basis. Parkwood do not offer to repay the cost of any TC or BC capital provided.
- 5.12 The TDA has reviewed the Business Case previously submitted. The TDA does not believe that the business case to be unrealistic and it has identified a number ways in which the viability of the project could potentially be improved by including additional revenue streams that were identified but not included. Such as car parking where an estimate of net income of circa £35K is now included. The TDA supports the proposal. Appendix 4 provides the TDA analysis and reasoning.



- 5.13 Although it appears there could be additional income, over and above that secured in the form of the identified £143k s106 contributions that may completely cover the Council's borrowing costs. There is a potential the business case will not create enough income to cover the Council's full cost of prudential borrowing. In this scenario there would be a financial cost to the Council's revenue account for the period of the prudential borrowing.

## **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 (£47,200 net if S106 contributions are included).

## **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 as detailed in the Business Case provide significant opportunity for Torbay.

## **8. Consultation**

- 8.1 Detailed 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 Consultation has taken place with South West British Cycling Clubs, Exeter University, South Devon College, Paignton Sports and Community College, school sports liaison officer. Letters of support for the usage of both facilities are included as Appendix 1 and indicate the amount of revenue that could be generated.
- 8.3 Talks have taken place regarding the future management options for the facilities these include both of the bidders for the main Clennon Development project. The bidders are fully supportive of the facilities and have expressed an interest in future management of the site.

## **9. Risks**

- 9.1 The key risks are outlined within the business case attached as Appendix 2. However, they are summarized as follows:-
- (i) The consultation exercise could indicate the local population do not want the development to go ahead or the facility does not receive planning approval.

- (ii) Torbay Council fails in their application to British Cycling for the award of match funding to develop both facilities at the same time.
- (iii) 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.
- (iv) Tenders above original estimates for track. The project would be redesigned to reduce standards where possible to reduce costs or the contract could be retendered. If further monies are required beyond those figures referred to in this report a further report would be provided to Full Council.
- (v) The income received from the facility covers the running costs and the prudential borrowing replacements. Discussion with stakeholders indicates that they are confident the income projections are realistic and would cover running costs.

## **Appendices (Part II)**

Appendix 1 – Letters of support

Appendix 2 – Business Case

Appendix 3 – Financial Analysis

Appendix 4 – Equality Impact Assessment

## **Additional Information**

## SW WOMENS RACE SERIES

1 Taddiford Rd,  
Exeter,  
Devon,  
EX4 4AY

Mob: 07723028833

Email: [SWWomensRaceSeries@gmail.com](mailto:SWWomensRaceSeries@gmail.com)

21<sup>st</sup> April 2013

Mr Ian Williams  
Torbay Council  
5-7 Meadfoot Road  
Torquay  
Devon TQ1 2JP  
United Kingdom

Dear Mr Ian Williams,

I am writing as the co-ordinator of the newly formed SW Women's Race Series to offer our support for the proposed 270m velodrome and accompanying closed road circuit. The women's cycle racing series has been set up as a result of an increased participation in bike racing in the region. The series offers women the opportunity to compete in a variety of races, including closed road circuits. We believe these purpose built facilities will be a great asset to the region and would certainly be well used by women racing in the southwest.

As Series co-ordinator I can confirm that Series would be keen to use these both these facilities for competition and for training. To have access to a velodrome in the region opens up many more doors for women who wish to race. The purpose built circuit with club house facilities will be a vast improvement on what is currently on offer in the region, and can only increase the appeal to women.

Additionally, as a cyclist and a member of Exeter Wheelers CC I would also like to offer my personal support for the planned developments. Cycling is experiencing a massive boom currently, a phenomenon we have witness first hand in EWCC. I hope Torbay Council will take this opportunity commit to the proposed cycling facilities which will make a real difference to cyclist in the region and will form a cycling hub for all levels of rider.

Best Regards,

Elena Bremer

SWWRS Co-ordinator

## TORBAY CYCLING FACILITY QUESTIONNAIRE 24-04-13

1 Will you use any of these facilities?  Yes

2 Which of these facilities will you use?  Velodrome  Traffic free road circuit

3 How often will you use these facilities, daily, weekly, monthly, occasionally? To: -

A	Train on	Weekly
B	Promote club based competitions	Monthly
C	Promote 'open' competitions for members of all BC members	Occasionally

4 How many people do you expect and the sessions A, B, and C?

A	15-30
B	30+
C	60+

5 How many of your members will use the facilities on an 'ad hoc' basis and how often e.g. drop in sessions, when the facilities are open for general use and not restricted to clubs by prior booking?

This will be popular especially during university breaks. At least 15 to 20 about 25% of the club will use facilities when they are open to general use.

6 What days of the week would you be most likely to use the facilities and between which hours?

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
06.00-09.00							
09.00-12.00							
12.00-15.00						<input checked="" type="checkbox"/>	
15.00-18.00			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
18.00-21.00			<input checked="" type="checkbox"/>				

7 Have you any other input that you think would be useful and assist Ian Williams in making the case for continuing with the project?

This will be a huge boost for cycling in the South West, especially for the university as we've had numerous people asking about trips to Newport velodrome and how to get into track racing but with no facility nearby we haven't been able to develop this part of the club. The closed circuit will also be popular with the many members we have new to the club and want to race but nervous about open road racing or having to travel a lot to do a race. This project will also help the development of top level cycling in the region with access to regular training and racing improving the standard of riders in the South West.



Campus Services

Sports Office  
University of Exeter Sports Park  
Stocker Road  
Exeter EX4 4QN

Email: [p.j.attwell@ex.ac.uk](mailto:p.j.attwell@ex.ac.uk)  
web: [www.sport.exeter.ac.uk](http://www.sport.exeter.ac.uk)

**Mr Ian Williams**  
Torbay Council  
5-7 Meadfoot Road  
Torquay  
Devon TQ1 2JP

30 April 2013

Dear Ian

**Re: Torbay Cycle Facility and Velodrome**

The University of Exeter has a developing programme for road cycling at both a recreational level and also at a level for aspiring performers. As such, we welcome and strongly support the development of such a cycle facility in the Torbay area. A velodrome would help with pace setting and performance development for strong athletes, and for confidence building for people new to road cycling.

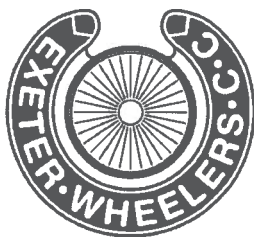
The distance of the facility from Exeter would mean that roads would still be the primary location for our training, but a closed track close within Devon would be a fantastic addition to the range of facilities on offer. Currently, with the nearest facility being located in Newport, options and training opportunities are severely limited by distance and cost.

Given the ever increasing popularity in cycling following last year's Tour de France and London 2012 Olympic Games, a development of this sort seems like a very sensible investment and one which 'University of Exeter Sport' would lend its support to.

Regards

A handwritten signature in black ink that reads 'Phil Attwell'.

**Phil Attwell**  
Director of Sport  
University of Exeter



**EXETER WHEELERS CYCLING CLUB**

70 Victoria Street  
Flat 2  
Exeter  
Devon  
EX4 6QJ

tel: 07525253064  
email: [jwh@live24.co.uk](mailto:jwh@live24.co.uk)

*19 April 2013  
Mr Ian Williams  
Torbay Council  
5-7 Meadfoot Road  
Torquay  
Devon TQ1 2JP  
United Kingdom*

*Dear Ian Williams,*

*The South West of England has been waiting for a dedicated cycling facility for a long time. With the recent sporting success of our Olympians and track cyclists, we at the Exeter Wheelers have noticed the biggest surge in members and enthusiasm for the sport for many generations.*

*A Velodrome and cycle racing circuit would represent a real hub of sporting development for the area and encourage participation in cycle sport in a local, safe environment.*

*It would make a dramatic impact, helping local clubs attract talent to the sport with quality weekly races and training sessions to introduce many new riders to the track each year.*

*The South West has a massive and growing cycling community and desperately needs more local facilities. In our club we have noticed a three fold increase in membership take up over the last few years. Cycle racing circuits are scarce and the nearest velodrome is in Wales. This development couldn't come soon enough.*

*Building this velodrome should be top of the development agenda for the local council and we at the Exeter Wheelers CC will do everything in our power to help make it a reality.*

*Build it and we will come!*

*Yours Sincerely,*

*Jamie Howard  
On behalf of Exeter Wheelers CC*

To whom it may concern,

I am writing this letter on the behalf of the Torbay Sports Partnership (TSP) to express our support in your quest for establishing a cycling facility in the heart of Torbay.

The partnership will hope to strengthen the link with British cycling and utilise the fantastic facility in which you are trying to establish. There would be a huge demand and usage for this facility from the schools within Torbay, especially in the wake of the current obesity epidemic.

The use from the Torbay Sports Partnership would be for a series of races for secondary school, in line with the Youth Sport Trust's (YST) and Sainsbury's School Games to give the schools competition. This is driven also by the TSP's link with British Cycling in being a Cycling Hub School. For primary schools and special schools, there will be the demand for using the facility for festivals.

All types of schools will use the facility as well for Bikeability scheme to ensure riders are safe when delivering Level 1 and 2 of the scheme. This therefore will amount to a large number of participants using the establishment. With each school as individuals using the velodrome for PE lessons, the approximate pupil use numbers for each academic year will be well over 1000 pupils per year from the Torbay schools community.

The impact of the facility upon each individual will be massive by having a world class arena in Torbay and the use of the velodrome, students will get the cycling fever and create a more sustainable environment within the district.

I offer the council the partnership, and my own support in your endeavour to put a world class velodrome in Torbay and the South West of England.

Best wishes,

Nick Gillard

Torbay School Games Organiser



## TORBAY CYCLING FACILITY QUESTIONNAIRE 24-04-13

As you know Torbay Council is working with British Cycling to provide an iconic cycling facility at Clennon Valley, Paignton. Ian Williams is the lead council officer and he is putting together a paper to go before the full Torbay Council meeting on 15<sup>th</sup> May. In order to do the best possible job **he needs to know the answers to the questions listed below and he needs to know before Friday 3<sup>rd</sup> May** so executive decisions will be needed by yourself, your club Chairman and perhaps a couple of other key players in your club.

From Rod James Chair of One and All Cycling, Bissoe, Truro Cornwall

## TORBAY CYCLING FACILITY QUESTIONNAIRE 24-04-13

1 Will you use any of these facilities? Yes At the moment we send youngsters and adults to Newport a round trip of over 700 miles at least 4 times a year

2 Which of these facilities will you use? Velodrome Traffic free road circuit

Both, the velodrome we would hope to develop a weekly session of club members on a rolling programme so that all could experience track cycling. We would also hope to take part in the regularly held track meets. It is only a 2 hour drive to Torbay!!

The traffic free circuit - we would hope to use as a 'training for racing site' as well as promoting at least one of our "Cornish Series" races at the site. In the same way as the T de France is to start in Yorkshire I see no reason why the Cornish Series should not start in Devon!

It would also be good for the Cornish series to promote a track meet as part of its yearly programme.

3 How often will you use these facilities, daily, weekly, monthly, occasionally? To: -

A	Train on	Monthly
B	Promote club based competitions	twice a year
C	Promote 'open' competitions for members of all BC members	twice a year

4 How many people do you expect and the sessions A, B, and C?

A	15
B	30

C	100
---	-----

5 How many of your members will use the facilities on and 'ad hoc' basis and how often e.g. drop in sessions,

When the facilities are open for general use and not restricted to clubs by prior booking? It is difficult to say but if the club gets the track bug weekly maybe 3 to 5 riders a car full.

6 What days of the week would you be most likely to use the facilities and between which hours?

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
06.00-09.00							
09.00-12.00						X	X
12.00-15.00						X	X
15.00-18.00						X	X
18.00-21.00	x	x	x	x	X	X	X

7 Have you any other input that you think would be useful and assist Ian Williams in making the case for continuing with the project?

There is an immense demand for cycling at the moment and our major issue is finding a safe training facility for youngsters. We have had our Youth Academy up and running for one year. WITHOUT advertising we have 80 young people signed up and are limited by lack of facilities and coaches. The facility at Torbay WILL be an immense focus for all involved in cycling in the SW. For local clubs it will provide a "selling" point to introduce a whole new generation of riders. I have taken youngsters on the Calshot track when I worked in Hampshire. The impact on them was tremendous.

The traffic free circuit would also enable us to provide a training facility not just for racing but simply for those adults new to the sport and not experienced in riding in groups. Many lack the confidence to ride in groups with traffic. This would enable us to build that confidence.

There is NO central facility for cycling in the SW and I am sure that even from the far reaches of Penzance a 2 hour journey is possible. With clubs working together to provide "events" then a comprehensive programme of events should be possible with every weekend busy and backed by a comprehensive mid week programme.

The cycling community is no longer populated by "the poor" relation. Bike cost between £1000 and £8000 means that cyclist bring significant additional income to events. meals out ,hotels bills , shopping by partners plus fuel and incidentals.

Hope this helps

Rod James

If you want me to expand on anything please email me.

## **TORBAY CYCLING FACILITY QUESTIONNAIRE 24-04-13**

As you know Torbay Council is working with British Cycling to provide an iconic cycling facility at Clennon Valley, Paignton. Ian Williams is the lead council officer and he is putting together a paper to go before the full Torbay Council meeting on 15<sup>th</sup> May. In order to do the best possible job **he needs to know the answers to the questions listed below and he needs to know before Friday 3<sup>rd</sup> May** so executive decisions will be needed by yourself, your club Chairman and perhaps a couple of other key players in your club.

At this time the facilities being planned are a 250metre outdoor velodrome and a 1.6 km circuit that can be divided down to smaller units using short cut through links. There ought to also be room for a cyclo-cross circuit using some of the roads and also the surrounding grassland etc.

The fact that your club does not currently involve itself in the disciplines associated with these facilities should not preclude you from considering using them. Remember that Sir Chris Hoy, Craig Maclean, Shanaze Read and many other members of the BC's successful track team all began their cycling careers as BMX riders.

If you 'first love' is triathlon then the use of the nearby pool, the road circuit and the adjacent grassland and woods will make it an ideal venue for short distance and introductory competition and training.

Finally I can see no reason why part of the space could not be given over to a cycle speedway track though that is not currently in the equation. Given the right amount of pressure it could happen.

Please send your replies to: -

[ian.williams@torbay.gov.uk](mailto:ian.williams@torbay.gov.uk)

with copies to: -

[WillNewton@britishcycling.org.uk](mailto:WillNewton@britishcycling.org.uk)

[lumbnicholas@yahoo.co.uk](mailto:lumbnicholas@yahoo.co.uk)

[robertson@swdc.freesevice.co.uk](mailto:robertson@swdc.freesevice.co.uk)

Remember the future of our sport is now in your hands so do not delay with the replies.

Finally when we know the time and venue of the full Torbay Council Meeting we will post the information on the South West Road race facebook page so you can come along and show the kind solidarity that will impress the elected members and persuade them that it is a project well worth delivering.

Kind regards

Ken Robertson –Gen Sec. SW Region of BC.

## TORBAY CYCLING FACILITY QUESTIONNAIRE 24-04-13

1 Will you use any of these facilities?  Yes  No – if no why not

2 Which of these facilities will you use?  Velodrome  Traffic free road circuit

3 How often will you use these facilities, daily, weekly, monthly, occasionally? To: -

A	Train on	M
B	Promote club based competitions	
C	Promote 'open' competitions for members of all BC members	

4 How many people do you expect and the sessions A, B, and C?

A	40
B	
C	

5 How many of your members will use the facilities on an 'ad hoc' basis and how often e.g. drop in sessions, when the facilities are open for general use and not restricted to clubs by prior booking?

6 What days of the week would you be most likely to use the facilities and between which hours?

Normally sessions run by the Talent Programme are at weekends but during school holidays, these could also be week days to fit around the racing calendar. These sessions would be generally 0900 - 1700

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
06.00-09.00							
09.00-12.00							
12.00-15.00							
15.00-18.00							
18.00-21.00							

7 Have you any other input that you think would be useful and assist Ian Williams in making the case for continuing with the project? A project like this will make significant difference to not only the numbers of regional U16's (and older) but will have a huge impact on the ability and performance of these riders which in turn makes for bigger and safer racing. There are large numbers of riders who aspire to be the next Bradley Wiggins, Chris Hoy, Becky James etc etc and this help with their development.

## TORBAY CYCLING FACILITY QUESTIONNAIRE 24-04-13

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Finally I can see no reason why part of the space could not be given over to a cycle speedway track though that is not currently in the equation. Given the right amount of pressure it could happen.

Please send your replies to: -

[ian.williams@torbay.gov.uk](mailto:ian.williams@torbay.gov.uk)

with copies to: -

[WillNewton@britishcycling.org.uk](mailto:WillNewton@britishcycling.org.uk)

[lumbnicholas@yahoo.co.uk](mailto:lumbnicholas@yahoo.co.uk)

[robertson@swdc.freemove.co.uk](mailto:robertson@swdc.freemove.co.uk)

Remember the future of our sport is now in your hands so do not delay with the replies.

Finally when we know the time and venue of the full Torbay Council Meeting we will post the information on the South West Road race face book page so you can come along and show the kind solidarity that will impress the elected members and persuade them that it is a project well worth delivering.

Kind regards

Ken Robertson –Gen Sec. SW Region of BC.

## TORBAY CYCLING FACILITY QUESTIONNAIRE 24-04-13

1 Will you use any of these facilities?

2 Which of these facilities will you use?

3 How often will you use these facilities, daily, weekly, monthly, occasionally? To: -

A	Train on	mth
B	Promote club based competitions	occ
C	Promote 'open' competitions for members of all BC members	occ

4 How many people do you expect and the sessions A, B, and C?

A	10
B	15
C	40

5 How many of your members will use the facilities on an 'ad hoc' basis and how often e.g. drop in sessions, when the facilities are open for general use and not restricted to clubs by prior booking?

6 What days of the week would you be most likely to use the facilities and between which hours?

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
06.00-09.00							
09.00-12.00						X	X
12.00-15.00							
15.00-18.00							X
18.00-21.00			X				

7 Have you any other input that you think would be useful and assist Ian Williams in making the case for continuing with the project?

## TORBAY CYCLING FACILITY QUESTIONNAIRE 24-04-13

1 Will you use any of these facilities?

2 Which of these facilities will you use? BOTH

3 How often will you use these facilities, daily, weekly, monthly, occasionally? To: -

A	Train on	occasionally
B	Promote club based competitions	occasionally
C	Promote 'open' competitions for members of all BC members	occasionally

4 How many people do you expect and the sessions A, B, and C?

A	10 - 15
B	10 - 15
C	10 - 15

5 How many of your members will use the facilities on an 'ad hoc' basis and how often e.g. drop in sessions, when the facilities are open for general use and not restricted to clubs by prior booking?

6 What days of the week would you be most likely to use the facilities and between which hours?

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
06.00-09.00	No	No	No	No	No	No	No
09.00-12.00	No	No	No	No	No	Most Likely	Most Likely
12.00-15.00	No	No	No	No	No	Most Likely	Most Likely
15.00-18.00	No	No	No	No	No	Most Likely	Most Likely
18.00-21.00	Most Likely	Most Likely	Most Likely	Most Likely	Most Likely	Most Likely	Most Likely

7 Have you any other input that you think would be useful and assist Ian Williams in making the case for continuing with the project?

The figures above do not include other people in Tavistock, who are not members of the cycling club who would make use of the track on an occasional basis. For example people who have been to the track in Newport as part of a group organised through work etc.





Principal  
Stephen Criddle

South Devon College  
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Mr Ian Williams  
Senior Natural Environment Officer  
Torbay Council  
Natural Environment Services  
Lower Ground Floor  
Town Hall  
Torquay  
TQ1 3AD

03 May 2013

Dear Ian

### Torbay Velodrome

In our opinion, this Velodrome contributes to the need to invest in new sports and community facilities in Torbay and, if it is approved, we very much look forward to adding Cycling to the existing portfolio of our Sports Academies that are nurturing young sporting talent from South Devon to achieve success at national and international competition level.

In the short term it would be our intention to use the Velodrome facility in Torbay during weekdays, college hours for general fitness and training, and for some enrichment activities. We anticipate four hours per week usage initially, rising to 12 hours within two years of the velodrome opening.

It is also likely that we would establish a cycling club as an extra-curricular activity which would be likely to incorporate training two evenings a week.

Yours sincerely

Matthew Harbour  
Head of Department - A Level, Sport & Culture





## Letter of support for Clennon Valley Velodrome

Dear Sir

At Paignton Community and Sports Academy we are fully committed to supporting the development of an outdoor velodrome and closed road circuit at Clennon Valley in Paignton. This facility is certainly needed and long overdue. We are willing to be fully involved in the development to ensure maximal gains for all young people.

We are a large school that already uses Clennon Valley leisure centre for our 1200 pupils to access sports facilities for lessons, festivals and after school provision. As the lead school for the school games network and Torbay School Sport Primary Partnership we are fully committed to ensuring we are central to the development of a facility and we have the desire to increase cycling at all ages.

Since the Olympics the enthusiasm for cycling has been overwhelming and we have high numbers of young people keen to take part but unfortunately we have not got the capacity to provide cycling or use any facilities in the country due to cost and travel implications.

We were awarded the "Bikeability" status from the Youth Sport Trust and we are embarking on a three year programme to train 1500 pupils across Torbay to cycle safely. At Paignton we have also been awarded the cycling hub status from British cycling to develop and lead on courses and training for British Cycling. This facility will allow us to offer the most comprehensive competitions and training, rivalling anywhere within the UK.

We would envisage using the facility during the day for lessons and courses. We would want to use the facility after school for training and competitions and we would like to increase the number of festivals, competitions and training camps for young people and these would be all year round.

We can categorically confirm our full support for this project. If I can help any further in outlining how it will enable us to deliver a safe and accessible location to increase health, participation and reduce obesity in young people, please do not hesitate to get in touch.

Yours sincerely

David Carpenter  
Director of Sport  
Paignton Community and Sports Academy.

**From:** Mark Jones [Mark.Jones@kayelliott.co.uk]  
**Sent:** 23 April 2013 23:05  
**To:** Williams, Ian  
**Subject:** KE3516 Torbay Cycle Facility

Ian

I have received the following comments back from Andrew Parker and Andrew Perkins (chairman MDCC and Ashfords) regarding some of the assumptions you had within your business case you put before the Council.

**Firstly, summary comments from Andrew Parker:**

I am reasonably confident that the figures supplied for potential usage are robust and in some cases eg Schools and colleges hire charges at 104 and 52 hours annually a little on the low side. One area that may require further investigation or market testing is the cost and number of annual memberships 750 at £40 which is the major income provider.

I feel that the revenue gained from the potential commercial operations should also be factored in (Exeter Uni have expressed a desire for it to hold some form of corporate hospitality at the site; potential income from other commercial revenue on site could be used to reduce the costs of the annual memberships.

**Summary Comments from Andrew Perkins:**

**Usage Income Streams**

I think the Education and Health usage is underestimated – I also think the schools will be keen to use the velodrome. Both types of use are likely to attract bike hire. Whether bike hire creates a further income stream will depend on how that is addressed – there could be a bike hire concessions on site (for which the council will receive a fee), or the council could invest in bikes and take some income that way. Bear in mind that the velodrome will require a track bike so a near guaranteed income stream. At Newport Velodrome they run a fleet of around 20 bikes – I think the hire charge is about £8 per session.

Like Andy (P), I think the membership charges may require further investigation or market testing both in terms of price and numbers.

I think the allowances for non-cycle sport activity can also be pushed out a bit. Overall the numbers don't look unachievable, but will probably be made up differently.

**Expenditure**

I think this is the area where the most difference can be made. If there is a facility on site that can house the cycling club (meeting room/classroom and a store) then I think the club can largely staff the facility on a voluntary basis making the operating costs far lower. Certainly the club will be happy to deal with the day-to-day maintenance (sweeping, grass cutting, repainting lines, cleaning facilities, bookings, etc). The club has a number of qualified coaches and I suspect there will be more volunteers once the facility is in place. Thus the council can largely deduct the coaching costs and, I would suggest, half of the staffing costs. The club is able to obtain supported (grants) training for coaching qualifications. We 'qualify' around 4 coaches per year. One 'employed' coach might be beneficial, but that individual would likely double up as mechanic, bookings, etc.

The club has some funds available which might be available to be applied towards a building on site if that were to become the club's home

I think the insurance might be obtainable through British Cycling at a more advantageous rate and this should be checked.

**Other Income Streams**

Cycle shop – the cycle shop operator could provide the cycle hire service (reducing the burden on the council) and in its workshop deal with necessary maintenance to the fleet and storage of the same  
 A coffee shop on site would likely become the hub for south Devon cycling and could be run either as part of the cycle shop or separately – it would naturally become the meeting point for SW cyclists and would likely enjoy a good throughput of trade

Both facilities would involve further expenditure by the council on facilities adjacent to the BC funded facility. Those buildings could be developed on a sale and leaseback basis whereby the council could immediately benefit from the investment value of the two units by selling the freeholds with leases in place.

**Indirect Income Streams**

With a facility of this type it is likely that a SW Cycling collective would promote a number of 'weekend events'. Under 16 cannot race on open roads, thus weekend 'stage races' for youths prove very popular. From the Bay's perspective, these offer great opportunities with up to 150 riders competing, in all likelihood supported by Mum and Dad – thus potentially 450 visitors for a weekend. Clennon Valley is ideally situated with a mix of camp sites, holiday parks and bed and breakfast accommodation providers. Thus potentially up to 900 bed nights per weekend events. An aim of 3-6 weekend events is not unrealistic (and this would be on top of more regular events).

Andrew Perkins has said he would be keen to meet us/you at the next meeting we have.

Regards

**Mark**  
**Mark TC Jones**  
Practice Manager  
Director  
BSc (Hons) MRICS

---

**Kay Elliott**  
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5-7 Meadfoot Road  
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Kay Elliott Architects Ltd Reg in England No 2286464

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><b>What is the project</b></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><b>Why are we doing it?</b></p>	<ul style="list-style-type: none"><li>• To increase the number of active sport participants and improve the opportunities for sport and leisure activities within Torbay</li><li>• To reduce both the actual, and perceived dangers to cyclists;</li><li>• To provide more, and better cycle facilities,</li><li>• 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</li></ul>

	<p>local NHS Trust and community stakeholders;</p> <ul style="list-style-type: none"><li>• Provide a facility that could be included within the GP referral units and therefore an additional income source</li><li>• 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.</li><li>• 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.</li><li>• 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.</li></ul>
<p><b>Benefits from doing it</b></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><b>Prosperity</b></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>



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<p><b>How we will achieve benefits</b></p>	<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  <b>£450,000 Match funded by British Cycling</b>	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,

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	<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><b>£330,000</b></p> <p><b>Match funded by British Cycling</b></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>

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	<p>jogging</p> <p>road racing athletics,</p> <p>other athletic based sport, cycling proficiency courses, 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><b>Users</b></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><b>Councillors</b></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><b>Partners</b></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><b>Private Sector</b></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><b>Stakeholders</b></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><a href="#">New cycling partnership formed for Torbay ( Oct 2012 Press Release)</a></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><b>Third/Voluntary Sector</b></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><b>Visitors</b></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><b>Other</b></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><b>What will improve overall?</b></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><b>Participation levels</b></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><b>Pride in the Bay</b></p>	<p><i>Torbay Residents satisfaction surveys would highlight if the development was meeting or exceeding their expectations.</i></p>
<p><b>Sporting</b></p>	<p><i>Full use of the facility by clubs and sports participants, increased</i></p>

## BUSINESS CASE

<b>opportunities</b>	<i>numbers of visitors to Torbay.</i>
<b>Visitors to the bay</b>	<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>
<b>Increased use of other facilities and attractions.</b>	<i>Full programme of usage  Consultation and questionnaires. Programming showing user numbers not necessarily just block bookings for clubs as this does not give good indication of benefit</i>

### PERFORMANCE MEASURES

<b>Performance measure today</b>	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.
<b>Performance level at project end</b>	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.
<b>What controls will be established to ensure that the benefit is being realised?</b>	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?

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

## BUSINESS CASE

- 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?

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

### FUNDING - HOW WILL THE PROJECT BE FUNDED?

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

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<p><b>Attract funds from partners, grants, lottery funding, and area based grants.</b></p> <p><b>Work on all possible funding sources to reduce the need for council capital but this is not certain that money will be available</b></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

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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.

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STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>• The facilities would be the only ones in the SW large catchments area.</li> <li>• British Cycling backing and 50% match funding.</li> <li>• Cycling as a sport is high in the public interest as a result of a successful Olympics and other international successes</li> <li>• South West England has a large number of cycling clubs who would make use of the facility.</li> <li>• Mid Devon Cycling Club is ranked in the top ten in England one of British Cycling biggest clubs</li> <li>• Meets the strategic needs to promote cycling as travel and exercise.</li> <li>• Multi-Use capability of the facilities</li> <li>• Benefits several different sports including opportunities for people with disabilities</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• There is an obvious threat in that the income figures assumed may not be realised at the given hire charges.</li> <li>• 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.</li> <li>• 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.</li> <li>• For the reason above interclub competition and training may not entail travel for participants and</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Whilst an outdoor velodrome will be less desirable for competitions than an indoor one it will nonetheless attract regional competition events and publicity</li> <li>• Promote Torbay as a tourist destination through increased media coverage of cycling and sports events that would be held at these facilities.</li> <li>• Promotion of tourism and leisure activities opportunities to related businesses for the provision of all requirements of both participants and spectators</li> <li>• To promote and encourage cycling as a means of transport and recreational activity</li> </ul>	<ul style="list-style-type: none"> <li>• Cycling clubs are not willing to in make use of the site or not being proactive in organising events and competitions.</li> <li>• Not making the correct management option to run the facilities although this should have in place a means to change requirements.</li> <li>• The buildings we would utilise for changing facilities and refreshments would no longer be under our control and alternative resources will be required.</li> <li>• Increased costs of the development with related legal requirements</li> <li>• Flood risk, the ancillary buildings will need to be located on adjacent higher ground.</li> <li>• Competition – if Torbay does not embrace these facilities and the</li> </ul>

## BUSINESS CASE

<ul style="list-style-type: none"> <li>• 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.</li> <li>• Facilities provide a safe site to carry out proficiency training and confidence building</li> <li>• Promotes the health and well being programme and reducing levels of obesity</li> <li>• Reduction in anti-social behaviour</li> <li>• Site is in central location with good transport links</li> <li>• Good parking and adjacent to leisure centre with the likely increase in users and location close to other sports opportunities.</li> <li>• Torbay is already a tourist destination and has the infrastructure to cater for larger events</li> <li>• Both facilities are</li> </ul>	<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"> <li>• The decision on future management of the site and responsibilities is important to give a more meaningful appraisal of income/expense.</li> <li>• 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).</li> <li>• Some residents particularly those with homes overlooking the Clennon Valley will oppose the intrusion of hard surfaces and lighting on the valley floor.</li> <li>• BC wish dogs to be prohibited (and this is advisable on safety grounds) this will create some opposition</li> <li>• The use of the pitch in the refuge may only be used outside times when</li> </ul>	<ul style="list-style-type: none"> <li>• To provide employment opportunities related to the management of the facility and the provision of retail and catering units associated with the development.</li> <li>• 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.</li> <li>• The facilities will involve 'hard to reach' groups in sport</li> <li>• The opportunity to use the investment to level other grant funding (e.g. Iconic Funding)</li> </ul>	<p>current BCA support promptly neighbouring authorities are already waiting to step into Torbay's shoes..</p>
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<p>projected to be revenue positive giving a positive return on the capital invested</p> <ul style="list-style-type: none"><li>• An indoor velodrome would cost circa £30M the outdoor track will cost less than £1M</li><li>• Both facilities will be durable requiring little physical maintenance</li><li>• The 400M outdoor velodrome will allow a sports pitch to be located in the central refuge</li><li>• Allowing novice cyclists a safe environment in which to learn will reduce injuries and may save lives</li></ul>	<p>the Velodrome is in use</p>		
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**WHAT ARE OUR PEERS DOING?**

**Research nationally and locally. What facts, figures and lessons learned are available?**

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.

Other Local Authorities have submitted expression of interest with British Cycling to provide both these facilities within the local area if Torbay cannot proceed..

**HAS PARTNERSHIP WORKING BEEN EXPLORED?**

**Please state who has been consulted and give reasoning behind the decision**

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

## 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	Community use	Community use	Community use	Community use	Club use events	Club use events
1100-1300	School/college use	School/college use	School/college use	School/college use	School/college use	Club use events	Club use events
1300-1500	School/ community Use	School/ community Use	School/ community Use	School/ community Use	School/ community Use	Club use events	Club use events
1500-1700	Training use	Training use	Training use	Training use	Training use	Club use events	Club use events
1700-1900	Club use	Club use	Club use	Club use	Club use	Club use events	Club use events
1900-2100	Club Use	Club Use	Club Use	Club Use	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	Community use	Community use	Community use	Community use
1100-1300	School/college use	School/college use	School/college use	School/college use	School/college use	Club Use events	Club Use events
1300-1500	School/ community Use	School/ community Use	School/ community Use	School/ community Use	School/ community Use	Club Use events	Club Use events
1500-1700	Training Use	Training Use	Training Use	Training Use	Training Use	Club Use events	Club Use events
1700-1900	Club use	Club use	Club use	Club use	Club use	Club Use events	Club Use events
1900-2100	Club use	Club use	Club use	Club use	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

## BUSINESS CASE

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.

## BUSINESS CASE

### 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/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/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/crime_reduction.aspx)

[http://www.sportengland.org/research/the\\_value\\_of\\_sport\\_monitor/economic\\_impact.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	<b>Road Circuit</b>	
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	<b>Total per Annum</b>	<b>26,620</b>
Velodrome R&M	2,000	<b>Velodrome</b>	
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
		<b>Total Per Annum</b>	<b>27,840</b>
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
<b>Total Per Annum</b>	<b>57,400</b>	<b>Total per annum</b>	<b>97,960</b>
		<b>Annual Operating Profit</b>	<b>40,560</b>
		<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	<b>Total Annual Income</b>	<b>115,960</b>
<b>Total Expenditure</b>	<b>115,100</b>	<b>Balance Profit</b>	<b>860</b>

- A revised financial analysis carried out by the Torbay Development Agency is included as Appendix 3 to the Council report.

**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><b>Full council Responsibility (option 1)</b></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 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><b>Council partnership with sport club:</b> (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>
<p><b>Full repairing lease</b></p>	<p>Council would have</p>	<p>Council would not have total</p>

BUSINESS CASE

<p><b>to sport clubs.(40 years)</b> <b>(Option 3)</b></p>	<p>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>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><b>Lease to commercial leisure provider</b> <b>(Option 4)</b></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

### Clennon Valley Cycling Hub

1. The TDA was asked to review the business case ahead of Council consideration of the document. In carrying out the review we have reviewed the business case and the information provided by Residents & Visitors Services and information provided to the Council by British Cycling and others.
2. In summary, it appears that the business case is likely to underestimate the potential consumption of the facility and therefore the amount of income it could generate.
3. This is because we consider that the business case assumption of a ten mile catchment is conservative. Comparable facilities elsewhere have used one hour journey time as a catchment which would bring the cities of Exeter, Plymouth and Taunton within reach of the facility. Letters of support which have been provided from the University of Exeter, cycling clubs and others would also support the conclusion that the likely usage of the facility has been understated.
4. We have also reviewed a number of the other assumptions made on the usage and found them to be similarly conservative.
5. It is recognised that the Council is being asked to make key decisions with regard to the management options for the facility, these will have an impact on the costs incurred by the project and in particular the salary costs. Until a decision on the preferred management route is made we have not revised the site staff salary figure however our assessment would allow for higher direct costs being sustainable while still repaying any borrowing. Depending on the future operating model it might be that the NDDR amount charged to the facility could also be reduced.
6. We have adjusted the capital repayments required for any borrowing following confirmation that £143,000 of section 106 monies can be directed to the scheme. It is thought likely that other s106 funds may be identified over the course of the summer which would then reduce the Council's borrowing requirement and therefore reduce the repayment amount further.
7. The table below suggests that the facility will achieve a surplus which allows for the projects costs to be covered.

Expenditure	£ Annual	Closed Circuit track	Cost	Users/usage	income
Site Staff	25,000				
Grounds Maintenance	2,000	club training per hour	30	624	£18,720
Street Lights (elec)	1,200	non affiliated cycling			
Changing facilities		club per hour	35		£0
TLC	incl	other sports team			
NNDR	10,000	use per hour	35	130	£4,550
Road Circuit R&M	2,000	other per hour	35		£0
Veledrome R&M	2,000	Daily Hire Aff Club	180	10	£1,800
Booking & admin costs	1,500	Daily Hire Club	200	6	£1,200
Marketing & promotion	2,000	Daily Hire cycling	250	2	£500
Site security	500	Daily Hire other	300	2	£600
Legal Insurance Costs	2,000	<b>Total</b>			<b>£27,370</b>
Sink Fund	4,000				

Cyclist Accredited 1 hour	2.5		
club training per hour (aff) with coach	30	520	£15,600
club training per hour without coach	40	156	£6,240
Daily Hire Aff club with coach	250	10	£2,500
Daily Hire Club with coach	300	6	£1,800
Daily Hire Club Without coach	400	4	£1,600
<b>total</b>			<b>£27,740</b>

#### Overall

Annual facility membership non club	40	750	£30,000
Hourly Charge	2.5	2600	£6,500
Visitor membership Closed Circuit income	20	1260	£25,200
Velodrome			£27,740

<b>Facility costs</b>	<b>52,200</b>	<b>Total facility income</b>	<b>£116,810</b>
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#### Other costs

Capital repayments £637,000 repay over 25years £1.175 million	47,000
Coaching to accreditation (one off)	5,200

#### Other income

Car Parking income (assumes 50% of visitors pay to park)	£20,375
Rent	£15,000
Events catering	£3,000
Cycle hire (assumes 20% of visitors hire)	£5,000
Advertising	£3,000
<b>Total other income</b>	<b>£46,375</b>

<b>Total Expenditure</b>	<b>104,400</b>	<b>Grand total</b>	<b>£163,185</b>
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#### Assumptions made

- We believe that the facility could attract 25,000 users per year based on figures which have been drawn from other facilities (10 users in each session) and the programme schedule which was set out in the business case. Using the Knowsley Velodrome figures would suggest that a higher number would be realised.
- The visitor membership estimate shown above is based on usage of the facility by 5% of the visitors over the main holiday centres at the Hoborne holiday park.
- We have assumed that 50% of all visitors will pay to park for between one and two hours.
- The rental figure is based on discussions that have been held with potential operators. It is likely that there could be some increase following negotiations.



12. Cycle hire assumes that 20% of all users require cycle hire, given the nature of the velodrome circuit requires fixed wheel bikes rather than road bikes this may prove conservative.
13. We have also modelled assuming both 25% fewer and 25% higher visitors. In the case of fewer visitor numbers the total income from the facility (including car parking) is forecast at £117,000 and in the case of higher visitor numbers its £203,000. In both cases the forecast costs, as shown above, are covered.

Alan Denby

Torbay Development Agency

## Equality Impact Assessment (EIA):

# Agenda Item 9 Appendix 4

<b>Name of Report/Proposal/Strategy:</b>	Cycling Development Clennon Valley	<b>Business Unit:</b>	Resident & Visitor Services
<b>Name (Key Officer/Author):</b>	Ian Williams	<b>Tel:</b>	7954
<b>Position:</b>	Senior Natural Environment Officer	<b>Email:</b>	ian.williams@torbay.gov.uk
<b>Date:</b>	25 <sup>th</sup> April 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)	<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>• The Community (including specific impacts upon the vulnerable or equality groups)</li> <li>• Our Partners</li> <li>• The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision)</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**

<b>No</b>	<b>Question</b>	<b>Details</b>
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"> <li>• To increase the number of active sport participants and improve the opportunities for sport and leisure activities within Torbay</li> <li>• To reduce both the actual, and perceived dangers to cyclists;</li> <li>• To provide more, and better cycle facilities,</li> <li>• 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;</li> <li>• Provide a facility that could be included within the GP referral units and therefore an additional income source</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <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
Page 74		<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>
5.74	<p><b>How have you consulted on the proposal?</b></p>	<p>Consultation has taken place with the South West Cycling Clubs, Exeter University, South Devon College, Paignton Sports and Community College, the School sports liaison officer and a local tourist accommodation officer.</p> <p>If progressed detailed consultation will be carried out with members of the public, community partnership groups and other stakeholders.</p> <p>Ongoing customer satisfaction surveys/Sport England surveys will also take place if/once the project is completed.</p>
6.	<p><b>Outline the key findings</b></p>	<p>Groups and individuals already consulted with have shown support for the scheme.</p> <p>Case studies undertaken in other areas have shown the following:</p>

No	Question	Details
		<p><b>Stourport</b></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"> <li>• Schools 195 events      Participants 5850</li> <li>• Go-Ride 30 events      Participants 300</li> <li>• Coaching 54 events      Participants 809</li> <li>• Cycling 4 events      Participants 130.</li> </ul> <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><b>Redditch BMX track</b></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"> <li>• Coaching 20 weekly sessions 937 participants</li> <li>• Events 1 Regional 192 participants</li> </ul> <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 2012/2013</p> <p><b>Knowsley Outdoor Velodrome</b></p>

No	Question	Details
		<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"> <li>• Go ride Events      1530      Participants 30,600</li> <li>• Coaching Events      3060      Participants 76,200</li> <li>• Events                    1240      Participants 44,000</li> <li>• Schools                    3400      Participants 15,460</li> </ul> <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>
Page 76	What amendments may be required as a result of the consultation?	To be confirmed once detailed consultation has been undertaken.



## 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>		
		<b>Positive Impact</b>	<b>Negative Impact</b>	<b>Neutral Impact</b>
	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	<p>People with a disability</p>	<p>There is no differential impact</p>
	<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. 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"> <li>• To increase the number of active sport participants and improve the opportunities for sport and leisure activities within Torbay</li> <li>• To reduce both the actual, and perceived dangers to cyclists;</li> <li>• To provide more, and better cycle facilities,</li> <li>• 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;</li> <li>• Provide a facility that could be included within the GP referral units and therefore an additional income source</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <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	<b>No major change required</b> – EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.

**Section 5: Monitoring and Action Plan**

No	Action	Details
13.	Outline plans to monitor the actual impact of your proposals	Ongoing customer satisfaction surveys/Sport England surveys continue to take place if/once the project is completed. The Council 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.

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

# Agenda Item 10



**Meeting:** Adjourned Annual Council

**Date:** 15 May 2013

**Wards Affected:** All wards in Torbay

**Report Title:** A Landscape for Success – the new Local Plan for Torbay

**Executive Lead Contact Details:** David Thomas, Deputy Mayor, Executive Lead for Spatial Planning, Housing, Waste and Energy; Tel: 01803 207069; david.thomas@torbay.gov.uk

**Supporting Officer Contact Details:** Pat Steward, Senior Service Manager, Strategic Planning and Implementation; 01803 208811; pat.steward@torbay.gov.uk

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## 1. Purpose and Introduction

- 1.1 A new Local Plan for Torbay (entitled 'A Landscape for Success') is being prepared. A draft Local Plan was published for consultation in September 2012. The draft Local Plan is now being re-written, following responses to consultation, completion of work to refresh the evidence base for the Plan and recent publication by the Government of Household Projections. The next iteration of the Plan will be published for consultation and submitted to Government.
- 1.2 This report recommends a framework for growth and change which, if approved by Council, will allow the Local Plan to be redrafted and published for public consultation and then submission to the Planning Inspectorate.
- 1.3 Council approval is required for the direction of – and headline policies for - the new Local Plan, specifically in relation to Torbay's environmental capacity, new jobs and homes. The Council's decision will also provide the basis of further discussions on the duty to co-operate with neighbouring Local Authorities.
- 1.4 A new Local Plan is required, as soon as possible, to provide a robust and positive planning framework to secure the best outcomes from investment and development in Torbay. Those outcomes were set out in the draft Local Plan as:
  - A better connected, accessible Torbay;
  - Secure economic recovery and success;
  - Protect and enhance a superb environment;
  - Make the most of opportunities from climate change, and
  - Create more sustainable communities and better places.
- 1.5 Council approval of the direction of, and headline policies for, the new Local Plan will allow continued redrafting of the Plan in May – June 2013, consultation on the Plan in August – September 2013 and submission of the Plan to Government in October



2013. Members of Place Policy Development Group will be involved in detailed drafting work of the Plan before it is issued for public consultation.

- 1.6 In the absence of a new Local Plan, decisions on investment and new development will be assessed against the National Planning Policy Framework (NPPF) and the existing Local Plan, which are less likely to secure the best outcomes for Torbay than an up to date new Local Plan.

## **2. Proposed Decision**

- 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;
  - 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.”

## 2.4 Reason for Decision

There are a number of reasons why a decision on the recommendation is required at the Council meeting on 15 May 2013.

- 2.4.1 **Timing:** It is important for the Council to progress the Local Plan as quickly as possible and in parallel with the Economic Strategy. The NPPF required new Local Plans to be in place by April 2013. That deadline is passed and the NPPF now takes precedent over the existing Local Plan. The existing Local Plan is 80% compliant with the NPPF and, as such, there is a need to ensure a new Local Plan is adopted as soon as possible. The emerging draft Local Plan carries very little weight in determining development proposals. Approval of the recommendations by Council in May 2013, will allow a new Plan to be drafted and published for public consultation in August / September, submitted to Government in October and taken through a Public Examination early in 2014.
- 2.4.2 **Need:** There is a need for a new Local Plan, that is itself supported by the most up to date evidence including the Government's latest household projections – which themselves support the numbers of new homes being put forward in the Local Plan. Without a new Plan in place, the Council is less likely to be able to secure the high quality outcomes required for the Bay.
- 2.4.3 **Neighbourhood Plans:** Neighbourhood Plans need to follow and broadly comply with the Local Plan. Until a new Local Plan is in place Neighbourhood Plans can make only limited progress. In order to maintain momentum in neighbourhood plan making, and the value those plans can bring to communities in the Bay, it is important to move forward quickly with a new Local Plan.
- 2.4.4 **Teignbridge Local Plan and Duty to Cooperate:** Teignbridge District Council has decided to delay formal submission of its Local Plan until there is a joint statement, between Torbay and Teignbridge, covering the Duty to Cooperate. A decision on the recommended headline policies is required by Council in order to finalise a joint Duty to Cooperate statement.
- 2.4.5 **Evidence:** It is vital, to the robustness of the Local Plan, that its policies are based on up to date evidence. Members and each Neighbourhood Forum supported a refresh of the evidence base, specifically in relation to demand for new homes and the physical capacity of Torbay to accommodate new homes. That refresh work is close to completion and has necessarily been informed by the Government's most recently published household projections. The evidence refresh, including the Government's household projections, underpin the policy positions recommended in this report.
- 2.4.6 **Consultation:** The draft Local Plan was subject to public consultation in Autumn 2012. The headlines of responses to consultation are included as Appendix 1 of this report. The recommendations for headline policies, as put forward in 2.1 above,

reflect those responses, respond to the most up to date evidence and provide a robust approach for the Local Plan to take. In particular, the proposed headline policies:

- Ensure the new Local Plan continues to be ambitious, plans for success and reflects the Bay's Unique Selling Points;
- Keep the principle of constrained balanced growth, as supported by consultees, remains in place and is better articulated via a clear 'environmental limits' approach;
- Retain a strong emphasis on jobs and on specific sectors, such as tourism, thereby complementing the emerging Economic Strategy;
- Scales down the provision of jobs (from 15,000), which nearly all consultees felt was undeliverable
- Carefully balances the creation of new jobs against the need for new homes;
- Recognises the need to protect the environment and work within infrastructure constraints;
- Helps overcome concerns expressed by Teignbridge and South Hams District Councils.

The next iteration of the Local Plan will be subject to further public consultation.

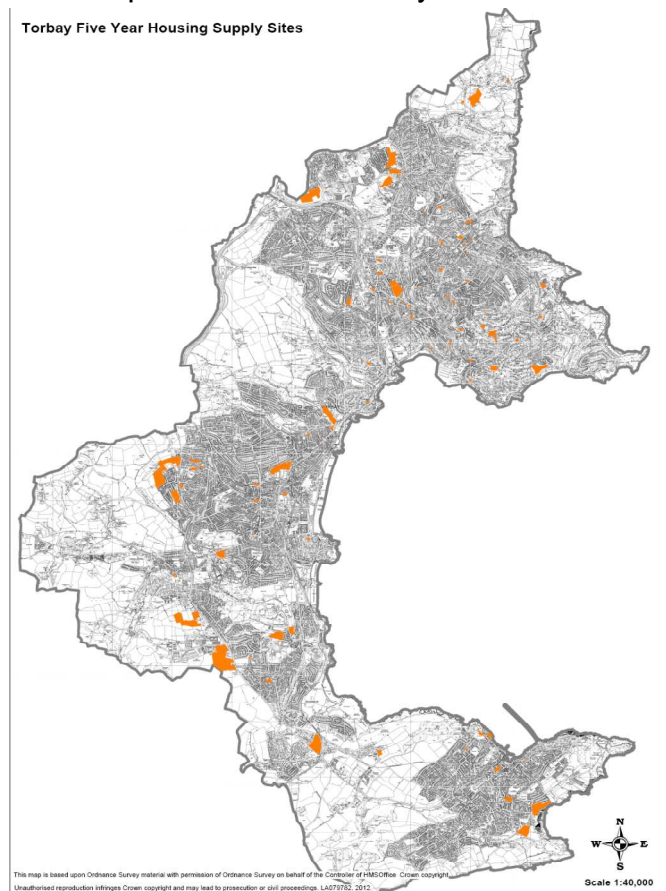
## **Supporting Information**

### **4. Position**

- 4.1 The new Local Plan must be compliant with the NPPF and the Government's Growth agenda. A critical test of soundness of the Plan will be the way in which it meets Torbay's housing needs and, specifically, whether it provides a rolling 5 year supply of housing land. The Plan must be deliverable (i.e. not too aspirational), should concentrate specifically on the first 5 years of the Plan period and should carefully balance the provision of new jobs and homes. An independent Inspector will, during public examination of the Plan, check whether there is a clear balance between jobs, homes, infrastructure and environmental assets. It is also important for the Local Plan to be flexible, especially given the impacts of a global economic recession and the difficulty of predicting the rate and scale of recovery.
- 4.2 Other Local Plans, across England, have been found unsound because they have, for example, failed to provide sufficient housing to meet local needs and /or have failed to give positive consideration to potential development sites, including those within National Parks. On the other hand, Local Plans that have committed to a positive review process have been found sound.
- 4.3 A critical element of the Local Plan process is the Duty to Cooperate. This places a legal duty on adjoining Local Authorities to work together, but not necessarily to agree, on strategic cross-boundary issues. The way in which Local Authorities have met this duty is the first test of a Local Plan at Public Examination. Failure to show the duty has been met in full will result in the Examination being stopped. Torbay and Teignbridge Councils will need to show, for example, how they have worked together to resolve the issue of accommodating new homes, including the way in which any unmet demand for new homes will be satisfied.

## The next 5 years:

- 4.4 On the critical issue of housing land provision, the refresh of the Local Plan's evidence base, coupled with Government's latest household projections and a review of unimplemented planning permissions over the last few years shows that Torbay's position for the next 5 years is very robust. The Government's household projections, which carry great weight at Local Plan examinations and in planning appeals, show Torbay as needing to provide 4,400 new homes by 2021. This equates to a requirement for 2,200 new homes in the next 5 years, or around 440 homes per annum, and fits very well with the proposed Local Plan provision of 400 homes (+/- 25%) over the first 5 years.
- 4.5 In 2012 350 homes were completed in Torbay. There are 1939 homes with planning permissions and, based on past performance, it is expected 650 new homes will come forward over the next 5 years on 'windfall' sites. Consequently Torbay has provision for just over 2900 new homes and, it can be argued, a more than adequate 5 year land supply. This is particularly the case because over the last 3 years, and due to decreasing demand from home buyers, delivery of new homes has decreased to an average of 390 per annum and delivery rates on large sites has dropped to about 1/3 (about 25 units per annum) of the level witnessed in 2006/07 (about 70 units per annum). The map below shows sites with planning permission and allocated sites on which development is expected in the next 5 years.



- 4.6 In relation to new jobs provision it is far more difficult to make accurate projections, as the ebbs and flows of job losses and gains are more difficult to quantify. However,

through review of a number of larger projects (such as South Devon Link Road; delivery of new development at White Rock etc), it is expected that around 2500 new jobs could be delivered in Torbay over the next 5 years. This does not account for job losses and, as such, tallies with the evidence refresh which suggests, with positive intervention, around 5,300 net new FTE jobs could be created over the Plan period (to 2032). Whilst the ambition remains to enable more (than 5300) net new FTE jobs to come forward, it is extremely difficult to predict that outcome with any accuracy or confidence. However, if new jobs growth and housing demand is higher than anticipated, and meets specific criteria, the Council will need to review the provision of new homes (as set out in para 2.1. d) and e)).

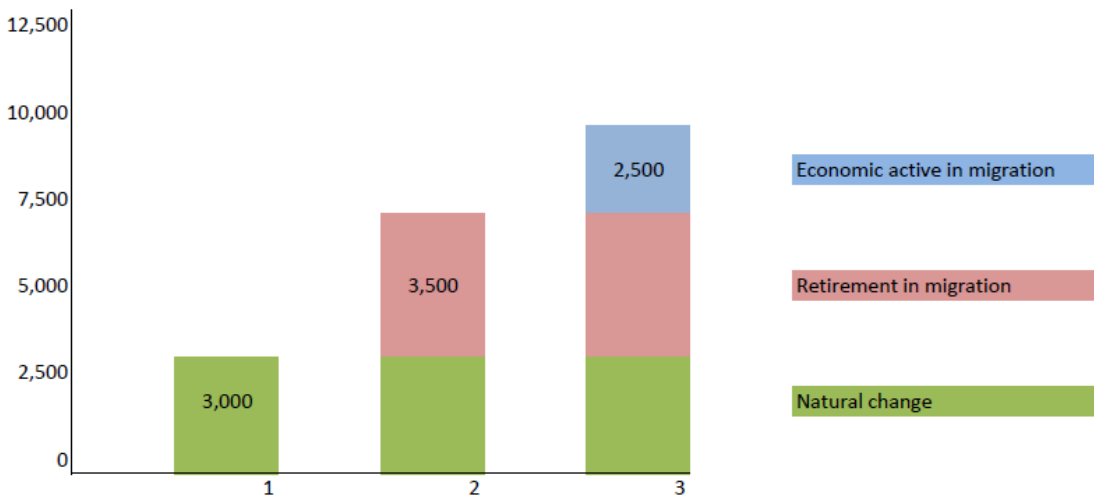
- 4.7 The next 5 years also provides a good opportunity to provide robust neighbourhood plans and more detailed masterplans that look beyond the 5 year time horizon and help ensure Torbay has a rolling supply of housing land and employment space, whilst also securing good outcomes for local communities. The range of sites included in the completed Strategic Housing Land Availability Assessment (SHLAA), which was informed by Neighbourhood Forums, will be included as an appendix to the Local Plan and will provide a pool of land from which future development sites will be drawn. Not all SHLAA sites will be considered as acceptable for development, not least because in some cases future development is heavily predicated on a significant shift in policy. The SHLAA sites will, depending on their acceptability for development, work their way through a series of 'locks' to ensure a continuous supply of viable, deliverable sites for new development. The gates to those locks will be operated by the Council and community working together, informed by monitoring criteria, to ensure the release of sites down through the 'lock' system is informed by matters such as housing market demand, need for employment space and infrastructure provision

**The longer term:**

- 4.8 The draft Local Plan sets out a bandwidth approach for new development. This recognises there is a threshold, for new jobs and homes, below which economic and social issues in Torbay would prevail. It also recognises Torbay has high quality environmental assets which, if eroded or lost, would undermine Torbay's economic performance and potential, and would be environmentally and socially unacceptable. Torbay also has limited infrastructure capacity which, according to the evidence base, with some improvements could accommodate up to 10,000 new homes.
- 4.9 A simple extrapolation of the most recent Household Projections suggests that around 9,000 homes will be needed over the next 20 years. In broad terms, the drivers of demand for those new homes are as follows:
- about 3,000 new homes, just to cater for Torbay's natural change. So, if there were no in or out migration, the combination of births, deaths and decreasing household size would generate a need for around 3000 homes;
  - about 3,500 new homes to meet the needs of people migrating into Torbay, mainly for retirement;
  - about 2,500 new homes to meet the needs of economically active in-migrants.

The above figures reflect a trend based approach and, effectively, a baseline position below which existing economic and social conditions are likely to prevail.

#### Drivers of demand for new homes 2012 - 2032



- 4.10 Evidence also shows that the capacity for Torbay to accommodate more homes is very limited, if the erosion or loss of important environmental assets is to be avoided. The refreshed assessment of housing land capacity reveals there may be capacity for around 11,700 new homes. However, this level of new development, coupled with new employment space, still puts significant pressure on the Bay’s environmental capacity. Consequently that scale of new development is not recommended.
- 4.11 However, the Local Plan seeks to plan for success, and to be as ambitious as possible, but within an approach that carefully balances growth and change against the Bay’s environmental assets and other constraints. Consequently, the scale of growth to be set out in the Local Plan will be for 5,000 – 6,000 net new FTE jobs and 8,000 – 10,000 new homes. This scale of net new FTE jobs is based on a working assumption of a reduction in unemployment from around 8.3% at present to 5.5%, possibly less. Based on past performance it is expected that around 85% of new jobs in Torbay will be taken by Torbay residents.

## 5. Possibilities and Options

- 5.1 A range of options have been considered in relation to preparation of the submission version of the Local Plan, following the recent refresh of the evidence base.
- 5.2 **“Do nothing”**: The existing Local Plan is 80% compliant with the NPPF, which provides some comfort for the Council in making decisions about major planning applications. In addition, the Council has a supply of land for new homes that exceeds the requirements suggested by the Government’s recent household projections. As such, one option is to “do nothing”. However the lack of a new Local Plan would result in a reactive rather than proactive approach to planning in Torbay; there would be no new framework for the preparation of Neighbourhood Plans; the Council would be less

likely to achieve the best outcomes for the Bay and more susceptible to proposals for new development in environmentally sensitive parts of Torbay.

- 5.3 **“Do little”**: This option would see the identification of land for about 9000 new homes and around 2000 net new FTE jobs. It is likely that at least 1000 of those homes would be on greenfield sites. This option is the lowest justifiable option the Council could put forward, but it is highly unlikely to be accepted by an independent inspector and would not help resolve some of the critical issues in the Bay, such as high levels of unemployment and concentrations of disadvantage in Torbay.
- 5.4 **“Positive intervention”**: This option would see the creation of around 5,500 net new FTE jobs and around 12,600 new homes. Whilst this option is likely to be the most defensible at Public Examination of the Local Plan, not least because it would represent a very positive response to the Government’s growth agenda, it also exceeds the Bay’s environmental capacity, which is not justified by the most recent household projections. Consequently, it is likely that Teignbridge District Council would need to be asked, immediately, to accommodate around 1000 new homes. This is unlikely to be acceptable to Teignbridge DC and is, as such, a risky option. It should be noted that this option is likely to draw in more S106 / Community Infrastructure Levy (CIL) and, as such, better secure much needed infrastructure in the Bay.
- 5.5 **“Environmental Capacity”**: This option would create around 5,300 new jobs and up to 11,700 new homes. Whilst this is an option that is likely to be defensible at Public Examination and would draw in a reasonable amount of CIL, it puts a strain on the environmental capacity of the Bay and is likely to see some environmentally sensitive sites under pressure to accommodate new development, which is not justified by the most recent household projections. Consequently, Torbay Council would look to Teignbridge to accommodate development on potentially less sensitive sites. In the absence of a cross-boundary Strategic Housing Land Review and the absence of a robust justification of need, this is unlikely to be acceptable to Teignbridge District Council.
- 5.6 **“Hybrid option”**: This option seeks to promote growth, within environmental limits, of 5,000 – 6,000 net new FTE jobs and 8,000 – 10,000 homes. This retains a realistically ambitious approach to creation of new jobs, with positive intervention to support growth in key sectors such as tourism, business services, high tech businesses, education and health. It is expected that around 2500 net new FTE jobs will be created in the first 5 years of the Plan and around 5,000, potentially more, in the first half of the Plan period. Delivery rates for new jobs and homes are illustrated, in very broad indicative terms, in the diagram below. This option also supports the provision of housing above the recent trend-based Government projections, meeting Torbay’s needs in the medium term and responding to low market demand in the short term. In the long term, if jobs growth and housing demand exceed anticipated levels, a South Devon Strategic Housing Land Assessment will ensure the most sustainable sites for development are identified and promoted. This means Torbay Council and

Teignbridge District Council will not need, probably in the first 10 years, to identify land to accommodate 'additional' growth. It is this option that is recommended for approval by the Council.

- 5.7 These options, other than the "do nothing" option, have been subject of an initial Strategic Environmental Assessment. That assessment supports the use of the hybrid option. Consequently, it is the hybrid option which is recommended to the Council for approval.

## **6. Equal Opportunities**

- 6.1 The draft Local Plan was subject to an Equality Impact Assessment. The submission version of the Plan will be very similar to the draft Plan in terms of locations of development, scales of new housing provision, sustainability community, employment opportunities and skills development, for example. The main difference between the draft and submission versions is the proposed scale of new jobs. An assessment of the impact of this change has been covered, in the first instance, by the Strategic Sustainability Appraisal.
- 6.2 The submission version of the Plan will also be assessed for its equality impacts and will be the subject of public consultation with a wide variety of organisations and individuals. Representations as a result of that consultation will be considered by the Council and submitted to the Planning Inspectorate for consideration.

## **7. Public Services (Social Value) Act 2012**

- 7.1 The submission version of the Local Plan will be prepared by officers in further consultation with Members. The submitted plan is considered by an Independent Planning Inspector, appointed by Government. Public Examination of the Local Plan is paid for by Torbay Council and, based on estimates from the Planning Inspectorate, is expected to cost in the region of £80,000. The appointment of an Independent Inspector and the Public Examination process is not a procurement matter.
- 7.2 The Council will also need to appoint a Programme Officer to act as an independent go-between, between the Inspector, Council and community. It is the Council's responsibility to appoint the Programme Officer, who is normally in place for 6 months leading up to and including the Public Examination. The cost of that post is likely to be £18,000 - £20,000. The Council can appoint an internal candidate, if someone suitable is available, or appoint an external, experienced candidate.

## **8. Consultation**

- 8.1 The recommendations included in this report, and supporting information, have been considered and discussed by Members over the last few weeks, including the Place Policy Development Group and an all Member Briefing.



- 8.2 The recommendation in this report have been informed by responses to consultation, on the draft Local Plan, undertaken in autumn 2012. The headlines of those responses are included in Annex 1 of this report.
- 8.3 The evidence refresh in relation to housing land availability was informed by workshops held with Neighbourhood Forums and facilitated by the Prince's Foundation.
- 9. Risks**
- 9.1 The risks associated with the Council not approving the recommendation have been set out in other parts of this report, specifically sections 2.2, 4 and 5.
- 9.2 A decision to agree the recommendations would mean the Local Plan progresses to the submission stage, without further Council approval.

## **Appendices**

Appendix 1: Summary of the consultation responses received in response to the draft Local Plan, Autumn 2012.

## **Additional Information**

The draft version of the Local Plan and a full report on consultation responses can be accessed via

<http://www.torbay.gov.uk/index/yourservices/planning/strategicplanning/newlocalplan.htm>

The evidence base for the Local Plan can be accessed via

<http://www.torbay.gov.uk/index/yourservices/planning/strategicplanning/evidencebase.htm>

## **Appendix 1: A Landscape for Success - Draft Torbay Local Plan.**

### **Summary of Consultation Comments Received**

The following provides a headline summary of representations received following widespread consultation, in September – November 2012, on the draft Local Plan. This summary should not be read as being a full list of comments, nor does it represent the Council's position on any issues.

There were around 1,000 comments on the Plan, arising from 120 individuals or organisations.

#### **General:**

- Consultation on the draft Local Plan generated around 1000 comments, many of which were channelled through Neighbourhood Forums.
- Many comments request minor changes/amendments.
- There is general support for the style of the document but some calls for it to be more specific.

#### **Local Residents/Forums**

- Objections to 8-10,000 dwellings being too high and above natural population levels (leading to in-migration)
- Objection that 15,000 jobs are not achievable and will lead to economic in-migration.
- Calls to update evidence base on housing need and suitability of sites ("SHLAA and SHMA")
- Calls for stronger policy of limiting new housing until jobs are created.
- Affordable housing policies should seek more than 30% on large sites.
- Several proposals for "Self Build Affordable Housing" (Shropshire quoted).
- Infrastructure constraints (especially sewerage and roads) and environmental limits mentioned.
- Support for –and call for stronger- environmental protection and sustainability standards policies.
- General support for town centre regeneration and town centre first approach.
- Mixed views on tourism – overall support for reduction of accommodation areas (but some calls to reinstate PHAAs). Some additional suggested Tourism investment areas e.g. Brixham.
- HMOs need more enforcement.
- Fracking (hydraulic fracturing) should be prohibited.

#### **Housebuilders/business (private housebuilders and affordable housing consortium).**

- Objections that 8,000-10,000 dwellings is not high enough- fails to meet objectively assessed need and will not reverse Torbay's decline.
- Objections that Plan places too much reliance on brownfield sites and that SHLAA is out of date -need to update evidence.
- Objections that 15,000 jobs are not achievable. Objections that policy re 1.5 jobs per home is not achievable and will impact on viability of development.

- Growth levels proposed will not generate sufficient value to improve infrastructure.
- Concern that range of sustainability/design policies and 30% affordable housing will impose undue cost on businesses/viability.
- Several sites west of Paignton promoted for development, as well as Wall Park, Brixham.

### **External Stakeholders/ Neighbouring Councils**

- Teignbridge DC objection that 8-10,000 dwellings do not meet need and will place pressure on Teignbridge.
- South Hams DC objection about impact of development around West Paignton on A385 and landscape quality. Similar views from Stoke Gabriel Parish Council.
- DCC call for cross boundary working on dwelling numbers and other matters - suggest that Torbay's lower range (8k dwellings) may not be sufficient.
- Continued cross boundary working on waste and minerals is supported.
- General support from Homes and Communities Agency – policies should consider role of institutional investment in affordable homes, and self build housing.
- General support from English Heritage- Plan should proactively support enhancement of historic environment and mention this as a USP.
- General support from Natural England. Special Areas of Conservation (Marine CSAC and south Hams “bat” SAC) warrant strong protection.
- Network rail- support Edginswell station and request S106/CIL contributions towards this.
- Highways Agency- support approach of the Plan
- Torbay Coast and Countryside Trust – General support subject to amendments on environment and Green Infrastructure. Support for biodiversity offsetting.
- RSPB- Object that greenfield expansion could harm wildlife, particularly cirl buntings.
- Environment Agency – Suggest various minor amendments to address flooding, water quality and Green Infrastructure issues.
- AONB Partnership – Support most of plan, but request stronger coastal and countryside protection policies.
- Sport England- Need to update evidence base on sport and recreation needs.
- Torbay Care Trust – Plan should prioritise: active travel, open space, quality food and energy efficient housing to maximise health benefits.
- Woodland Trust – support Green Infrastructure policies. Recommend and increase in woodland as a key element of (green) infrastructure.

# Agenda Item 11



**Meeting:** Adjourned Annual Council

**Date:** 15 May 2013

**Wards Affected:** Berry Head with Furzeham, St Mary's with Summercombe

**Report Title:** Brixham Town Centre Car Park Redevelopment

**Executive Lead Contact Details:** Mayor telephone: 01803 207001, email Mayor@torbay.gov.uk

**Supporting Officer Contact Details:** Kevin Atkinson, Executive Head of Regeneration, Torbay Development Agency. 01803 208572. Kevin.atkinson@tedcltd.com

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## 1. Purpose and Introduction

- 1.1 In May 2011, the Council entered into a Contract with Tesco Stores Ltd (Tesco) for the redevelopment of the above site. A principal term of the Contract was that the purchase price of £2,000,000 was calculated on the assumption of an "off site" cost limit of £1 (i.e. the Developer would not be required to make any further payments to the Council acting in a capacity other than landowner or any further payments to third parties).
- 1.2 On the 6<sup>th</sup> March 2013, the Council agreed to grant Planning Permission for the development, subject to a number of conditions. One of these was that the Developer should enter into a Section 106 agreement obliging it to pay a contribution of approximately £285,000. As this exceeds the "off site" cost limit, Tesco has requested that the purchase price be reduced by the required contribution. The Developer would then be directly responsible for the Section 106 payment.
- 1.3 The planning application was submitted by Tesco's developer partner (Albourne Developments (Brixham) Limited ('Albourne')),

## 2. Proposed Decision

That the Mayor be recommended:

- 2.1 That the purchase price payable pursuant to the Contract be reduced by the same amount as that to be paid directly by the Developer to the Council in Section 106 contributions.

### **3. Reason for Decision**

- 3.1 The reason for the decision being required is that given the significant site contamination and flood alleviation works necessary, the payment of an additional sum to that payable pursuant to the Contract makes the development unviable.

Having given careful consideration, the TDA is satisfied that the development does not remain viable with the cost of the required s106 contributions taken into account if the capital receipt is not reduced by the amount recommended. The TDA is also satisfied that the Council is still obtaining the best consideration that can reasonably be obtained for the disposal of the site.

The decision to alter the Capital Receipt has no negative impact upon the community. Indeed, it will have a positive effect in so far as it ensures the section 106 monies are spent on Brixham and its community rather than elsewhere in the Bay.

### **Supporting Information**

#### **4. Position**

- 4.1 In May 2011 the Council entered into a contract with Tesco which met the following objectives of the Council at the time the transaction was entered into:

4.1.1 Securing a net Capital receipt.

Given the serious ground contamination; the massive flood alleviation works required by the Environment Agency; and the requirement for the design of the development to be acceptable on planning terms; Tesco's offer was for £2,000,000, subject to it not being required to make any further payments such as Section 106 contributions.

4.1.2 Securing an income stream to replace that currently received from the existing car park.

If Tesco were to pay a capital receipt of £2,000,000, they were unable to pay any Ground Rent. However, the deal finally negotiated means the Council will receive all of the net car park income after the 1.5 hour free parking for Tesco customers. This will be reflected within the council's revenue budget in future years.

4.1.3 Securing a major boost to the economic regeneration of Brixham.

The completion of the proposed redevelopment will meet this objective.

- 4.2 The approval of the planning application is subject to the developer entering into a s106 agreement securing the following primary contributions amongst others:-

1. Education Contribution of £14,880
2. Lifelong Learning Contribution of £5,170
3. Contribution towards the provision of a Shuttlebus £15,000

4. Stronger Community Contribution of £2,550
5. Sustainable Transport Contribution of £35,010
6. Retail Sustainable Transport Contribution of £207,930

- 4.3 The total contribution to be paid pursuant to the s106 agreement is less than £285,000 and in order for the development to proceed the Council has two options:
- A. Albourne to prepare a justification that the viability of the project precludes the payment of a Section 106 payment.
  - B. Albourne agree to pay the Section 106 payment and deduct this from the Capital receipt given to the Council.
- 4.4 The recommendation is that Option B is chosen in order to allow development to commence on the site as soon as possible.
- 4.5 Under the terms of the Contract, the gross capital receipt is £2,000,000. From this, a maximum of £670,000 is to be returned to Tesco to cover the cost of their buying the necessary third party land holdings which are not currently in the Council's ownership. Having acquired this land, Tesco are to transfer the freehold interest at nil cost to the Council. Tesco will then be granted a 150 year lease over the entire site. A further £200,000 of the receipt has been allocated to fund the Council's costs in employing external Estate Agents and Lawyers used to secure the sale to Tesco. The effect of this was to leave the Council with a net Capital receipt of £1,130,000. The actual out-turn is slightly higher at £1,146,000 as Tesco have been able to acquire the third party land interests at slightly below the £670,000 maximum allowance.
- 4.6 The effect of the above is that if the Capital receipt is reduced, the Council will have a shortfall of approximately £260,000. This will be recognised in the next Capital Plan Update Report, with funding options identified.

## **5. Possibilities and Options**

- 5.1 If the scheme is to proceed, there are no further options.

## **6. Equal Opportunities**

- 6.1 This proposal will not impact upon the protected characteristics set out in the Public Sector Equality Duty.

## **7. Public Services (Social Value) Act 2012**

- 7.1 The proposals do not require the procurement of services etc or the carrying out of works.

## **8. Consultation**

8.1 As the decision does not directly impact on the community no consultation has been undertaken

## **9. Risks**

9.1 If the decision is not made, there is a significant risk that the developer will not proceed with the development.

## **Appendices**

None

## **Additional Information**

None

# Agenda Item 12



**Meeting:** Adjourned Annual Council

**Date:** 15 May 2013

**Wards Affected:** Willows with Edginswell; Clifton with Maidenway Tormohun, Ellacombe; Preston

**Report Title:** Proposed Disposal of Surplus Council Assets

**Executive Lead Contact Details:** The Mayor

**Supporting Officer Contact Details:** Garth Millard Asset Disposals – TDA telephone 01803 207805, email: [garth.millard@tedcltd.com](mailto:garth.millard@tedcltd.com)

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## 1. Purpose and Introduction

1.1 To make individual recommendations relating to the disposal of 6 unused assets to achieve capital receipts and cost savings.

## 2. Proposed Decision

**That the Mayor be recommended:**

- 2.1 **That the Mayor considers any feedback received before the 15 May 2013 from Ward Members, the Local Access Forum (where appropriate) and the relevant Community Partnerships to the disposal of the 6 Assets listed in Appendix 1 to this report.**
- 2.1 **That the 6 Assets listed in Appendix 1 be declared no longer required for service delivery and that the Head of Commercial Services be requested to advertise their intended individual disposal in accordance with both the Council's Community Asset Transfer Policy 2008 and where appropriate Section 123(2A) of the Local Government Act 1972.**
- 2.2 **That, subject to any expressions of interest received from the Community and any objections received to any disposal advertised pursuant to s123 of the Local Government Act 1972 and subject to paragraph 2.3, the Assets listed in Appendix 1 be individually disposed on such terms as are acceptable to the Executive Head Commercial Services in consultation with the Head of Asset Management of the Torbay Development Agency.**
- 2.3 **That the disposal of asset reference T200 (Land adj to 7 Rock Road, Torquay) be conditional upon planning permission be obtained within an acceptable timeframe and that if possible, without significantly impacting the capital receipt, an obligation be included in the disposal documentation that the**



**development of the asset in accordance with such planning permission be completed by a fixed date.**

**2.4 That the Executive Head Commercial Services in consultation with the Head of Asset Management of the Torbay Development Agency be delegated authority to consider any objections received on the advertisement of any of the proposed disposals pursuant to s123 of the Local Government Act 1972**

### **3. Reason for Decision**

- 3.1 Expenditure and repair liability across the Council's assets significantly exceeds available resources.
- 3.2. On behalf of the Council, the Torbay Development Agency (TDA) continues to review the suitability and challenge the present use of assets. Together with Council officers it has considered the assets listed in Appendix 1 with a view to reducing running costs and generate capital receipts. These receipts could then be used to support the Council's approved Capital Programme.
- 3.3 The recommendations take into account any views expressed by the public consultation.
- 3.4 The disposal of assets not required for service delivery will enable the capital receipts to be reinvested into the Council's existing capital programme, which will contribute to the Council's objectives
- 3.5 The reduction of the number of assets held is seen as an important element to achieving a sustainable maintenance regime for future generations.
- 3.6 At this point it is not possible nor desirable to publicly quantify the expected total receipt but Members are reminded that the current Capital Investment Plan includes an assumption of a further £5m from potential capital receipts which includes a number of specialist sites (e.g Oldway Mansion and ex- Library, Courtland Road).
- 3.6.1 Section 123(2A) of the Local Government Act 1972 states that subject to certain exceptions a council may not dispose of land consisting or forming part of an open space unless before disposing of the land they advertise the disposal for two consecutive weeks in a local newspaper, and consider any objections to the proposed disposal which may be made to them. An open space is defined for the purposes of the Act as being any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground

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## **Supporting Information**

### **4. Position**

- 4.1 The Capital Strategy is approved by the Council each year and provides that funding for the Capital Programme will be met in part from asset disposal.
- 4.2 The Corporate Asset Management Plan which is approved by the Council each year provided that the Council would adhere to the following guiding principles in the management of its assets:
- To continuously maintain and improve assets;
  - To release value and minimise cost by challenging and reviewing the manner and use of assets;
  - To periodically review all assets to identify possible alternative use or disposal;
  - To ensure that disposals are effectively managed; and
  - To monitor running costs to target potential savings.
- 4.3 A number of the proposed disposal sites are deemed to be open space. As such their sale needs to be advertised in accordance with Section 123(1)(2a) of the Local Government Act 1972. The Council will need to consider any objections prior to their disposal.
- 4.4 Once an asset has been declared surplus then the Community is given an opportunity to lease it through the Council's Community Asset Transfer Policy.
- 4.5 If no community interest is received then, where appropriate, architects will be instructed to obtain planning consent for alternative uses.
- 4.6 When an asset is considered to be available for sale, either with or without planning consent, an external agent or auctioneer (as deemed appropriate) will be instructed to sell the asset in accordance with Council Standing Orders.

## **5. Possibilities and Options**

- 5.1 The assets could be retained and the repair and maintenance of the properties continued by the Council. In respect of the garages at Alpine Road, Torquay and Rhodanthe Drive, Paignton ('the Garages') these could be repaired and re-let. It is not anticipated that the remaining properties would be able to achieve any other than a nominal rental income for the Council.
- 5.2 If the assets are retained then the anticipated capital receipt will be lost, and the cost of maintenance, repair and/or replacement of the properties will remain the responsibility of the Council. In respect of the Garages in particular should the Council choose to retain them the cost of managing the properties, could be relatively high compared to the likely income and therefore the cost to the Council of repairing these to enable them to be let could take some time to recoup.

## **6. Equal Opportunities**

- 6.1 An EIA has been published in respect of these proposals.

## **7. Public Services (Social Value) Act 2012**

7.1 Where deemed appropriate architects will be employed to obtain an alternative planning consent and external agents / auctioneers (as appropriate) will be appointed to effect a disposal.

## **8. Consultation**

8.1 Letters including plans of the individual assets have been forwarded to relevant Ward Members and Community Partnerships, and where appropriate, the Secretary for the Torbay Local Access Forum.

8.2 Any comments received prior to the 14 May 2013 in respect of individual assets will be provided to Members separately.

## **9. Risks**

9.1 The disposal of assets not required for service delivery has been identified as one of several initiatives to provide additional funding to tackle the urgent land and building backlog maintenance liability and provide receipts for the Capital Programme. Inevitably, there may be some objections to the disposal of some of the assets identified. Failure to consult adequately may lead to abortive disposal work should some of the disposals not proceed. This risk has been mitigated by consulting adequately and by advertising prior to any marketing taking place.

## **Appendices**

Appendix 1	Schedule of Assets to be declared surplus.
Appendix 2	Equalities Impact Assessment
Appendix 3	EM2239
Appendix 4	EM1724
Appendix 5	EM2243
Appendix 6	EM870
Appendix 7	EM2296
Appendix 8	EM2297
Appendix 9	EM1680

## **Additional Information**

None

# Agenda Item 12

## Appendix 1

Asset Reference	Asset Name	Plan Ref	Area	Description	Recommendation
H/Ways	Land adj. 4 Plym Close, Torquay	EM2239	388 sqm (0.096 acres)	An open area of land to be sold with planning permission	Not required for service delivery
P0777	Land adj 45 Stanley Gardens, Paignton.	EM1724	389 sqm (0.096 acres)	A partly enclosed area of land area of land to be sold with planning permission	Not required for service delivery
T564	Land r/o 2-40 Parkfield Road, Torquay	EM2243	2,733 sqm (0.675 acres)	An area of backland, part of which to be offered to the Local Community as a Community Garden. The remainder to be sold to adjoining owner to pursue job creation	Area not required for Community Garden, not required for service delivery
T200	Land adj. 7 Rock Road Torquay.	EM870	948 sqm (0.234 acres)	A town centre 'brownfield' site, formerly the site of laundry with ground contamination issues To be sold subject to conditions relating to onward development.	Not required for service delivery
P1088	2 detached garages & adjoining land adj. 3 Rhodanthe Drive Paignton.	EM2296 EM2297	422sqm (0.105 acres)	2 semi derelict garages and adjoining land. The garages to be offered for sale individually. Disposal of remainder to be agreed with Sanctuary Housing who own 3 Rhodanthe Drive.	Not required for service delivery
T1061	Land and unused garages adj Alpine Road, Torquay.	EM1680	3,766 sqm (0.930 acres)	6 mostly unused semi derelict garages and adjoining land excluded from land previously deemed surplus by Members The land to be sold with planning permission	Not required for service delivery

## Equality Impact Assessment (EIA):

<b>Name of Report/Proposal/Strategy:</b>	Proposed Disposal of Surplus Assets
<b>Name (Key Officer/Author):</b>	Garth Millard
<b>Position:</b>	Asset Disposals
<b>Date:</b>	Commenced EIA
	<b>Business Unit:</b> T.D.A
	<b>Tel:</b> 01803 207805
	<b>Email:</b> Garth.millard@tedcfd.com

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)	<b>Does this report relate to a key decision?</b>	Y <input type="checkbox"/>	N <input type="checkbox"/>
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>• The Community (including specific impacts upon the vulnerable or equality groups)</li> <li>• Our Partners</li> <li>• The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision)</li> </ul>	Y <input checked="" type="checkbox"/> Y <input type="checkbox"/> Y <input checked="" type="checkbox"/>	N <input type="checkbox"/> N <input checked="" 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>That 6 Council Real Estate Assets be declared no longer required for service delivery and that subject to any expressions of interest received under the Council's agreed Community Asset Transfer the Assets be individually disposed. The Assets are;</p> <ul style="list-style-type: none"> <li>• Land adj. 4 Plym Close, Torquay.</li> <li>• Land adj. 45 Stanley Gardens, Paignton.</li> <li>• Land r/o 2-40 Parkfield Road, Torquay.</li> <li>• Land adj. 7 Rock Road, Torquay.</li> <li>• 2 detached garages &amp; adjoining land adj. 3 Rhodanthe Drive, Paignton.</li> <li>• Land and unused garages adj. Alpine Road, Torquay.</li> </ul>
2.	Who is intended to benefit / who will be affected?	The disposal of assets not required for service delivery will enable the capital receipts to be reinvested into the Council's existing capital programme, which will contribute to the Council's objectives and therefore benefiting the residents of Torbay..
3.	What is the intended outcome?	That 6 Council Real Estate Assets be declared no longer required for service delivery, and subject to any Expressions of Interest under the Council's Community Asset Transfer Policy 2008, and other representations received, the disposal of the assets be progressed to supply the Council with a Capital receipt.

## 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 effective use of assets is a key factor in delivering to the community of Torbay the objectives and priorities they have set for the Council.</p> <p>The Councils Corporate Asset Management Plan (CAMP) 2013-2017 sets out the strategies to achieve the most efficient use of assets</p> <p>The principle aim of the CAMP is to ensure that the opportunity cost of financial resources tied up in land and buildings is minimised, and that capital and revenue expenditure on the portfolio is directed efficiently and effectively to provide value for money.</p>
5.	How have you consulted on the proposal?	<p>Letters including plans of the individual assets have been forwarded to Councillors and Chairs of each Community Partnerships, of each Ward affected by the proposals, seeking any comments or observations on the proposals.</p> <p>The Wards and Community Partnerships affected are:</p> <p>Shiphay &amp; The Willows Clifton with Maidenway Torre &amp; Upton Ellacombe Preston</p> <p>Where there is existing public access (i.e. Land adj. 4 Plym Close, Torquay. Land adj. 45 Stanley Gardens, Paignton. Land off Alpine Road, Torquay.)</p> <p>the Secretary for the Torbay Local Access Forum has been sent individual plans, seeking any comments or observations on the proposals.</p> <p>If the proposals are agreed by the Mayor, Notices, and advertisements in the local paper, will be posted under Section 123(1)(2a) of the Local Government Act 1972, and any representations considered by the Mayor.</p>
6.	Outline the key findings	<p>Any comments or observations on the proposals received will be Reported to Members in an additional briefing document for consideration at the meeting on 15<sup>th</sup> May 2013.</p>

No	Question	Details
7.	What amendments may be required as a result of the consultation?	In reaching a Decision on the proposals, the Mayor will consider any comments or observations received and if appropriate amend the proposals.

**Positive and negative equality impacts**

No	Question	Details		
8.	Identify the potential positive and negative impacts on specific groups	Consideration of any impact on specific groups has been considered and is reported below.		
	All groups in society generally	<b>Positive Impact</b> Capital receipt to help fund the agreed Capital Plan. Reduction of Council maintenance costs. Improved use of underused Council resources. Improved visual amenity. Provision of Community space.	<b>Negative Impact</b> Limited loss of open amenity area	<b>Neutral Impact</b>
	Older or younger people			There is no differential impact on older or younger people with regard to this proposal
	People with caring responsibilities			There is no differential impact on people with caring responsibilities with regard to this proposal
	People with a disability	Although there is no differential impact on people with a disability, where appropriate the Secretary of the Torbay Local Access Forum has been sent individual plans, seeking any comments or observations on		There is no differential impact on people with a disability with regard to this proposal



No	Question	the proposals	Details
	Women or men		There is no differential impact on women or men with regard to this proposal
	People who are black or from a minority ethnic background (BME)		There is no differential impact on people who are black or from a minority ethnic background (BME) people with regard to this proposal
	Religion or belief (including lack of belief)		There is no differential impact on religion or belief (including lack of belief) with regard to this proposal
	People who are lesbian, gay or bisexual		There is no differential impact on people who are lesbian, gay or bisexual with regard to this proposal
	People who are transgendered		There is no differential impact on people who are transgendered with regard to this proposal
	People who are in a marriage or civil partnership		There is no differential impact on people who are in a marriage or civil partnership with regard to this proposal
	Women who are pregnant / on maternity leave		There is no differential impact on Women who are pregnant / on maternity leave with regard to this proposal
	Socio-economic impacts (including impact on child poverty issues and deprivation)	The six Council Real Estate Assets that are being declared no longer required for service delivery will be Subject to the receipt of Expressions of Interest under the Council's Community Transfer Policy 2008. The disposal of assets will enable	

No	Question	Details
9.	<p>Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?</p>	<p>the capital receipts to be reinvested into the Council's existing capital programme, which will contribute the Council's objectives and therefore benefiting the residents of Torbay.</p> <p>There is also a link to the future use of these sites being used to improve the visual amenity of some of the assets and will therefore enhance the value to the community and assist in social cohesion.</p> <p>It is considered that the improvement of the visual amenity of some of these assets will enhance the value to the Community, and in one instance provide a new Community Garden to assist in social cohesion.</p>

Page 1

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

No	Action	Details
10.	<p>Summarise any positive impacts and how they will be realised most effectively?</p>	<p>It is considered that the improvement of the visual amenity of some of these assets will enhance the value to the Community, and in one instance provide a new Community Garden to assist in social cohesion.</p> <p>The receipt of a Capital sum if assets are sold will assist in the provision of agreed expenditure under the Capital Plan, and reduce the cost of management &amp; maintainance.</p>
11.	<p>Summarise any negative impacts and how these will be managed?</p>	<p>Limited loss of open amenity land, currently largely unused and overgrown..</p>

**Section 4: Recommended course of action**

No	Action	Details
12.	<p>State a recommended course of action</p> <p>[please refer to action after section 5]</p>	<p><b>Outcome 1: No major change required</b> - EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.</p>

**Section 5: Monitoring and action plan**

No	Action	Details
13.	<p>Outline plans to monitor the actual impact of your proposals</p>	<p>The proposal is only to obtain approval from the Mayor to confirm the assets are no longer required for service delivery.</p> <p>If agreed, there will be ongoing discussions with Community Partnerships and Third Parties to ensure there is no negative impact to these proposals.</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:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Receive, and consider any objections comments and observations from Consultees.	To ensure all interested parties' views are considered prior to consideration of Report.	TDA		15 <sup>th</sup> May 2013
2	If proposal agreed, to ensure 'Expressions of Interest' are sought under the Councils Community Asset Transfer protocol.	To comply with the Council's agreed Community Asset Transfer protocol.	TDA		15 <sup>th</sup> June 2013
3	If proposal agreed, to ensure the proposed disposal of any public open space is advertised in accordance with Section 123(1)(2a) of The Local Government Act 1972, and to report any objections to the Mayor for consideration.	To comply with Statute requirements	TDA		30 <sup>th</sup> May 2013



**Title:** Land adj 4 Plym Close, Torquay

**Plan No:** EM2239

**Date:** 11th April 2012

**Scale:** 1:1250

**Asset:** Highways

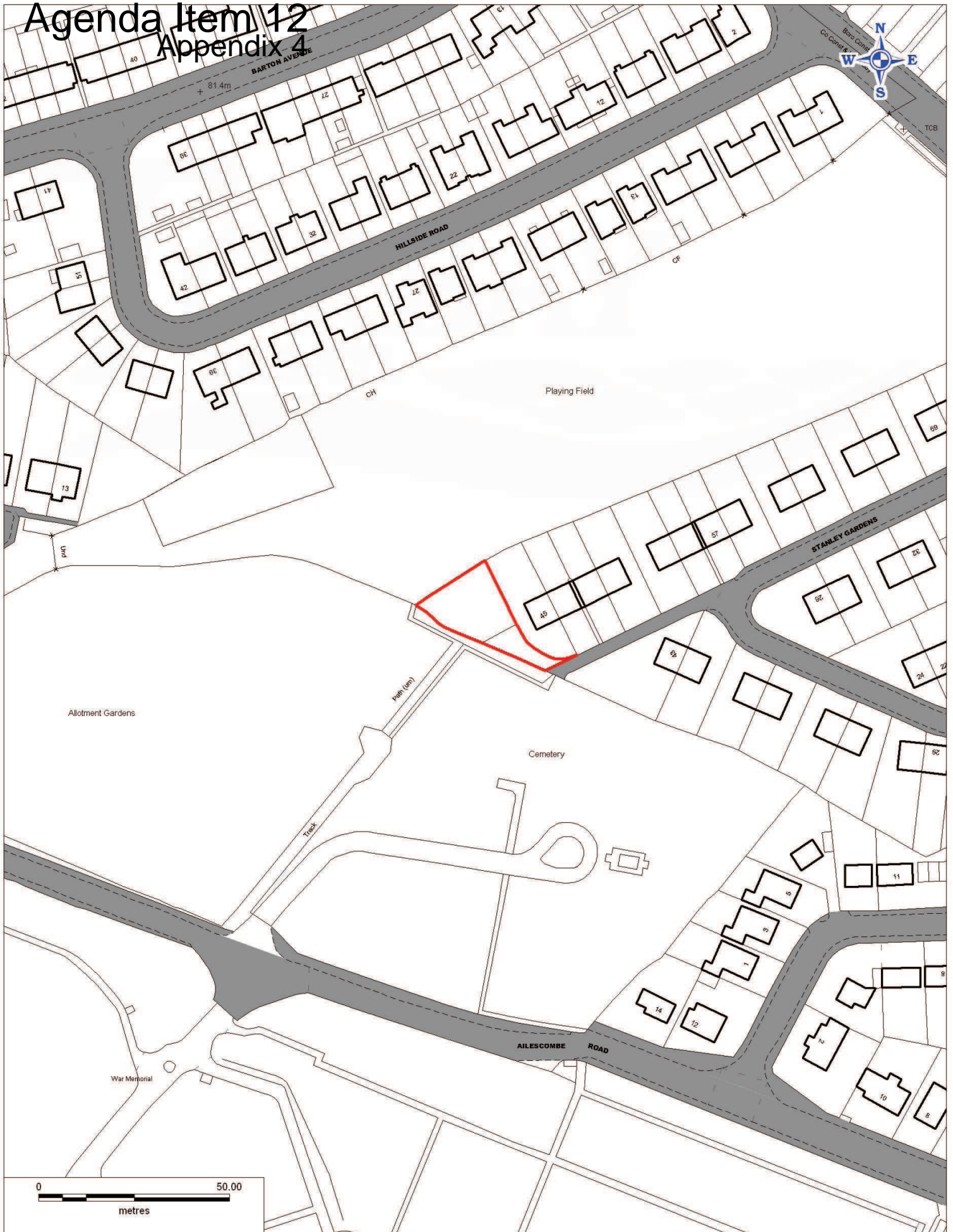
**LR Title:** DN437250

**Deeds:** G.132(h)

**Area:** 388.85m<sup>2</sup>



# Agenda Item 12 Appendix 4



EM Plan No: EM1724  
Date: 15th April 2013  
Title: Land adj 45, Stanley Gardens, Paignton.

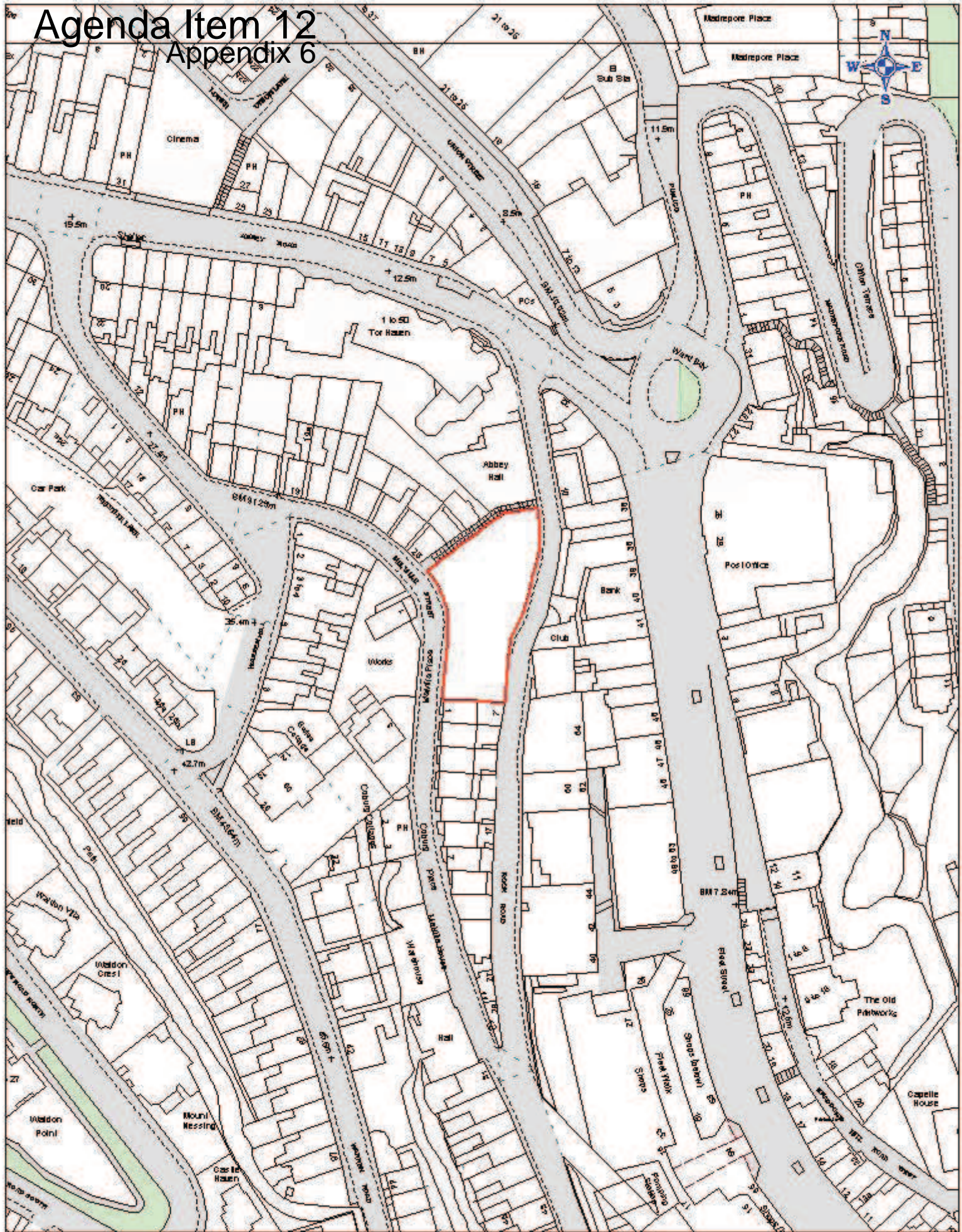
Asset No: P0777  
LR Title No: DN432473  
Scale: 1:1250  
Area: 390.11m<sup>2</sup>





# Agenda Item 12

## Appendix 6



Title: Old Laundry Site, Rock Road, Torquay.

EM Plan No: EM870

Asset No: T0200

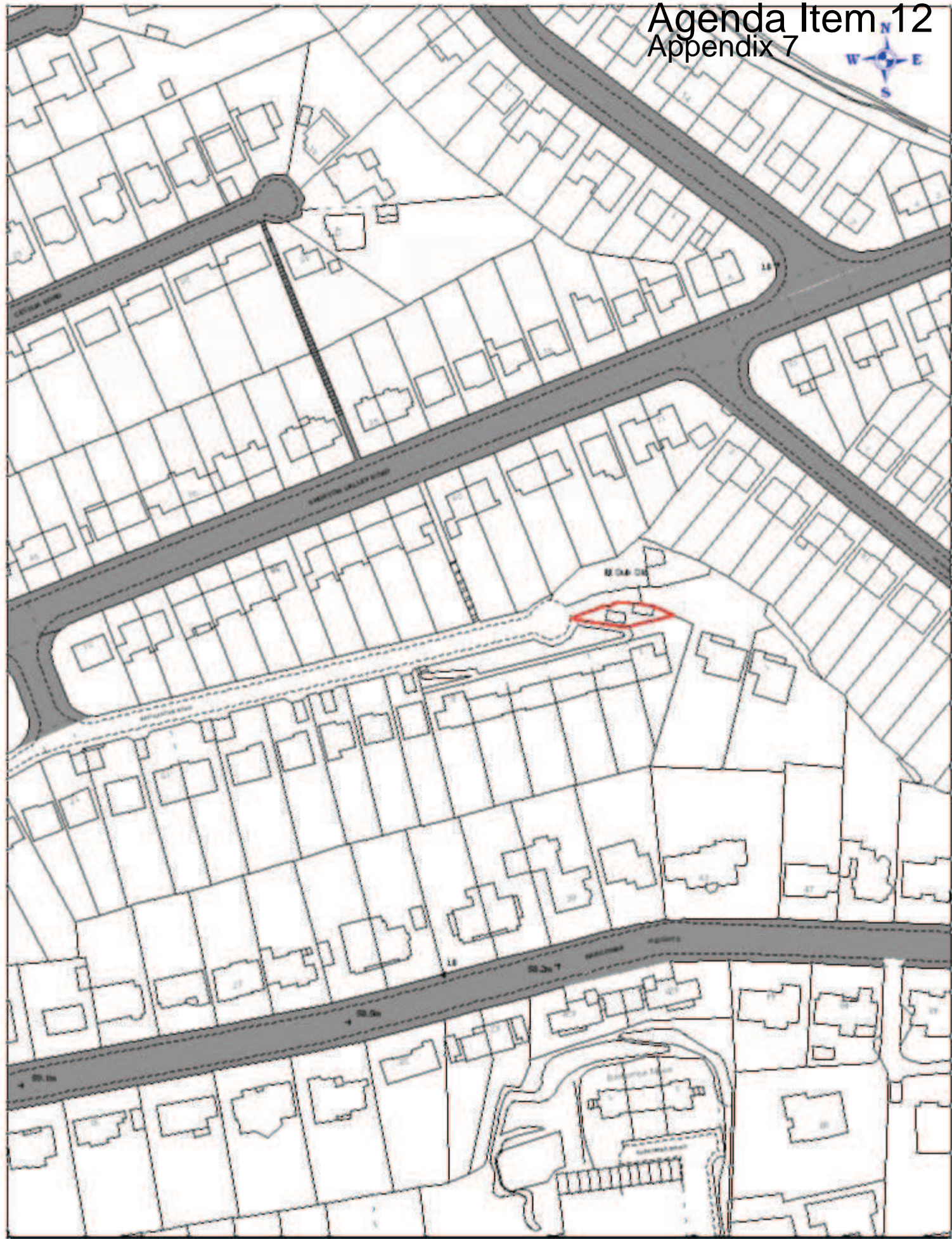
Date: 23rd November 2006

FINANCE DIRECTORATE - ESTATES SERVICE

Page 116 Scale: 1:1250







Title: Garages at Rhodanthe Road, Paigton.

EM Plan No: EM2296

Asset No: N/A

Date: 28th January 2013



TORBAY DEVELOPMENT AGENCY - ASSET MANAGEMENT

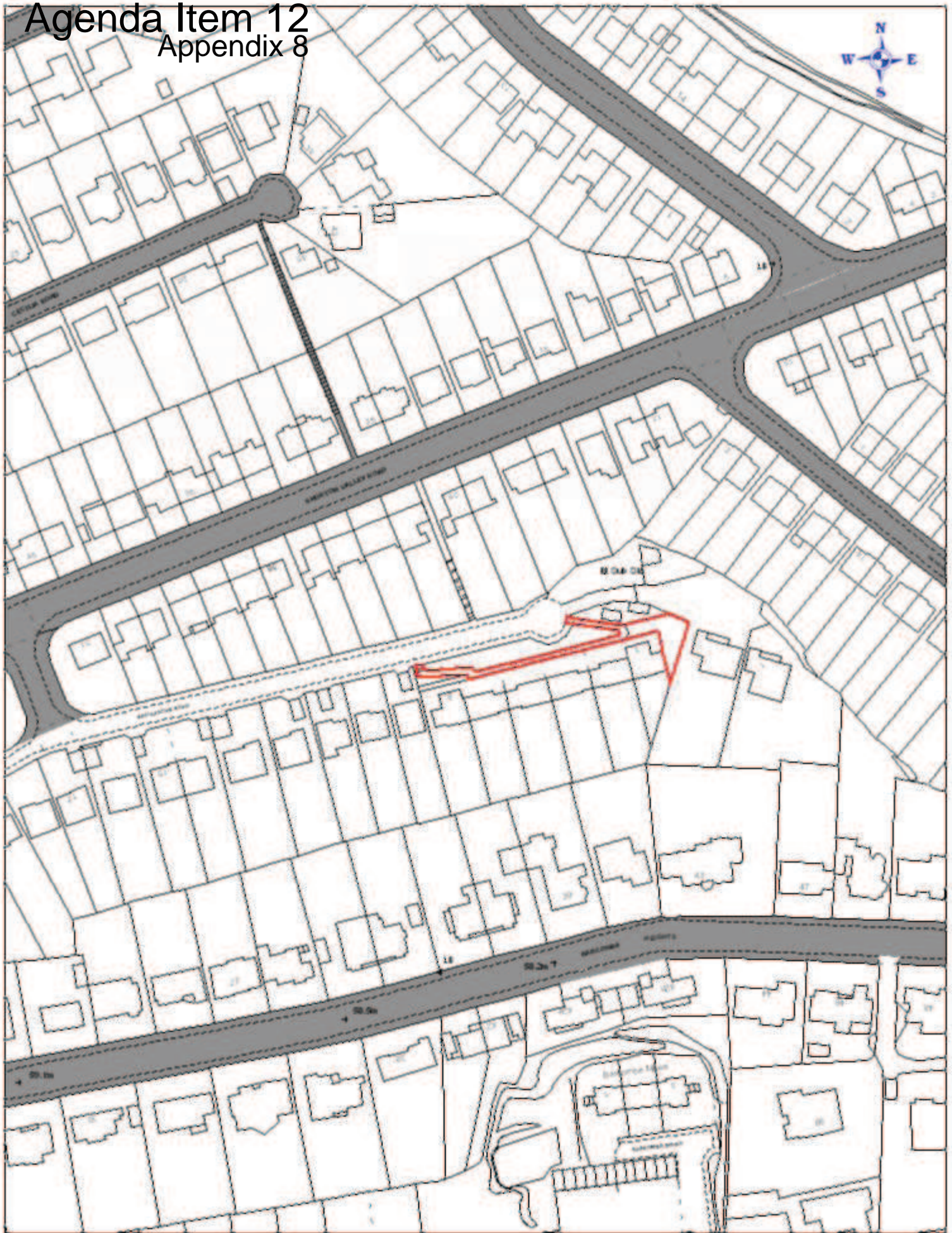
Scale: 1:1250



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# Agenda Item 12

## Appendix 8



**Title:** Land fronting 3 - 8 Rhodanthe Road, Paignton.

**EM Plan No:** EM2297

**Asset No:** N/A

**Date:** 28th January 2013

**TORBAY DEVELOPMENT AGENCY - ASSET MANAGEMENT** Page 118

**Scale:** 1:1250

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# Agenda Item 13



**Meeting:** Adjourned Annual Council

**Date:** 15 May 2013

**Wards Affected:** All

**Report Title:** Supporting the development of a Community Development Trust for Torbay

**Executive Lead Contact Details:** Councillor Robert Excell, Executive Lead Community Safety and Communities , Tel: 01803 207579

**Supporting Officer Contact Details:** Fran Hughes, Executive Head Community Safety.  
Tel: 01803 208002 Email [frances.hughes@torbay.gov.uk](mailto:frances.hughes@torbay.gov.uk)

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## 1. Purpose and Introduction

- 1.1 The Council's overall approach to working with the community and voluntary sector is based on forging new partnerships, whilst finding creative and innovative ways for delivering services that will sustain a healthy and thriving voluntary and community sector in Torbay that can evidence the added value and social value it brings to communities.

This report, endorsed by Officers from the Council and representatives from the voluntary and community sectors across Torbay, sets out a new strand in the approach to sustainably supporting the Voluntary, Community and Social Enterprise (VCSE) sector in Torbay. The Council has a long tradition of working with the voluntary sector in Torbay, however, this has been fragmented, and this report describes the strategy for the next stage in this collaboration.

The report seeks Council approval for the new direction of travel and a commitment to this approach, with the intention of sustainable financial support to enable the community and voluntary sector to recognise opportunities and increase its capacity as the pressures increase in the public sector.

This report primarily focuses on the Voluntary, Community and Social Enterprise sector's ambition to create a Community Development Trust in Torbay. This is an aspiration which could be achieved with in a short space of time with council support.

This report outlines how the local authority will work to aid the development and success of the Voluntary, Community and Social enterprise sector in Torbay

## 2. Proposed Decision

- 2.1 That the Council renews its support to the community and voluntary sector and endorses the new direction of travel and the creation of a new Community

Development Trust (“CDT”) in Torbay subject to the Executive Head Community Safety being satisfied with the business case once fully developed.

- 2.2 That the council ring fences funding to support the new direction of travel by making £100,000 per year available for a maximum of three years to support the development of the CDT business plan via a service level agreement (or similar) (“SLA”) and delegates to the Executive Head Community Safety in consultation with Executive Lead Community Safety and Communities the amount of funding to be made available to support the development of the CDT business plan and the content of the SLA.
- 2.3 That the Council provides such support in kind as it is able whilst the CDT is developing, with the expectation that the Council will contract with the CDT to deliver its existing community capacity building activities from April 2014 subject to the the Executive Head Community Safety being satisfied that the CDT can deliver the same.
- 2.4 That the council continues to work with the Voluntary and Community Sector (“VCS”) to review each parties assets and potential future opportunities for collaboration around these assets.
- 2.5 That the Council agrees in principle to be party to ongoing discussions about supporting a collaborative approach for securing long term investment into the CDT. These discussions may include the opportunity for the council to become an investor, but that prior to any agreement being reached a further report comes back to Council for agreement on the approach.

### **3. Reason for Decision**

- 3.1 The Council regards the VCSE sector as a key partner in delivering its vision for a stronger, more resilient community in Torbay. As such the council believes it is strategically important to develop a positive relationship with the VCSE sector which is underpinned by mutual respect and understanding.

The Council’s approach to its own transformation is built around reducing demand for high cost services, but in order to achieve this effectively, it will need to ensure that alternative means of service delivery, such as in the Voluntary Community and Social Enterprise Sector are able to respond to these new challenges in a sustainable and cohesive way. We would anticipate that a significant number of early interventions as well as specialist support can be provided through the Voluntary, Community and Social Enterprise sector locally, which will link to our overall commissioning frameworks, and enable Torbay to provide a more coordinated response to the impact of welfare reform, and ongoing demand pressures across all service areas.

- 3.2 The Council’s approach to redefining the relationship with the voluntary and community sector already has a number of active strands. These include, asset based community development (ABCD); exploring the use of Social investment as a means of funding new services for our most vulnerable(through Big Lottery Grant funding); supporting social enterprises through the TDA; Developing a Localism approach to commissioning; encouraging volunteering; providing support to the success of Heles Angels through our commitment to closing the gap; the development of community hubs in partnership with health All these strands are encouraging a reduction in dependence on the public sector and an increased independence in the voluntary and community sector.

- 3.3 Over the past year, officers and elected members of the Council have been working with representatives from the community and voluntary sector to raise awareness of the range of challenges both faced as a result of ongoing austerity measures and changes to our funding arrangements.

The voluntary and community sector has unique local knowledge and has a specialist ability to identify local need and support the community plan ambition: 'Working for a healthy, prosperous and happy Bay'

- 3.4 National policy has proposed that a more vibrant voluntary sector and the encouragement of a 'Big Society' approach is an opportunity to deliver positive outcomes for local communities. Through the Communities Policy Development Group (which includes representatives from the voluntary and community sector) a Big Society Prospectus was developed (see appendix 1). This encouraged a wider dialogue about the sustainability of the community and voluntary sector locally and the council's role in facilitating and supporting change. The Big Society Framework has three guiding principles:

1. Building social capital through social action
2. Transforming public services and creating opportunities
3. Empowering our communities

These discussions culminated in an event called "Force for Change" in December 2012 which was attended by over 120 community and voluntary sector representatives. This event secured a general consensus that the community and voluntary sector needed to review its current position in Torbay and align itself more cohesively to the future challenges of reduced public sector finances; increasing demands for services; demonstrating a clear and consistent voice for the sector; and pursue meaningful engagement with the statutory agencies, etc.

- 3.5 From the event, thirty individuals volunteered to work together to move the agenda forward. These volunteers have worked together over the past few months to develop a new approach called a Community Development Trust which has had work streams encompassing:

- Increasing funding for the VCSE in Torbay Council
- Managing a fund to support local organisations
- Members Forum (Networking)
- Support to the whole community and voluntary sector

The proposal from the VCSE is tabled as Appendix 2.

In order for the CDT to be effective the council needs to consider the key outcomes it will prioritise with the new organisation. Based on Torbay demographic these are recommended to be:

- Meeting the needs of vulnerable adults and families (team around the community)
- Tackling Child Poverty (mitigating both the causes and symptoms of child poverty)
- Increasing community cohesion

- Promoting economic and social regeneration to increase community resilience.

These outcomes should be set against the overall principles of reducing demand on the public sector and supporting economic growth.

- 3.6 With the support of the Council's existing Community Development Manager it will be possible to establish a CDT as a legal entity within the next few months. The proposal will then encompass a number of phases
- (i) Set up the CDT and transfer key assets from existing organisation, e.g. CVA and Council to create a central core team. These assets will include nominated Council's officers are part of the council's commitment to support this initiative.
  - (ii) Develop (coproduce) a strategy for future community and voluntary sector engagement, which details further assets which could be transferred; council services which could be provided differently by the VCSE; funding opportunities; business case for sustainability of the new organisation; new strategy approach to working between the public sector and the VCSE.
  - (iii) Development of a sustainable structure which is owned by the community and voluntary sector in Torbay, which is operating in a mixed economy for the benefit of Torbay's communities which could be capable of facilitating services by April 2014.
- 3.7 In order to be successful and sustainable the CDT will have to have a critical mass to be able to function and an initial commitment of 3 year funding from the Council. This will enable the organisation to establish itself and demonstrate its potential and longevity to other funders. In order to scope this arrangement in more detail the council will support the VCS in building a business model which will achieve the outcomes specified and structure the councils support over the three year period. If is anticipated that the new entity would need to be self-sustaining within the three years, with the council's funding aligned to the achievement of key deliverables over this period.
- 3.8 Longer term the Community Development Trust is exploring the opportunity of creating an investment fund, which would generate an income stream into the community and voluntary sector. This may include, but is not limited to investments from Big Society Capital and other similar investors. This is a new and innovative way of sustaining the sector over the coming years, and the emerging Community Development Trust are being supported through this exploration by a social investment specialist.
- 3.9 The Council's commitment will involve the following:
- Secondment of key staff to support the organisations development. This will lead to a more substantial TUPE transfer within the current financial year and a service level agreement established for the delivery of the relevant services.
  - Opportunity for the council to make a positive contribution to the sustainability of the voluntary, community and social enterprise sector and enable it to thrive for the benefit of the whole population. The Council's financial contribution for

three years, along with the contribution from the assets of the CVA (Community and Voluntary Action Torbay) would secure the sector in the short term.

- Identification and transfer of physical assets to the CDT e.g. other physical Council assets. This would be subject to an additional council report.
- Opportunity to coproduce new and innovative solutions to provide services to the people of Torbay.
- Opportunity to access new funding streams for Torbay (which are currently not available to the public sector).
- A constructive dialogue with the VCSE sector through this new organisation, to support strategic priorities.
- Identifying funding/match funding opportunities which could be made available to the CDT to support their access to funding.
- Opportunity to redefine the VCSE sector based on outcomes rather than service specific discussions.
- Opportunity to support the new Community Prevention teams which are capitalising on the additional health visiting capacity being added to the NHS workforce.
- Opportunity to reduce the amount of demand on high cost social care services for childrens and adults.

3.10 The net effect on the Council of pursuing this opportunity will be positive as it will define the Council's relationship with the VCSE sector.

- The Council will become a partner in the development of the CDT
  - The Council will coproduce the new model with the VCSE sector
  - The Council will support the whole community by supporting the CDT, through pump prime funding to access new forms of external funding not currently being accessed
  - The Council will create more transparent process for how it works with, and funds, the VCSE sector
  - The new entity will increase the opportunity and likelihood that Torbay as a geographic area can access funds not currently available to it.
-



## Supporting Information

### 4. Position

- 4.1 We know that the coming years will be an extremely difficult period of the local authority. Unprecedented levels of budget reductions are forcing us to further review the way we provide services and support residents. However, we recognise that we need to make a firm commitment to develop a strong, sustainable and independent voluntary and community sector with whom we can work in partnership to support the communities we serve.
- 4.2 The current relationship between the council and the community and voluntary sector is moving towards a more equal partnership, whereas in the past there have been tensions for a variety of reasons. The work to embed the principles of a Big Society over the past year have brought the sector and the council to a position where they both recognise that we are at the dawn of a new era and we now have a moment in time in which to shape the future relationship to make it more sustainable and to benefit the wider communities of Torbay.

Torbay Council with support from Children England, has co-produced a Commissioning Strategy for Localism with the voluntary and community sector who work with children, young people and families, which would equally form the basis for this strand of work.

- 4.3 Over the past decade there has been a national drive from central government to diversify public service delivery through increasing use of private, voluntary and community sector providers and social enterprises. These trends are now progressing within a very difficult economic environment of significant reduction in public expenditure, increased unemployment and demands on services and a squeeze on all forms of funding available to the VCSE sector, including individual donations, charitable funds and corporate sponsorship.
- 4.4 As Torbay Council reduces its budget in response to the national agenda, there is an increasing role to play for the community and voluntary sector. This will not happen overnight, but the foundations need to be laid to ensure that the community and voluntary sector is in the best position to respond to these challenges.
- 4.5 A lot of work has already been achieved. For example, the Community Partnerships have established themselves as a separate legal entity; there is a significant amount of capacity building in the voluntary sector which supports children and vulnerable families as part of the Children's Services CPIP programme; the Big Lottery funded work investigating alternative means of funding early interventions for children at the edge of care has a broad engagement of the voluntary and community sector at its core.
- 4.6 One of the aims of this report is to demonstrate that this is not a one sided process of development. The VCSE sector itself has recognised that it needs to undergo change. These changes could be best described as a need for the sector to develop a more business like approach to its operations, to understand that it operates in a competitive environment and that if it wants to be more involved in the delivery of public services that it must expect that relationships with commissioning organisations to change as well for example, away from grant aiding to a contractual basis. The

sector also needs to have a cohesive voice locally, and be able to clearly articulate the added value that it brings.

The sector locally is very diverse and contains a lot of small organisations, which may lead to duplication and lack of coordination. There is little cooperation amongst organisations e.g. in the use of buildings or provision of backroom services. There is a potential for delivering efficiencies in these areas through the new organisation. There is also a concern about the limited organisation skills of some organisations e.g. in relation to business and financial processes.

4.7 Torbay's approach has been based on Asset Based Community Development (ABCD). This is aimed at empowering communities to build on their Strengths (assets) that are already in the community to address their need. It is about mobilising individuals, VCS groups, social enterprises, associations and institutions to come together to build on their knowledge, skills and networks and strengths so that community needs can be supported and can be self sustained.

4.8 The current direction of travel to create a Community Development Trust is very much being lead by the community and voluntary sector, however, in order to ensure that this has the best chance of success, the council will need to provide support to ensure that the aspirations can be met.

This approach is consistent with the way that funders are currently viewing applications. For example, the Big Lottery requires all funding applications to support their philosophy of "people powered change". Where BIG's will use their funding and influence to enable individuals and communities to develop and implement their ideas to change lives for the better.

BIG believe that every community facing problems contains within it people and groups who step forward as the solution. BIG will use its resources, passion, and belief in communities to unlock and inspire community action across the nation.

Their goal is to ensure that through our investments people and communities most in need can make the most of opportunities that arise during this critical time. We also want people to share and celebrate their work, and learn from others that are doing it for themselves.

The council need to ensure that our role in future developments supports this approach. This will enable the council to optimise the opportunities to support positive outcomes for our communities and increase funding options for the whole area of Torbay.

4.9 Both parties need to ensure that provide clarity about the nature of the relationship between the council and the VCSE sector to ensure that there funders are clear about the relationship. We need to provide stability and value for money. However, we must not underestimate the importance of developing a partnership approach between funders and the VCSE sector based on mutual trust, understanding and focused on delivery high quality services.

## **5. Possibilities and Options**

5.1 Children's Services have been developing a Commissioning for Localism Strategy in Torbay with the community and voluntary sector. The principles of this strategy should apply to all areas of work with the sector. The Community Development Trust is part of this wider engagement. The existing infrastructure organisation is no longer

a viable proposition and this will result in huge challenges in the public sector collaborating with the sector in a meaningful way.

- 5.2 We know that the community and voluntary sector have a huge amount to offer the communities of Torbay, and as a council we need to ensure that we provide and share information, set clear outcomes and encourage both small and large organisations to exist to increase overall capacity. Our ability to support capacity building in the sector has been reducing for several years. Capacity building is work that develops the skills and knowledge and resources of the voluntary and community sector organisation in order to improve governance and increase their ability and effectiveness in the delivery of services. However, the opportunity to join our resources with those of the VCSE sector themselves will provide greater support across a wider network in Torbay.

## **6. Equal Opportunities**

- 6.1 The recommendations in this report would provide a positive impact on the voluntary and community sector in Torbay and those to whom they provide services. In supporting the creation of a Community Development Trust the council would be positively re- defining its relationship with the whole of the sector and creating an equal partnership from which to move forward.

## **7. Public Services (Social Value) Act 2012**

- 7.1 This report is not recommending any direct commissioning of services and therefore does not have a direct impact with Public Services (Social Value) Act 2012. The report seeks the endorsement of work with the community and voluntary sector which is already in process.
- 7.2 However, social value can be described as the additional benefit to the community from a commissioning/procurement process over and above the direct purchasing of goods, services and outcomes. By endorsing the direction of travel proposed, the council is supporting the principles of social value, but exploring the additional community benefits of a thriving voluntary and community sector locally.

## **8. Consultation**

The consultation processes have been on going for at least a year. These culminated in an event called “Force for Change” (organised by the VCSE sector and funded by the Torbay Community Partnerships) in December 2012 which was attended by over 120 community and voluntary sector representatives. This event secured a general consensus that the community and voluntary sector needed to review its current position in Torbay and align itself more cohesively to the future challenges of reduced public sector finances; increasing demands for services; demonstrating a clear and consistent voice for the sector; and pursue meaningful engagement with the statutory agencies, etc.

From the event, thirty individuals volunteered to work together to move the agenda forward. These volunteers have worked together over the past few months to develop a new approach called a Community Development Trust. This approach was consulted on with representatives from the sector at another meeting of the original

group in March 2013 and the approach received the endorsement from this wider group.

Throughout this period the council have been providing support and undertaking negotiations with representatives from this wider group, and this report is being tabled as a joint report from both the council and the Voluntary and Community sector.

The approach was also discussed at the Communities Policy Development Group in March 2013, and all elected member briefing was arranged in April 2013 which gave the Voluntary and Community Sector representatives the opportunity to discuss their proposals in more detail.

## **9. Risks**

- 9.1 If the recommendations are not supported, then the opportunity to create a functioning Community Development Trust within the next twelve months and have the impact that is anticipated are extremely limited. In order for this new venture and new relationship to be realised the council will need to make a financial commitment and provide support to enable this to happen.
- 9.2 If the recommendations are accepted, then a Community Development Trust can be established within the coming months, which will enable additional support to be provided to the VCS and will open the opportunity for the new organisation to attract funding from a variety of new funding streams.
- 9.3 The funding recommendation is based on the assumption that the Community Development Trust will be self financing within three years. However, if this is not realised then there is a risk that the sector may wish to seek additional funding from the council.
- 9.4 Should the council consider the transfer of any assets to the CDT then it will need to consider the ongoing maintenance and repairs of these assets and how these may be addressed. However, should this arise it will be the subject of an additional report to council.

## **Appendices**

Appendix 1: Big Society Prospectus

Appendix 2: Proposal developed by the Voluntary, Community and Social Enterprise Sector

## **Additional Information**

None

### APPENDIX 1 - Good for Torbay - A Big Society Framework

#### Introduction by Cllr Alison Hernandez

Executive Lead for Involved and Healthy Communities

Torbay Council is leading by example in working to build a healthy, prosperous and happy Bay. In order to achieve this we have a number of key priorities:

- Developing our economy and responding to the recession
- Increasing opportunities for older people and meeting the challenge of providing services for an ageing population
- Tackling climate change by reducing our carbon footprint and addressing the increased risk of flooding
- Improving the quality of life for the least well off in our society

Our vision is one where the citizens of Torbay are empowered to act, be a part of a growing collective vision and feel civic pride in where they live.

Our Community 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.

In Torbay we know that:

- Torbay is a relatively low crime area; crime rates are falling but fear of crime remains
- Alcohol contributes significantly towards Torbay's night-time economy but also contributes towards localised violent assaults and general night time disorder
- There is a wealth of older and younger people who volunteer

on a regular basis to help shape their local community

- Torbay has a higher percentage of older people compared to other areas of the UK and this creates an opportunity to make sure their wisdom is fully shared
- Torbay is becoming more culturally diverse as a community due to growth in population from Europe and elsewhere.

We want Torbay to be a great place where people want to live, work, study or visit. Civic pride and social action within a Big Society Framework will become the norm, people will feel involved and have a sense of belonging and pride in Torbay. We will make Torbay a place of huge civic pride with a thriving 'civic core.'

Torbay already has a long tradition of civic action. We have some great examples of communities and the public, voluntary and business sectors working together to make a positive difference to people's lives in the Bay.

But in this new world of economically, socially and environmentally limited resources we need to reassess what is important to our communities to create the best opportunities possible for our citizens to flourish.

Our aim is to bring the public, private, community and voluntary sectors closer together to achieve great things in partnership and, most importantly, to create a focus on the *citizen*, not any organisation.

To achieve this Torbay residents need to take an active part in the development of their communities and public services. This programme will recognise and build on the assets that exist in our communities and the strengths of our citizens.

Global students and visitors will have the opportunity to get involved in civic action while they stay for leisure or learning - interacting with our residents and businesses in the process and sharing their skills, experiences and culture. Businesses will encourage the development of new skills and employment opportunities and support people of all ages to develop new and innovative ideas.

The routes to achieve this are not outlined in a government directed step by step process – this Big Society Framework outlines a new way of thinking and operating. It's a reflection of where we are, what we have achieved and our aspirations to achieve in the future.

We know that by working together we can achieve great things and really benefit our citizens. Only with a citizen-focused approach, putting aside “business as usual” approaches, can we realise this vision.

This Big Society Framework outlines some of the work that Torbay Council is currently delivering in partnership with its communities and with other agencies. However, in order to realise the vision and potential of the Big Society we are asking for ideas for progression – what else should we be considering?

By working together we can make Torbay a place with huge civic pride and an active, involved community - truly a vision to aspire to.

We have set out a range of steps we have already taken, and those we will explore over the coming political term of office to develop a broader and more inclusive civic approach in Torbay. It is intended to be a living document that will change as new ideas are developed with our communities.

We look forward to working with you all in the future.

**Cllr Alison Hernandez**

**July 2012**

## A catalyst for change

Local authorities have an important role to play in developing momentum and to act as a catalyst for change. Torbay Council's vision is that Torbay will be recognised as a place where people want to live, work, study or visit. The Big Society concept is one way to achieve this vision.

It is clear that public services have a part to play in making this happen but such services alone cannot deliver these outcomes.

With the background of significant reductions to the public sector, there is a clear case for change – ensuring that positive outcomes are delivered for our communities and people. In order to achieve this, public services need to

consider the shape of future services and how they are delivered.

Central to the success of a buoyant civic society are the *three principles* which underpin the Big Society Framework, namely:

- Building social capital through social action,
- Transforming public services and creating opportunities
- Empowering communities.

Torbay needs to work with its communities and with the private and third sectors to identify opportunities to realise these ambitions and empower local communities to identify their priorities and manage risks.

## The Three Principles

**1. Building social capital through social action** – Encouraging and supporting people to work together so they can strengthen their own communities.

Developing social capital has been on the political agenda for a number of years. There is now an established infrastructure of national support provided by voluntary organisations and public institutions as well as a desire to develop these further.

Volunteering is, of course, a crucial element in this process - a recent report on community wealth mapped the Big Society against three components:

- Belonging, cohesion and trust
- Civic involvement
- Volunteering

When the South-west region was measured against these components it scored strongly in all. When the three components were combined nationally with equal weighting it suggested that the Big Society is *strongest* in the South-west of England.

Volunteering is not the only means to build social capital, however. *Co-Production*: the involvement of individuals in the design, delivery and evaluation of services has been achieved notably through the work of Torbay Council's Supporting People programme and it is an aspiration for Torbay Council as a whole.

### Social action

A recent report highlights the renewed focus on social enterprise, social innovation and the potential of the internet to bring people together to achieve goals. Social innovation is one

way of substituting government action as the public sector budget cuts hit.

Studies have shown that the most popular volunteering activities tend to involve a small investment of time and effort. Volunteers also wish to be clear what their role is and to find it rewarding. Volunteers are interested in numerous opportunities within the public, charitable and voluntary sectors. This includes running libraries, raising funds for local community centres and play groups as well as mentoring young offenders or families.

### **Here are some examples of how Torbay Council is building social capital through social action:**

#### **Our Junior Street Wardens**

Torbay Council runs the *JSW Crew* where young people from eight to 16 can volunteer in their neighbourhood under the supervision of our Street Wardens to make a positive difference to their communities. The scheme aims to:

- Improve relationships within communities by bringing children from different backgrounds together
- Break down barriers between generations
- Make the local environment a cleaner and safer place to live by encouraging children and young people to take ownership and responsibility for their surroundings
- Have fun by doing something positive for the community.

For more information on our Junior Street Wardens Scheme email [street.wardens@torbay.gov.uk](mailto:street.wardens@torbay.gov.uk) or ring 01803 208854.



## **Our Neighbourhood Management Scheme: Hele's Angels**

Hele's Angels is a community led initiative delivered through a multi-agency team including public sector partners, churches and the voluntary and community sectors. It brings communities together to identify local issues and solutions. The partnership is operating over a two-year period in Hele and lower Barton. Action to address local issues is taken by both the public agencies and residents themselves.

For information on Hele's Angels please email [info@helesangels.org.uk](mailto:info@helesangels.org.uk) or ring 01803 312808.

## **Our Neighbourhood Planning Groups**

Torbay Council is developing a number of planning groups that bring together service users, Torbay residents, carers and interest groups amongst others that support people with specific needs to ensure statutory services meet these needs effectively. Council teams engage and consult with the planning groups to ensure their views are included when policies, strategies and services are being planned. These groups play a valuable role in informing decisions and the design of services. Torbay Council will continue to work with these planning groups to ensure they influence the services they use.

For information on Neighbourhood Planning Groups please email [planning@torbay.gov.uk](mailto:planning@torbay.gov.uk) or ring 01803 207801.

## **Our Community Partnerships**

Community Partnerships (formerly Ward Partnerships) increase the involvement of local people and communities in the work of the Torbay Strategic Partnership (TSP). They are voluntary groups generally based on

the ward boundaries that provide an opportunity for people who live or work in the different parts of Torbay to discuss issues of common concern. They also provide an opportunity for local people to understand and influence the way in which services are provided in their area.

For information on Community Partnerships please email [community.partnerships@torbay.gov.uk](mailto:community.partnerships@torbay.gov.uk) or ring 01803 208831.

**In addition to these examples, Torbay Council is helping to build social capital and support charities or community groups by considering a range of schemes enabling staff to donate working time or wages to support charities and community groups.**

**Here is an example of what Torbay Council is planning to deliver in order to building social capital through social action:**

### **Partners and Communities Together (PACT) / 'Have Your Say.'**

The PACT process of consultation and resident engagement between the police, Safer Communities Torbay and communities in Torbay has been operational for several years. In 2011 a decision was taken to re-design the process to ensure that community engagement activities relating to community safety in Torbay are consistent, purposeful and co-ordinated. A new PACT process, re-named 'Have Your Say' will be launched in Torbay in 2012 that will enable statutory partners to identify and respond to residents and 'hard to reach' social groups.

For information on PACT / 'Have Your Say' please email [vicky.booty@torbay.gov.uk](mailto:vicky.booty@torbay.gov.uk) or ring 01803 841251.

**2. Transform public services and creating opportunities** – changing the way services are delivered, with an emphasis on increasing the role of the voluntary and community sector and supporting individuals and communities to commission services with confidence.

The Torbay Strategic Partnership (TSP) has recently agreed to ensure that voluntary and community organisations have a greater role and more opportunities in delivering public services by opening up new markets in accordance with the ethos of the government white paper *Open Public Services*. The TSP will also agree with Voluntary and Community Organisations (VCO's) how outcomes (including those of social, environmental and economic value) will be monitored before a contract or a funding agreement is made.

Torbay Council aims to achieve a cultural change in the way that public services are delivered. We believe that a new approach to delivering public services is urgently needed.

This new way of thinking is summarised in the White Paper *Open Public Services* (Home Office 2011):

*'The principles that inform our approach, and the policies we will enact to give it force, signal a decisive end to the old-fashioned, top-down, take-what-you-are-given model of public services. We are opening public services because we believe that giving people more control over the public services they receive, and opening up the delivery of those services to new providers, will lead to better public services for all.'*

**Here are some examples of how Torbay Council is transforming public services and creating opportunities:**

### **Our Supporting People Programme**

Supporting People services in Torbay enable vulnerable people to become or remain independent. Services are provided by community, voluntary and independent sector organisations. They are short term and aim to connect people into local informal support including, good neighbour schemes, local clubs and societies and other community activities, as well as providing formal support from local health and social care services.

For information on our Supporting People programme please email [referralhub@torbay.gov.uk](mailto:referralhub@torbay.gov.uk) or ring 01803 208729.

### **Our Community Asset Transfer Programme**

The Local Government White Paper, *Strong and Prosperous Communities* (2006), sets out a new relationship between local government and its communities. In the same spirit, the *Making Assets Work* (Quirk Review) sets out the clear benefits to local groups which own or manage public assets – such as community centres, building preservation trusts and community business enterprises. Fundamentally, the review talks about giving local people a bigger stake in the future of their area through this model.

Torbay Council has an active eCommunity Asset Transfer in place which supports the transfer of assets through leases and operational management to the community, for purposes that benefit the communities they serve. This can range from small parks groups to established voluntary sector organisations.

For information on our Community Asset Transfer Programme please email [asset.management@torbay.gov.uk](mailto:asset.management@torbay.gov.uk) or ring 01803 207921.

**Here is an example of what Torbay Council is planning to deliver in order to transform public services and create opportunities:**

### **Our Neighbourhood Youth Provision Programme**

A new way of delivering neighbourhood youth provision in Torbay begins in April. The Local Authority's neighbourhood youth centre based work is being replaced with an open grant funding pot to enable local groups, organisations and individuals to deliver services that are needed and required by young people in their communities.

A full time senior youth worker and two part-time staff will work alongside all the new providers to offer help, support and advice. They will also make sure there is high quality of provision, which can be developed in the future.

Torbay Council will be inviting communities to apply for the grant funding pot from April. Applicants can be young people, parents, community members or voluntary sector organisations. Young people will play a key role in deciding how the funding should be used.

For more information please email [CSEnquiries@torbay.gov.uk](mailto:CSEnquiries@torbay.gov.uk) and put the word 'Youth' in the subject line. Alternatively call 01803 201201

**3. Empowering our communities** – giving individuals and communities greater influence over local decision-making and opening up service providers to greater scrutiny and challenge.

**Here are some examples of how Torbay Council is empowering our communities:**

### **Our Children's Volunteering Programme**

The *Hand in Hand Volunteer/Mentoring Team* is part of Torbay Council's Children's Services. The volunteers make a big difference to families and young people throughout the Bay by providing vital support, usually within the family's own home or out in the community. Volunteers are required to work with families who sometimes need an extra pair of hands to help make life a little easier and children and young people who need companionship or encouragement. For information on the Hand in Hand Volunteer/Mentoring Team please email [volunteering@torbay.gov.uk](mailto:volunteering@torbay.gov.uk) or ring 01803 314876.

### **Our Sort It! Programme**

Sort It! is a volunteering programme giving residents the power to resolve minor neighbourhood disputes. Sort It! gives statutory agencies like the council the ability to offer support through other means in cases where it is not appropriate to take formal enforcement action.

Using Community Mediators, Torbay Council supports residents in negotiating through the issues that divide them and reach a mutually acceptable solution. Their role is not to tell residents what to do, but to help them communicate to find their own solutions.

For information on our Sort It! programme please email [sortit@torbay.gov.uk](mailto:sortit@torbay.gov.uk) or ring 01803 208025.

### **Our support for Torbay's Street Pastors**

Since March 2008 Torbay Street Pastors have provided help and

reassurance to those participating in Torbay's night-time economy activities. The Street Pastors are trained Christian volunteers, who give their own time to patrol the streets every weekend well into the night, often in adverse conditions, seeking to offer help and reassurance to those who need it. They show incredible dedication, resourcefulness and bravery and through their caring non-judgemental approach they seek to diffuse trouble, protect the vulnerable from harm and reduce the levels of crime and fear of crime on the streets of Torbay.

For information on the Street Pastors please email [info@streetpastors.org.uk](mailto:info@streetpastors.org.uk)

### **How will we know if we are being successful?**

In order to gauge whether we are being successful in achieving the three principles outlined in this framework it will be necessary to include some measures or yardsticks of our success. We suggest that these could include the following but welcome any further or alternative measures you may like to recommend.

**Sense of belonging.** In the past Torbay Council has collected information on whether people feel they belong or feel a part of their neighbourhood. We would do this by way of an annual survey to a panel of local residents to get their views and allow us to compare to previous years.

**Satisfaction with services.** Through surveys Torbay Council can collect levels of satisfaction with its services overall as well as within a particular area.

**Volunteering.** Through surveys Torbay Council can collect overall numbers of volunteers in Torbay as well as within a particular area.

### **Over to you**

The Big Society is not uniform, so the patchwork of initiatives outlined in this prospectus can provide only a snapshot of our ongoing work to build social infrastructure in Torbay.

We recognise that Big Society cannot be achieved through the delivery of a specific project or programme but through a cultural and social *shift* based upon the three headline areas outlined in this document implemented at local, regional and national level.

Our work to build Big Society will therefore be dynamic and fluid. We will update this framework as our work progresses and we find new ways to empower Torbay communities and build social capital.

The means for you to make contact, both in terms of your suggestions and in regard to the individual projects are included throughout this document.

We have outlined some of the work Torbay Council is currently delivering or planning to deliver in partnership with its communities and with other agencies. However, in order to realise the vision and potential of the Big Society we are asking for future ideas. What else should we be considering?

What do you think?

**Please forward your ideas and suggestions to Mark Richards, Project Manager Community Safety and Public Health:**

**Tel: 01803 207281**

**Email: [mark.richards@torbay.gov.uk](mailto:mark.richards@torbay.gov.uk)**

**Post: Safer Communities Torbay, Ground Floor, Commerce House, Torquay, TQ2 5PJ**



### Appendix 2

#### Force for Change - Role and Priorities for the Torbay Community Development Trust

developed by the Voluntary, Community and Social Enterprise  
Sector

#### 1.0 Background

The Voluntary, Community and Social Enterprise Sector (VCSE) in Torbay is currently undergoing a period of significant change. There are a large number of functions being outsourced; downsized or cut completely from the statutory agencies. Similarly charities and other voluntary sector groups are being squeezed for resources. The local voluntary and community sector body (Community and Voluntary Action (CVA) Torbay) is scheduled for closure in April 2013 leaving no infrastructure body for the area. Against this background members from the voluntary and community sector have started an activity entitled 'Force for Change' to explore the possibility of creating a Community Development Trust (CDT) for Torbay. Typical features of CDTs are:

- community based, owned and led
- engaged in the economic, environmental and social regeneration of a defined area or community
- independent but seek to work in partnership with other private, voluntary and public sector organisations
- self-sufficient or aiming for self-sufficiency, and not for private profit

What has been determined at a very early stage in the 'Force or Change' process is that the need is great, there is insufficient money to fund all of the social activities that need to be done in the Bay, and also that the previous infrastructure model is not sustainable in the long term. Through the 'Force for Change' process the sector has looked at:

- What a CDT might be set up to achieve – its vision, mission and purpose and values.
- What support the sector wants it to provide.
- Ways in which we can generate more sustainable funds to support the VCS activities in the Bay.

## 2.0 Vision, Mission, Purpose and Values

The following vision, mission, purpose and values have been agreed.

### 2.1 Vision

Voluntary and statutory organisations, and businesses work together to make Torbay a better place to live.

### 2.2 Mission

Torbay Community Development Trust wants Torbay to be a place where all people feel included and can become involved in growing a thriving local community.

### 2.3 Purpose

Four roles have been identified for the CDT:

- To increase the flow of unrestricted funding to the voluntary, community and social enterprise sector through the establishment of social enterprises and other innovative approaches that do not compete or threaten the individual member groups' interests.
- to operate a managed fund/grant giving panel that will distribute funding to groups and projects in Torbay
- to facilitate a members forum using innovative approaches
- to provide support/training/mentoring for member organisations as needed

See section 3 below.

### 2.4 Values

**Success through Empowerment:** Our actions will be based on the belief that community development is what people do for themselves and that organisations can be supported in order to foster grassroots direction and action.

**Adding Value:** We will not compete with or threaten the interests of member organisations but will advocate the use of existing services and signpost appropriately.

**Sustainability:** We will work to support sustainable solutions to local issues - meeting local needs now without compromising those of the future.

**Accountability:** We will be accountable to the Torbay community as a whole.

**Cooperation:** Neither the public, private nor voluntary and community sector can provide everything communities need. We will facilitate cooperation and collaboration within and between all three.

**Light touch:** We will work with the minimum of bureaucracy.

**Innovation:** We will seek to support, broker and/or facilitate innovative approaches and ways of working.

**Equality:** We are committed to an organisational and collective responsibility for creating an equal and inclusive society and to the principles of the 2010 Equality Act.

### **3.0 Roles of the CDT**

#### **3.1 Role 1: Support to the Sector**

Suggested services to be provided:

- Facilitate collaborative working in the sector
- Volunteering support – with an evolved approach
- Supporting groups / individuals (capacity building)
- Funding support /advice
- Information dissemination (revamped website?)
- Signposting to other support services
- Business support – inc. governance, policy and procedures
- Back office functions - Legal advice services, CRB collation
- Technical support - IT Software, Web design
- Professional services - accounts, legal advice, social value advice
- Facilitate more innovative and collaborative working relationships between the VCS and statutory sector.

#### **3.2 Role 2: Members' Forum**

To create a forum that is:

- Innovative, use modern social media but also offer member groups real value and the chance of face to face networking.
- Monthly breakfasts? Networking sessions? Speed dating (networking), guest speakers? How to sessions?
- Enables members to avoid duplication and encourages joint working/rationalisation of the sector

#### **3.3 Role 3: Managed Fund/Grant Giving**

To create a grant fund that is:

- Outside of national/local government and thus be able to set its own priorities, have a 'light touch', be accessible to small local groups and be large enough to be taken seriously by bigger funders.
- Funds to come from pooling of existing smaller grant funds and from income generation.



### 3.4 Role 4: Increase funding

The proposal is to create a **Growth Fund** which electively invests in Social Enterprises that can deliver an actual return on investment (money!), whilst at the same time delivering a social return on investment (benefit to the community).

Ultimately the fund will need to satisfy the needs of investors to the fund, the growth of the fund itself and generate sufficient surplus to meaningfully contribute to reducing deprivation. At the same time the investment vehicle will need to access or deliver the wrap around care required to deliver successful business growth in the investment recipients. This entity can access other sources of funding in order to make investments.

It is important to recognise that there is another body in the bay charged with this kind of activity. i.e. the Torbay Development Agency (TDA). It is also important that we don't set up in competition. We are therefore targeting funds that the TDA in its current form couldn't access, and investing in areas that are not a TDA priority. It may be possible to collaborate on some investments. The focus is very much then on attracting additional funds in the area that couldn't be accessed without this vehicle.

So far there is broad support for this model and there are a number of volunteers looking at how the initiative can be supported. In principle there may be support through:

- Existing public assets
- Loan from public reserves
- 3rd Party grant funding
- 3rd Party capital funds
- Investment returns

The strategy would be that available funds are invested in suitable Social Enterprises from which a return can be made either from:

- Structured loans/finance to 'appropriate' businesses
- Direct investment in **Growth Fund** owned ventures.

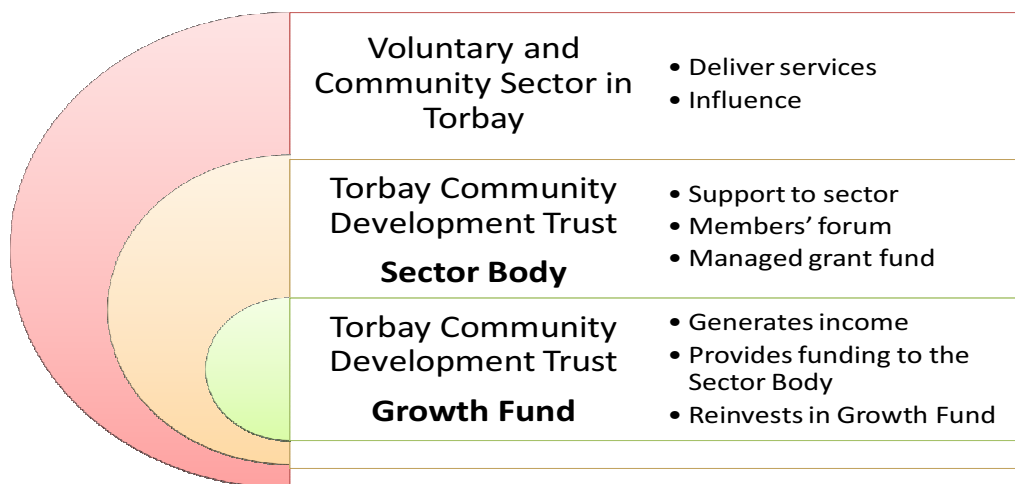
It is proposed to approach a number of bodies to see if support can be obtained for financially supporting the model, including Social Finance sources and others.

### 4.0 Set-up

The CDT would be owned by the voluntary sector and would have two separate entities:

A **Sector Body** responsible for working in partnership with third sector organisations, and possibly statutory agencies, supporting the delivery of services via the roles outlined above. This body would be run as a cooperative of VCS members to ensure that its resources are deployed in the interest of the whole community needs.

A **Growth Fund** responsible for generating income.



#### 4.1 Candidates for the Growth Fund

No organisation currently exists which would meet the criterion of a Social Sector Investment Fund and would therefore need to be created. The structure of this part of the CDT would most likely be a Community Interest Company (CIC) with a fixed management team with the necessary business skills to succeed, but would be owned by the Sector Body.

The organisation would utilise existing capability where it exists for:

- Investment expertise
- Business Support
- Professional Services

Some or all of these may be available within the existing Torbay Development Agency (TDA), Council or Social Enterprise Network. Where absent will be procured.

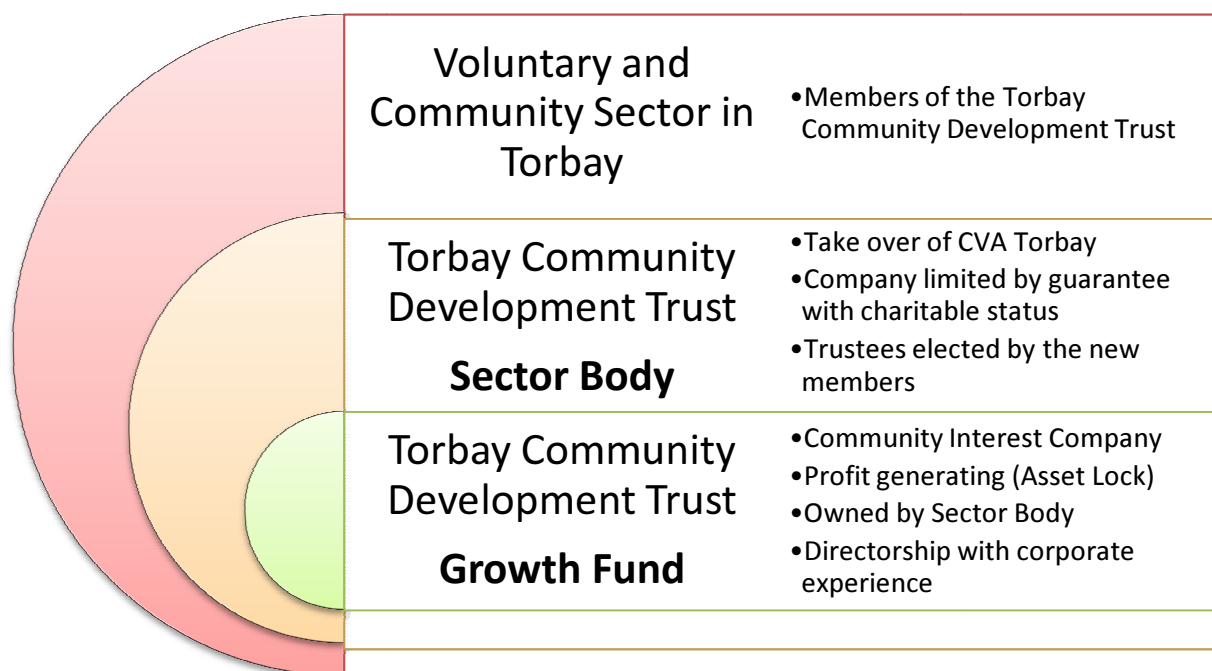
## 4.2 Establishment of the Sector Body

There were two options put before the VCSE sector – setting up a new charitable company or using the legal shell of Community and Voluntary Action (CVA) Torbay.

At the first public ‘Force for Change’ event (November 2012) there was serious scepticism about the process that might result in saving the CVA. However the new body would almost certainly have the same structure and constitution as the existing organisation, and it therefore seems wasteful to close it down and create a new organisation of the same type.

The Trustees of CVA have indicated their willingness for any remaining assets of the organisation to be transferred to the CDT and this could be further facilitated if the CDT sector body were to take over the legal shell of CVA, rename it, expand the membership and elect a new group of Trustees under a process created and agreed by the VCSE sector.

At the second public Force for Change meeting (March 2013) it was agreed to use the shell of CVA Torbay to set up the Sector Body. An Extraordinary General Meeting of CVA members is scheduled for 27<sup>th</sup> May 2013 to bring about this change.



## 5.0 Next steps and Priorities for 2013-14

The Sector Body will be established by June 2013. Initial capacity and staffing levels will be determined by the amount of resources Torbay Council will invest to match the £100,000 cash contribution from CVA Torbay. These funding streams will provide

core funding to the sector body for the first 2.5 years, supplemented by grants secured externally where possible. During year 2013-14 the Growth Fund will be established. It is anticipated it will take 2 years to yield an income for the sector body.

There will be a scaling up of services as the income from the Growth Fund increases.

The following priorities have been identified for the first year of activity:

- Establish Growth Fund
- Set up Membership Forum
- Develop a joined up strategy for Community Development in Torbay to inform the work of the CDT and VCSE sector
- Seek large scale funding opportunities to increase the amount of external funding coming into the bay (including working in partnership with Torbay Council on the up-coming Big Lottery Fulfilling Lives: Aging Better opportunity to support older people living in isolation)
- Build capacity of the sector to adopt Asset Based Community Development (ABCD) approaches
- Support an expansion of volunteering in the Bay (exploring time-banking and other innovative approaches)
- Develop CDT member support packages

The Board of Trustees will set priorities for future years of the CDT based on the roles identified by the sector in section 3 above.

*Force for Change Team, April 2013*

## Introduction from Cllr John Thomas, Overview and Scrutiny Co-ordinator

I have written before about the funding cuts imposed by Central Government on Local Authorities which mean that your Council has no alternative but to continue to make severe reductions in the level and number of services that are provided. It is a legal requirement that the Council keeps its spending within the funding levels that we receive. This is referred to as a Balanced Budget.

Torbay Council will have to continue to make cuts to its budgeted spend over a period of 4 years. Irrespective of which political party is elected to Westminster to govern the Country after 2015, it is generally agreed by all political parties that the severity of cuts experienced over the past four years will be continued and even harsher cuts will follow after 2015. Locally provided services are under the severest pressure that has been experienced in living memory.

It is in this context that your Overview and Scrutiny Board has been heavily engaged in reviewing the Council's Annual Budget for 2013/14 on your behalf. No Torbay Councillor was elected to implement cuts to services but sadly the Council is largely dependent upon Government funding to provide the services that you receive. Your Board challenged were some of the services were planned to be cut in 2013/14. For example, we questioned the Mayor and Executive Leads on the cuts intended for the Citizens' Advice Bureau and on whether the reduction in school transport funding could be phased in.

I am privileged to be Chairman of your Overview and Scrutiny Board and I wish to place on record my sincere appreciation to all elected members who sit on the Board with me and to all Councillors who have engaged with scrutiny. Without their

## Members of the Overview and Scrutiny Board

Cllr John Thomas

Cllr Neil Bent

Cllr Mark  
Kingscote

Cllr Ruth Pentney

Cllr Jane Barnby

Cllr Jackie  
Stockman

Cllr Steve Darling

Cllr Ray Hill

Cllr Mark  
Pountney

## Overview and scrutiny...

- is one of the ways the Council improves services and the quality of people's lives in Torbay
- acts as the Council's "watchdog" and challenges decisions taken by the Mayor and looks at decisions in more detail
- reviews existing policies and issues of concern
- is a constructive and independent way of looking at an issue, highlighting areas that work well and suggesting where improvements can be made
- 

This report gives details of the work which has been undertaken by the Overview and Scrutiny Board.

This year, for the first time, the work of the Board's sub-committee, the Health Scrutiny Board, is contained within a separate annual report.

## Contact Us:

01803 207063

scrutiny@torbay.gov.uk

Overview and Scrutiny

Torbay Council  
Town Hall  
Torquay  
TQ1 3DR

Overview  
& Scrutiny

*Confidence in your Council*



### **Welfare Reform and Council Tax Support Scheme**

The Board received a number of briefings of the impact of welfare reform within Torbay and, in particular the introduction of the Council Tax Support Scheme. The Board challenged the findings within the Equality Impact Assessment and raised concerns about the support available to the community given the reduction in funding for both the Council and the voluntary sector.

[Link to Board's report to Council](#)

### **Allocations Policy and Local Tenancy Scheme**

Bearing in mind what the Board had considered on welfare reform, councillors gave their views recent review of how the Council made social housing allocations, managed its waiting lists and made use of its new powers under the Localism Act 2011.

[Link to Board's report to Council](#)

### **Priorities and Resources**

A review panel considered a number of specific items within the Mayor's budget proposals. It heard from a number of individuals, groups and organisations about the possible impacts of the proposals and also reviews the Equality Impact Assessments to ensure that the principles of fair decision making were adhered to.

[www.torbay.gov.uk/pandf1314review.pdf](http://www.torbay.gov.uk/pandf1314review.pdf)

### **Children's Services**

The Board has continued to receive progress reports from Children's Services against the Children's Partnership Improvement Programme. The Board has paid special attention to the vacancy rates within the Service and the impact of the reducing rates have on both performance and budgets.

### **Economic Regeneration**

The Board has invited the Mayor and Torbay Development Agency to three of its meeting over the year to discuss the important subject of economic regeneration. The Board has also spoken to the Chairman of the Local Enterprise Partnership. The Board has ensured that its views on the Economic Strategy for Torbay were considered as part of its development.

### **Call-ins**

The Board has heard three call-ins over the last year whereby five councillors can ask for decisions of the Mayor to be reviewed. The decisions called-in were:

- Anti-social behaviour and private sector landlords
- Princess Promenade Refurbishment
- Long lease at Occombe House

### **Youth Unemployment**

A review panel has been looking at how the Council could facilitate partnership working within Torbay to help address the problem of youth unemployment. The Panel's report will be available on our website in June.

### **Plans for next year**

The Work Programme for 2013/2014 will be agreed at the first meeting of the Overview and Scrutiny Board. However, as the reducing financial outlook for the public sector continues, the Board will be looking to ensure that resources are used to the best effect and that the views of the community are considered when difficult decisions are ultimately made.

The Board will continue to operate using the principles of good scrutiny:

- provide "critical friend" challenge to executive policy-makers and decision-makers
- enable the voice and concerns of the public
- carried out by "independent minded governors" who lead and own the scrutiny role
- drives improvement in public services

**Meeting:** Adjourned Annual Council **Date:** 15 May 2013

**Wards Affected:** All

**Report Title:** Establishment of the Torbay Health and Wellbeing Board

**Executive Lead Contact Details:** Councillor Chris Lewis, Executive Lead for Children, Schools and Families (and Chairman of Shadow Health and Wellbeing Board)  
01803 207574  
[chris.lewis@torbay.gov.uk](mailto:chris.lewis@torbay.gov.uk)

**Supporting Officer Contact Details:** Kate Spencer, Overview and Scrutiny Lead  
01803 207014  
[kate.spencer@torbay.gov.uk](mailto:kate.spencer@torbay.gov.uk)

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## 1. Purpose and Introduction

- 1.1 The purpose of this report is to establish the Torbay Health and Wellbeing Board as a Committee of the Council.
- 1.2 Each top tier and unitary authority is required by the Health and Social Care Act 2012 to have its own health and wellbeing board. Board members will collaborate to understand their local community's needs, agree priorities and encourage commissioners to work in a more joined up way. As a result, patients and the public should experience more joined-up services from the NHS and local councils in the future.
- 1.3 Health and wellbeing boards are a key part of broader plans to modernise the NHS to:
  - ensure stronger democratic legitimacy and involvement
  - strengthen working relationships between health and social care, and,
  - encourage the development of more integrated commissioning of services.
- 1.4 The boards will help give communities a greater say in understanding and addressing their local health and social care needs.

## 2. Proposed Decision

- 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.
- 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.
- 2.3 **Reason for Decision**
- 2.4 To establish the Health and Wellbeing Board for Torbay in accordance with the Health and Social Care Act 2012.
- 2.5 The purpose of the Health and Wellbeing Board is:
- To agree the long-term strategy for improving the health and wellbeing of the people of Torbay.
  - To oversee the implementation of the Joint Health and Wellbeing Strategy.
  - To promote integration throughout the health and wellbeing system to ensure delivery against the Board's priorities.
- 

## **Supporting Information**

### **4. Position**

- 4.1 The Health and Social Care Act 2012 requires that the Council must establish a Health and Wellbeing Board for its area.
- 4.2 Health and Wellbeing Boards are forums where leaders from the health and care system work together to improve the health and wellbeing of their local population and reduce health inequalities.
- 4.3 A Shadow Health and Wellbeing Board has been operating in Torbay for almost two years. The Board has developed its Joint Health and Wellbeing Strategy (which was agreed by the Council at its meeting in February 2013). The Board has also considered how it will operate once it becomes a statutory body and this work has been facilitated by the Local Government Association.
- 4.4 Regulations relating to the operation of the health and wellbeing boards have been published. The majority of the rules that govern council committees will apply to health and wellbeing boards with the main exceptions being:
- Council officers are able to serve as members of the boards
  - Voting restrictions have been removed so that all non-elected members of the boards can vote
  - Political proportionality rules do not need to be applied
- 4.5 Taking account of the Act, the Regulations and the discussions which have been held with the Shadow Board, an Article and set of Standing Orders have been drafted for



inclusion in the Council's Constitution and are attached as Appendices 1 and 2 respectively.

- 4.6 It is proposed that the membership of the Board remains as that set out by the statutory requirements with four councillor representatives, namely:

Up to five members of Torbay Council  
Director of Adult 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

- 4.7 It falls to the Mayor to appoint the (up to) five councillor representatives on the Board.

- 4.8 It is up to the local authority to determine the voting arrangements at meetings of the Board. However, the Standing Orders have been drafted based on the guidance prepared by the Local Government Association and the Association of Democratic Services Officers with decisions being reached by consensus if possible and "one member: one vote" applying, if not.

- 4.9 It is recommended that the position of Chairman of the Board, where the Chairman is an elected member of Torbay Council, attracts a special responsibility allowance. This allowance will only apply if an elected member of Torbay Council is appointed as Chairman and the member is not in receipt of any other special responsibility allowance. The Independent Remuneration Panel has been asked for their recommendations on the level of allowance. The figure of the allowance recommended is the same as the special responsibility allowance for the Chairman role of similar committees. Should the Panel disagree with the figure recommended a further report will be submitted to a future Council meeting.

## **5. Possibilities and Options**

- 5.1 It is a statutory requirement that the Council establishes a Health and Wellbeing Board and the operation of that Board is also mainly set out in statute.

- 5.2 The Council could determine to appoint more members to the Board than the statutory minimum. However, the Shadow Board believe that, at least during its first year of operation, the statutory minimum should be retained. The wider range of stakeholders involved in promoting health and wellbeing will be invited to attend the Health and Wellbeing Forum which will be held twice a year to discuss specific issues with the Joint Health and Wellbeing Strategy.

- 5.3 The Council can also determine the voting arrangements for the Board. However, the proposals within the Standing Orders follow the guidance published by the Local Government Association and the Association of Democratic Services Officers.

## **6. Equal Opportunities**

- 6.1 The proposal to establish the Torbay Health and Wellbeing Board does not impact on any groups with protected characteristics within the Equality Act 2010.

- 6.2 However, as public bodies, both the Council and the Clinical Commissioning Group have to comply with the Public Sector Equalities Duty. Therefore it will be essential

that the Board looks at how the decisions it makes and the services that are provided affect people who share different protected characteristics. This will help to ensure access to services meets the needs of the Torbay community whilst addressing any equality concerns.

## **7. Public Services (Social Value) Act 2012**

7.1 The Public Services (Social Value) Act 2012 is not applicable as no procurement is being undertaken.

## **8. Consultation**

8.1 No specific consultation has been carried out on the establishment of the Health and Wellbeing Board. However, discussions have been held with stakeholder organisations and with other local authorities within the region. The proposed make-up of the Torbay Board is not out-of-line with proposals elsewhere.

## **9. Risks**

9.1 Whilst the Council is required by statute to establish a Health and Wellbeing Board the implications, and therefore the risks, of not doing so are not articulated. How the Board is established is left mainly to local choice.

9.2 The risks of not establishing a Health and Wellbeing Board are that the benefits of integrating health and social care (which have developed since the establishment of the Care Trust) could be diminished following the health services reforms which came into place on 1 April 2013.

## **Appendices**

Appendix 1 Article – Health and Wellbeing Board

Appendix 2 Standing Orders in relation to the Health and Wellbeing Board

**Article [x] – Health and Wellbeing Board**

(References: Health and Social Care Act 2012 and  
The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013)

**[x].01 Establishment of the Health and Wellbeing Board**

The Council will establish a Health and Wellbeing Board for its area. The Board will be a committee of the local authority.

**[x].02 Purpose of the Torbay Health and Wellbeing Board**

To agree the long-term strategy for improving the health and wellbeing of the people of Torbay.

To oversee the implementation of the Joint Health and Wellbeing Strategy.

To promote integration throughout the health and wellbeing system to ensure delivery against the Board’s priorities.

**[x].03 Membership of the Health and Wellbeing Board**

(As set out in the Health and Social Care Act 2012)

- (a) The Health and Wellbeing Board must include:
  - At least one member of Torbay Council (nominated by the Mayor)
  - Director of Adult 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
- (b) The Mayor may be a member of the Board.
- (c) The National Health Service Commissioning Board must appoint a representative to join the Health and Wellbeing Board for the purpose of participating in its preparation of the Joint Strategic Needs Assessment and the Health and Wellbeing Strategy.
- (d) In considering a matter that relates to the exercise (or proposed exercise) of the commissioning functions of the NHS Commissioning Board within Torbay and if the Health and Wellbeing Board so requests, the NHS Commissioning Board must appoint a representative to join the Health and Wellbeing Board for the purpose of participating in its consideration of the matter.
- (e) The person appointed under sections (c) and (d) above may, with the agreement of the Health and Wellbeing Board, be a person who is not a member or employee of the NHS Commissioning Board.
- (f) After consultation with the Health and Wellbeing Board, Torbay Council may appoint such additional persons to be members of the Board as it thinks appropriate.
- (g) The Health and Wellbeing Board may appoint such additional persons to be members of the Board as it thinks appropriate.

**[x].04 Functions of the Health and Wellbeing Board**

- (a) For the purpose of advancing the health and wellbeing of the people (especially vulnerable children and adults) in its area, to encourage those who arrange for the provision of any health or social care services in the area to work in an integrated manner.
- (b) In particular, to provide such advice, assistance and support as it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 (Arrangements between NHS bodies and local authorities) of the National Health Service Act 2006 in connection with the provision of such services.
- (c) To encourage those who arrange for the provision of health-related services in its area to work closely with the Health and Wellbeing Board.
- (d) To encourage those who arrange for the provision of any health or social care services in its area and those who arrange for the provision of any health-related services in its area to work closely together.
- (e) To exercise the functions of Torbay Council and South Devon and Torbay Clinical Commissioning Group under sections 116 (Health and social care: joint strategic needs assessments) and 116A (Health and social care: joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007, namely:
  - Preparation of a Joint Strategic Needs Assessment; and
  - Preparation of a Joint Health and Wellbeing Strategy
- (f) In accordance with regulations, to assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.
- (g) To give the Council its opinion on whether the local authority is discharging its duty under section 116B (Duty to have regard to assessments and strategies) of the Local Government and Public Involvement in Health Act 2007.
- (h) In accordance with the “Working Together” Guidance, to consider the annual report of the Torbay Safeguarding Children’s Board.

**[x].06 Proceedings at the Health and Wellbeing Board**

Meetings of the Health and Wellbeing Board will be held in accordance with the appropriate Standing Orders set out in Part 4 of Torbay Council’s Constitution.

### **Standing Orders in relation to the Health and Wellbeing Board**

#### **Interpretation**

In applying these Standing Orders to meetings of the Health and Wellbeing Board and its sub-committees references to “members” refers to all members of the Health and Wellbeing Board irrespective whether they are elected councillors or not.

#### **1. Introduction**

- 1.1 The Council will appoint a Health and Wellbeing Board in accordance with Article [x].
- 1.2 The Board may appoint sub-committees. The Board and its sub-committees may appoint working groups.

#### **2. Membership**

- 2.1 The composition of the Health and Wellbeing Board is set out in Part 3 of this Constitution.
- 2.2 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 disapply Sections 15 and 16 of the Local Government and Housing Act 1989. Therefore, the membership of the Health and Wellbeing Board does not need to reflect the political balance of the local authority.

#### **3. Chairman/Woman**

- 3.1 The Health and Wellbeing Board will elect a Chairman/woman at the first meeting of the Municipal Year.
- 3.2 The Board may at any time appoint a Vice-chairman/woman.
- 3.3 In the absence of the Chairman/woman (and Vice-Chairman/woman, if appointed) at any meeting, a Chairman/woman for that meeting shall be elected.
- 3.4 The person presiding at any meeting of the Board may exercise any power or duty of the Chairman/woman.

#### **4. Order of Business**

- 4.1 The order of business at meetings of the Health and Wellbeing Board will be:
  - (i) To elect a person to preside at the meeting, if the Chairman/woman and Vice-Chairman/woman is absent.

- (ii) To deal with any business required by statute to be dealt with before any other business.
  - (iii) To approve as a correct record the minutes of the last meeting of the Board.
  - (iv) To receive any declarations of interest from the members of the Board.
  - (v) To deal with any business from the last meeting.
- 4.2 Business falling under items (i), (ii) or (iii) in Standing Order 4.1 shall not be displaced although the remaining order of business may be varied by the Chairman/woman.  
**(This Standing Order may not be suspended)**

## **5. Voting**

- 5.1 Decisions at the Health and Wellbeing Board will be reached by consensus where possible.
- 5.2 However, in the event that consensus cannot be reached, each member of the Board will have a single vote.
- 5.3 Standing Order A19 in relation to Council Meetings also applies to meetings of the Health and Wellbeing Board.

## **6. Substitutions and Permanent Changes in Membership**

- 6.1 All members of the Board are asked to make every effort to attend meetings of the Board. This will provide consistency and thus effectiveness. However, it is acknowledged that in some circumstances members may not be able to attend and therefore the following standing orders apply in making substitutions.
- 6.2 Substitutions of elected members are permitted subject to the requirement of Standing Order B2 in relation to Committee and Sub-committee Meetings.
- 6.3 Substitutions of other members of the Board is permitted provided notice of the variation has been delivered to the Governance Support Manager before the commencement of the meeting or adjourned meeting. Substitutes should be of a sufficiently senior level to act on behalf of the permanent member.
- 6.4 Substitutes shall be counted when determining whether a meeting is quorate.
- 6.5 The Mayor, the Clinical Commissioning Group, Healthwatch Torbay and the NHS Commissioning Board may change their representatives on the Board at any stage providing that written notification is supplied to the Governance Support Manager.

## **7. Quorum**

(The quorum is the minimum number of members necessary to conduct the business of the Board)

- 7.1 A meeting of the Health and Wellbeing Board will be not be quorate unless at least four members of the Board are present.

## **8. Attendance at Board meetings**

- 8.1 The Mayor and any councillor may attend and speak at any meeting of the Health and Wellbeing Board, its sub-committees or working groups where they are not a member, unless those bodies resolve to suspend Standing Order 8.1 in whole or in part.
- 8.2 The Health and Wellbeing Board (and its sub-committees or working groups) may invite any person(s) to attend and speak at its meetings (but the Health and Wellbeing Board (or its sub-committees) cannot require them to attend). In undertaking its work, the Health and Wellbeing Board, its sub-committees or working groups may seek the views of as many communities and interested parties as the body considers necessary to gain a balanced view
- 8.3 For the avoidance of doubt Standing Order 8.1, shall not entitle the Mayor or any councillor (even if they are a member of that committee or sub-committee) to remain in the room during the consideration of any matter in relation to which he/she has a disclosable pecuniary interest as defined in the Code of Conduct for Members.
- 8.4 Under no circumstances shall a councillor attending a meeting under this Standing Order 8.1 be entitled to propose or second motions (or amendments) or vote at the meeting.
- 8.5 Standing Order A25 (Members' conduct) shall apply to councillors attending meetings under this Standing Order 8.
- 8.6 A member's attendance under Standing Order 8 shall be recorded in the attendance record for the meeting concerned. However, it shall be the responsibility of members attending under the Standing Order to ensure that their attendance is recorded in the attendance record circulated at the meeting.

## **9. Application of Standing Orders in relation to Council Meetings to meetings of the Health and Wellbeing Board**

- 9.1 The following Standing Orders in relation to Council Meetings will apply to meetings of the Health and Wellbeing Board:

A3 .....	Extraordinary Meetings
A4 .....	Time, place and arrangement of meeting
A11 .....	Duration of meeting
A15 .....	Motions without notice

- A19 ..... Voting
- A20 (except A20.2)..... Minutes
- A21 ..... Record of attendance
- A22 ..... Exclusion of public
- A25.2-A25.6..... Members' conduct
- A26 ..... Disturbance by members of the public
- A27 ..... Use of cameras and tape and video recorders
- A28 ..... Prohibition of smoking, alcohol and drugs at meetings
- A29 ..... Suspension and amendment of Standing Orders
- A30 ..... Interpretation

9.2 In applying these Standing Orders to meetings of the Health and Wellbeing Board and its sub-committees references to “the Council” shall be deemed to be references to “the Board” (or “the sub-committee”, as appropriate) and references to the Chairman/woman of the Council and/or Vice-chairman/woman of the Council shall be deemed to be references to the “Chairman/woman of the Board/sub-committee” and/or “Vice-chairman/woman of the Board/sub-committee.

**10. Application of Standing Orders in relation to Access to Information to meetings of the Health and Wellbeing Board**

10.1 The following Standing Orders in relation to Access to Information will apply to meetings of the Health and Wellbeing Board:

- E1 ..... Scope
- E2 ..... Additional rights to information
- E3 ..... Rights to attend meetings
- E4 ..... Notices of meeting
- E5 ..... Access to agenda and reports before and during a meeting
- E6 ..... Supply of copies
- E7 ..... Access to minutes etc. after a meeting
- E8 ..... Background papers
- E9 ..... Summary of public’s rights
- E10 ..... Exclusion of access by the public to meetings
- E11 ..... Exclusion of access by the public to reports
- E20 ..... Access to information - members

**11. Application of the Code of Conduct for Members to the Health and Wellbeing Board**

11.1 The Code of Conduct for Members applies to all members of the Health and Wellbeing Board.





**Meeting:** Adjourned Annual Council

**Date:** 15 May 2013

**Wards Affected:** All

**Report Title:** Shared Director of Public Health with Plymouth City Council

**Executive Lead Contact Details:** Mayor Oliver, telephone 01809 207001, email [mayor@torbay.gov.uk](mailto:mayor@torbay.gov.uk)

**Supporting Officer Contact Details:** Caroline Taylor, Interim Chief Operating Officer, telephone 01803 207116; email: [caroline.taylor@torbay.gov.uk](mailto:caroline.taylor@torbay.gov.uk)

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## 1. Purpose and Introduction

- 1.1 For the Council to approve an interim arrangement whereby the Council permits a shared appointment of its Director of Public Health with Plymouth City Council.

## 2. Proposed Decision

- 2.1 **That the Council permits its Director of Public Health to be appointed on an interim basis as a shared Director of Public Health with Plymouth City Council.**
- 2.2 **That the Interim Chief Operating Officer be authorised to progress this arrangement.**

## 2.2 Reason for Decision

Following the transfer of responsibility for the local delivery of public health to local government in April 2013 all Council's are required to appoint a Director of Public Health by virtue of the Health & Social Care Act 2012. As the proposal relates to a significant change in the span of responsibility for the Director of Public Health for Torbay, albeit on an interim basis, the approval of Full Council is required.

## Supporting Information

### 4. Position

- 4.1 Officers were approached by Plymouth City Council as a result of their Director of Public Health commencing a new position. They are seeking an interim arrangement with the Council to share our Director of Public Health until they find a permanent solution to the vacancy.

- 4.2 The Department of Health Guidance as to appointing Directors of Public Health advises that in considering whether to appoint a Director of Public Health across more than one authority a number of factors should be taken into account, including:
- The size of the population
  - Existing arrangements for working on the wider footprint and its effectiveness
  - The leadership requirements for managing more than one Health and Wellbeing Board
  - The number of Committees and Strategic Partnership Groups the Director of Public Health would be required to lead, advise and attend
  - The leadership role in relation to more than one Joint Strategic Needs Assessment, and overseeing its development and use
  - The ability to deliver the range of corporate responsibilities across more than one local authority area
  - The ability to build relationships and inform elected members across more than one local authority and to act as an advocate and champion of the public's health
  - The implications of the span of the role in relation to delivery of public health advice, including to NHS commissioners
  - The implications of the span of the role in relation to ensuring robust health protection arrangements
  - Other local factors which may impact upon the successful delivery of public health
- 4.3 There are potential advantages to exploring a longer term solution to the interim proposal. These include future financial savings, the availability of complementary skills in different teams and the optimal use of a scarce resource, in terms of qualified Public Health staff. Potential issues, in addition to the interim increase in work load include the variations in corporate responsibilities and reporting arrangements between the two Councils.
- 4.4 Having taken account of all of these matters into account, the Director of Public Health believes that short term support to Plymouth for an interim period will allow for the proper consideration of longer term options. Capacity in Torbay has recently been supplemented by the appointments of a new medical consultant and a health protection nurse. In addition, there is enthusiasm from within the Public Health team to consider a longer term solution.

## **5. Possibilities and Options**

- 5.1 Any alternative possibilities or options will be for Plymouth City Council to explore but could include:
- Replacing the role of Director of Public Health for Plymouth with a full time individual for Plymouth;
  - Entering into a longer term arrangement for a shared Director with another Council;

- Entering into a longer term arrangement for a fully shared Public Health service with another Council, to include the whole Public Health team.

## **6. Equal Opportunities**

6.1 Not applicable

## **7. Public Services (Social Value) Act 2012**

7.1 Not applicable

## **8. Consultation**

8.1 Not applicable

## **9. Risks**

9.1 The risk associated with the Decision is that by sharing the position with Plymouth City Council, that this leads to some form of deterioration in the delivery of Public Health Services within Torbay.

## **Appendices**

None

## **Additional Information**

None



**Meeting:** Adjourned Annual Council

**Date:** 15 May 2013

**Wards Affected:** All

**Report Title:** Appointment of Independent Persons to assist the Council Standards Committee

**Executive Lead Contact Details:** Councillor Pritchard, Executive Lead for Business Planning and Governance, telephone: 07791598091; email: [ken.pritchard@torbay.gov.uk](mailto:ken.pritchard@torbay.gov.uk)

**Supporting Officer Contact Details:** Anthony Butler, Monitoring Officer, telephone 01803 207155; email: [anthony.butler@torbay.gov.uk](mailto:anthony.butler@torbay.gov.uk)

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## **1. Purpose and Introduction**

- 1.1 To appoint two new independent persons to assist in the consideration of complaints against members under the Council's Code of Conduct for Members and to help promote and maintain the high standards of conduct by members.

## **2. Proposed Decision**

- 2.1 **That the Council appoints Peter Styler and Christine Payne as its independent persons for a period commencing on 15 May 2013 and expiring on 17 May 2017**
- 2.2 **That the Council notes the valuable contribution by the outgoing Independent Persons appointed under the previous standards regime towards the promotion of high standards throughout the authority and thanks them for this.**

## **2.2 Reason for Decision**

The Localism Act 2011 abolished the Standards Board regime and replaced it with a requirement that local authorities promote and maintain the high standards of conduct by members. Part of the new arrangements require each local authority to appoint at least one independent person whose views are to be sought and taken into account before a decision is made by the Standards Committee on an allegation that has been investigated. The wording of the Localism Act 2011 and its enabling legislation meant that local authorities could not appoint their existing independent persons (appointed under the old regime) beyond a one year transitional period, which is due to end shortly. The appointments must be made by full council.

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## **Supporting Information**

### **4. Position**

- 4.1 The independent persons appointed under the old regime continue to provide support to members and officers in respect of complaints received under the new Code of Conduct for Members. The continuation of their appointments was confirmed by full council on 12 July 2012, pending the recruitment process now undertaken for the new independent persons. The Localism Act 2011 does not allow independent persons appointed under the old regime to continue their term beyond 1 July 2013 and it is therefore necessary for the Council to appoint new independent persons to assist the Standards Committee in carrying on its functions. The appointment of independent persons to assist the consideration of complaints against members is a requirement of Chapter 7 of the Localism Act 2011.
- 4.2 The Standards Committee met on 30 January 2013 and agreed the terms of appointment for the new independent persons; the job specification; and the application and interview process to be undertaken. Applications for the role were invited and an interview panel consisting of Cllr Amil, Cllr Doggett, Cllr Morey, the Monitoring Officer and the Executive Head Commercial Services interviewed the four candidates with the strongest applications.
- 4.3 The interview panel unanimously agreed that Peter Styler and Christine Payne were the two candidates most suitable for the role and this is the recommendation that has been brought to full council.

### **5. Possibilities and Options**

If members are not satisfied with the candidates selected by the interview panel the post could be readvertised; however due to the amount of time the process of advertising and interviewing candidates it will not be possible to make appointments in time for the statutory deadline of 1 July 2013 by which the authority needs to have appointed its new independent persons. Failure to make an appointment by 1 July 2013 will mean that the authority is in breach of the requirements of Chapter 7 of the Localism Act 2011.

### **6. Equal Opportunities**

- 6.1 Not applicable

### **7. Public Services (Social Value) Act 2012**

- 7.1 Not applicable

## **8. Consultation**

8.1 Not applicable

## **9. Risks**

9.1 The only risk identified is that the appointments are not made and the Council will be in breach of Chapter 7 of the Localism Act 2011 which could bring decisions that any member has breached the Council's Code of Conduct into question.

## **Appendices**

None

## **Additional Information**

The report considered by the Standards Committee on the terms of reference and interview process together with the minutes of that meeting (which took place on 30 January 2013) are available on the Council's website. [Agenda for Standards Committee on Wednesday, 30 January 2013, 2.00 pm](#)

Peter Styler and Christine Payne's applications can be provided to members on request.

## Scheme of Delegation of Executive Functions to the Executive, Committees of the Executive and Officers with effect from 15 May 2013

This Report is presented to the adjourned annual meeting of the Council on 15 May 2013 in accordance with Standing Orders A1.2 (viii) and (xiii) and C2 to C4 for inclusion in the Council's Constitution.

1. 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 Culture and the Arts  Councillor Dave Butt	90 Marldon Road Paignton TQ3 3NW	Preston
Executive Lead for Safer Communities, Parking and Sport  Councillor Robert Excell	Excell Studio 203 Union Street Torre Torquay TQ1 4BY	Tormohun
Executive Lead for Highways, Transport and Environment  Councillor Ray Hill	Scobitor 25 Church Road St Marychurch Torquay TQ1 4QY	St Marychurch
Executive Lead for Health and Wellbeing  Councillor Chris Lewis	7 Lutyens Drive Paignton TQ3 3LA	Preston
Executive Lead for Business Planning and Governance  Councillor Derek Mills	5 Bascombe Close Churston Brixham TQ5 0JR	Churston with Galmpton
Executive Lead for Children, Schools and Families  Councillor Ken Pritchard	62 Lower Fowden Elbury Cove Paignton TQ4 6HS	Churston with Galmpton
Executive Lead for Tourism and Harbours  Councillor Jeanette Richards	Montana 217 Dartmouth Road Paignton TQ4 6LG	Blatchcombe

<p>Executive Lead for Adult Social Care and Older People</p> <p>Councillor Christine Scouler</p>	<p>4 Merryland Close Preston Paignton TQ3 1HT</p>	<p>Preston</p>
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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.

	<b>Portfolio:</b>	<b>Corporate Lead for:</b>	<b>Main Director/ Executive Head</b>
Mayor Gordon Oliver  (Executive Lead for Employment and Regeneration, Finance and Audit)	<ul style="list-style-type: none"> <li>• Built Environment</li> <li>• Employment and Skills</li> <li>• Business support</li> <li>• Regeneration</li> <li>• Business Relocation, Creation and Growth (inc. social enterprise/apprenticeships)</li> <li>• Inward Investment</li> <li>• Property (assets)</li> <li>• Estates</li> <li>• <i>(Torbay Economic Development Company)</i></li> <li>• <i>(Local Enterprise Partnership)</i></li> <li>• <i>(Events Forum)</i></li> <li>• Financial (including Capital and Revenue Budget and Budget Monitoring)</li> <li>• Corporate debt and creditor payments</li> <li>• Revenue and Benefits</li> <li>• Business Rates</li> </ul> <p><i>(Devon Audit Partnership)</i>  <i>(Local Enterprise Partnership)</i></p>	<b>Prosperity:</b> <ul style="list-style-type: none"> <li>■ Job-led regeneration focusing on specific sectors.</li> <li>■ Create the right environment for inward investment.</li> <li>■ Continue to progress with the South Devon Link Road.</li> <li>■ Adhere to sympathetic regeneration.</li> <li>■ Encourage public and private sectors to develop employment of apprentices.</li> <li>■ Continued to provide value for money for our communities by:                             <ul style="list-style-type: none"> <li>○ Reducing costs/increasing income/improving productivity so increases in council tax are kept low.</li> </ul> </li> </ul>	Director of Place and Resources  Chief Operating Officer Economic Development Company  Director of Place and Resources  Executive Head Finance

	<b>Portfolio:</b>	<b>Corporate Lead for:</b>	<b>Main Director/ Executive Head</b>
<p>Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy</p> <p>Councillor David Thomas</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 166</p>	<ul style="list-style-type: none"> <li>• Spatial Planning</li> <li>• Housing Standards</li> <li>• Housing Options</li> <li>• Affordable housing</li> <li>• Facilities management</li> <li>• Energy</li> </ul> <p><i>(Torbay Town Centre Development Forum)</i></p>	<p><b>Prosperity:</b></p> <ul style="list-style-type: none"> <li>■ Support the creation of Town Centres Business Improvement Districts.</li> <li>■ Revitalise the retail offer in the town centres.</li> <li>■ Plan for the supply and demand of energy for the Bay.</li> </ul> <p><b>Health:</b></p> <ul style="list-style-type: none"> <li>■ Reduce local greenhouse gas emissions.</li> </ul> <p><b>Happiness:</b></p> <ul style="list-style-type: none"> <li>■ Ensure an appropriate supply of quality housing within communities.</li> </ul>	<p>Director of Place and Resources</p> <p>Executive Head Spatial Planning</p>
<p>Executive Lead for Culture and the Arts</p> <p>Councillor Dave Butt</p>	<ul style="list-style-type: none"> <li>• Culture, museums, archives, theatres, libraries, arts</li> <li>• Libraries supporting education and health</li> <li>• Theatre contracts and arts development grants</li> <li>• Museum grants</li> <li>• Music for schools</li> </ul> <p><i>(Arts Council Regional Board)</i>  <i>(Creative Torbay)</i>  <i>(Archives – Devon County Council Partnership)</i>  <i>(Cultural Champion for Torbay)</i></p>	<p><b>Happiness:</b></p> <ul style="list-style-type: none"> <li>■ Work towards creating a sustainable and flourishing leisure, culture and tourism sector that is open to residents and visitors.</li> </ul>	<p>Executive Head Residents and Visitor Services</p>

	<b>Portfolio:</b>	<b>Corporate Lead for:</b>	<b>Main Director/ Executive Head</b>
<p>Executive Lead for Safer Communities, Parking and Sport</p> <p>Councillor Robert Excell</p>	<ul style="list-style-type: none"> <li>• Safer Communities</li> <li>• Food Safety and Standards</li> <li>• Safety and Licensing</li> <li>• Trading Standards</li> <li>• Community Protection</li> <li>• Domestic Abuse Services</li> <li>• Partnerships</li> <li>• Localism</li> <li>• Closing the Gap</li> <li>• Cemeteries and Crematoria</li> <li>• Communication</li> <li>• Consultation</li> <li>• Community Development including Community Partnerships</li> <li>• Voluntary Sector Development</li> <li>• Champion for Volunteers</li> <li>• Emergency Planning</li> <li>• Corporate Health and Safety</li> <li>• Corporate Security - CCTV</li> <li>• Parking</li> <li>• Sport</li> </ul> <p><i>(Community Safety Partnership)</i> <i>(Riviera International Conference Centre)</i></p>	<p><b>Health:</b></p> <ul style="list-style-type: none"> <li>■ Promote sport and outdoor activity to improve health and wellbeing.</li> <li>■ Continue to work on the Closing the Gap Strategy and roll out to other areas by involving communities.</li> <li>■ Reduce the negative impact of alcohol, obesity, tobacco and drugs on our communities.</li> <li>■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Lewis and Scouler).</li> </ul> <p><b>Happiness:</b></p> <ul style="list-style-type: none"> <li>■ Work towards keeping crime low by:                             <ul style="list-style-type: none"> <li>○ Maintaining focus on the night-time economy; and</li> <li>○ Working with the Police and Crime Commissioner for resources to ensure crime levels remain low and people feel safe.</li> </ul> </li> <li>■ Jointly engage and involve communities to resolve local issues in neighbourhoods.</li> <li>■ Engage with communities in rolling out locality workings and community budgets as part of localism.</li> </ul>	<p>Director of Public Health</p> <p>Executive Head Community Safety</p> <p>Executive Head Residents and Visitor Services</p>

	<b>Portfolio:</b>	<b>Corporate Lead for:</b>	<b>Main Director/ Executive Head</b>
Executive Lead for Highways, Transport and Environment  Councillor Ray Hill	<ul style="list-style-type: none"> <li>• Flooding and Drainage</li> <li>• Street Lighting</li> <li>• Strategic Transport</li> <li>• Highways management</li> <li>• Tree Services</li> <li>• Environmental Policy (including waste and carbon reduction)</li> </ul> <p><i>(Waste Disposal (TOR2))</i>  <i>(Torbay Coast and Countryside Trust)</i>  <i>(Environment Agency)</i></p>	<b>Prosperity:</b> <ul style="list-style-type: none"> <li>■ Monitor the TOR2 contract for improved recycling, waste and clean streets.</li> <li>■ Lobby to improve rail services.</li> <li>■ Make it easier to get around the Bay by developing integrated transport where feasible.</li> </ul>	Director of Place and Resources  Executive Head Residents and Visitor Services
Executive Lead for Health and Wellbeing  Councillor Chris Lewis	<ul style="list-style-type: none"> <li>• Public Health                             <ul style="list-style-type: none"> <li>Health Improvement</li> <li>Health Protection and Infection Control</li> <li>NHS Healthcare (incl GP and Hospitals)</li> <li>Services &amp; Support</li> </ul> </li> <li>• Troubled Families (with Councillor Pritchard)</li> <li>• Corporate Health and Safety</li> <li>• Community Health</li> </ul> <p><i>(Health and Wellbeing Board)</i></p>	<b>Health:</b> <ul style="list-style-type: none"> <li>■ Reduce the negative impact of alcohol, obesity, tobacco and drugs on our communities.</li> <li>■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities.</li> </ul>	Director of Public Health  Executive Head Community Safety

	<b>Portfolio:</b>	<b>Corporate Lead for:</b>	<b>Main Director/ Executive Head</b>
Executive Lead for Business Planning and Governance  Councillor Derek Mills	<ul style="list-style-type: none"> <li>• Performance</li> <li>• Human Resources and Organisational Development (including Payroll)</li> <li>• Business Change and Programme Support</li> <li>• Risk Management</li> <li>• Information Services</li> <li>• Commercial Services</li> <li>• Governance</li> <li>• Local Democracy</li> <li>• Civic engagement</li> </ul>	<p><b>Prosperity:</b></p> <ul style="list-style-type: none"> <li>■ Continued to provide value for money for our communities by:                             <ul style="list-style-type: none"> <li>○ Reviewing the structures of the Council so they are still fit for purpose.</li> </ul> </li> </ul> <p><b>Happiness:</b></p> <ul style="list-style-type: none"> <li>■ Promote democracy, transparency and civic engagement, and when able to, re-look at the Mayoral System of Governance</li> </ul>	Director of Adult Services and Resources  Director of Place and Resources  Executive Head Information Services  Executive Head Commercial Services  Executive Head Business Services

	<b>Portfolio:</b>	<b>Corporate Lead for:</b>	<b>Main Director/ Executive Head</b>
<p>Executive Lead for Children, Schools and Families</p> <p>Councillor Ken Pritchard</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 170</p>	<ul style="list-style-type: none"> <li>• Safeguarding and wellbeing</li> <li>• Early Intervention</li> <li>• Children in Need</li> <li>• School Improvement</li> <li>• School Leadership</li> <li>• Youth Offending Team</li> <li>• Youth, Childrens and Family Centres</li> <li>• Early Years Services</li> <li>• Family Solutions</li> <li>• Integrated Youth Service</li> <li>• Troubled Families (with Councillor Lewis)</li> <li>• Children’s Commissioning</li> </ul> <p><i>(Health and Wellbeing Board)</i></p>	<p><b>Prosperity:</b></p> <ul style="list-style-type: none"> <li>■ 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.</li> <li>■ Tackling child poverty</li> </ul> <p><b>Health:</b></p> <ul style="list-style-type: none"> <li>■ Continue to improve Children safeguarding (joint with Councillor Scouler on Adults safeguarding).</li> <li>■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Excell and Scouler).</li> <li>■ Reduce teenage pregnancy.</li> </ul>	<p>Director of Children’s Services</p> <p>Director of Public Health</p> <p>Executive Head Safeguarding and Wellbeing</p>
<p>Executive Lead for Tourism and Harbours</p> <p>Councillor Jeanette Richards</p>	<ul style="list-style-type: none"> <li>• Leisure, beaches, parks and open spaces</li> <li>• Special events</li> <li>• Tor Bay Harbour Authority</li> <li>• Public toilets</li> </ul> <p><i>(English Riviera Tourism Company)</i></p>	<p><b>Happiness:</b></p> <ul style="list-style-type: none"> <li>■ Work towards creating a sustainable and flourishing leisure, culture and tourism sector that is open to residents and visitors.</li> </ul>	<p>Director of Place and Resources</p> <p>Executive Head Residents and Visitor Services</p> <p>Executive Head Tor Bay Harbour Authority</p>

	<b>Portfolio:</b>	<b>Corporate Lead for:</b>	<b>Main Director/ Executive Head</b>
<p>Executive Lead for Adult Social Care and Older People</p> <p>Councillor Christine Scouler</p>	<ul style="list-style-type: none"> <li>• Adult Services                             <ul style="list-style-type: none"> <li>Learning Disabilities</li> <li>Care Homes</li> <li>Domiciliary and Day Care</li> <li>Community Equipment</li> <li>Telecare and Telehealth</li> </ul> </li> <li>• Commissioning Older People</li> <li>• Supporting People Commissioning</li> <li>• Performance Management</li> <li>• Community Engagement</li> </ul> <p><i>(Torbay and Southern Devon Health and Care NHS Trust)</i> <i>(Health and Wellbeing Board)</i></p>	<p><b>Health:</b></p> <ul style="list-style-type: none"> <li>■ Continue to improve Adults safeguarding (joint with Councillor Lewis on Children safeguarding).</li> <li>■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Lewis and Pritchard)</li> </ul>	<p>Director of Adult Services and Resources</p>

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.





**Meeting:** Adjourned Annual Council

**Date:** 15 May 2013

**Wards Affected:** All wards

**Report Title:** Appointments to Committees and Other Bodies for 2013/14

**Executive Lead Contact Details:** Councillor Pritchard, Executive Lead for Business Planning and Governance, 07791 598091, [ken.pritchard@torbay.gov.uk](mailto:ken.pritchard@torbay.gov.uk)

**Supporting Officer Contact Details:** Amanda Coote, Governance Team Leader, 01803 207537, [amanda.coote@torbay.gov.uk](mailto:amanda.coote@torbay.gov.uk)

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## 1. Purpose and Introduction

- 1.1 To appoint the Council's committees for the new municipal year. In addition, to ensure the committees have appropriate terms of reference and that appointments to those bodies are made in accordance with the political balance requirements.
- 1.2 To appoint the Council's representative on the Devon and Cornwall Police Authority and Devon and Somerset Fire and Rescue Authority.
- 1.3 To give an explanation of the new legislation which has come into force changing how the Council can use its health scrutiny powers and to consider the options that are open to the Council.

## 2. Proposed Decision

- 2.1 That the committees be appointed with the terms of reference set out in appendix 2 to this report in accordance with the political balance requirements.
- 2.2 That nominations be received to fill the seats on the Committees.
- 2.3 That Councillor Excell be appointed as the Council's nominated representative on the Devon and Cornwall Police and Crime Panel.
- 2.4 That Councillor Brooksbank and Councillor Ellery be appointed as the Council's nominated representatives on the Devon and Somerset Fire and Rescue Authority.
- 2.5 That the Overview and Scrutiny Board continue to exercise (via its sub-committee, the Health Scrutiny Board) the Council's health scrutiny powers and that its terms of reference be amended as set out in the appendix 2 to this report.

### **3. Reason for Decision**

- 3.1 The Constitution requires members at their annual Council meeting to determine which committees to establish for the forthcoming municipal year, their size and terms of reference and the allocation of seats in accordance with the political balance rules.
- 3.2 To ensure that the Council continues to have in place robust health scrutiny practices which ensure the quality of services is maintained and act as an early warning system through which quality issues can be identified and addressed.

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### **Supporting Information**

#### **4. Position**

- 4.1 The political composition of the Council 21 Members of the Conservative Group (including the Elected Mayor), 10 Members of the Liberal Democrat Group and 5 Members of the Non-Coalition Group and 1 Labour Member. The political balance is:

Conservative Group 21 seats = 56.8%  
Liberal Democrat Group 10 seats = 27%  
Non-Coalition Group 5 seats = 13.5%  
Labour 1 seat = 2.7%

- 4.2 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group as a whole, unless alternative arrangements are notified to all members and agreed without any councillor voting against them. The Council is required to observe the following principles as far as it is reasonably practicable:
- (a) that not all seats on the body are allocated to the same group;
  - (b) that the majority of seats on the body are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
  - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of Members of that group to the membership of the authority; and
  - (d) subject to paragraphs (a) to (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of that group to the membership of the authority.
- 4.3 The Executive and the Standards Committee are excluded from the requirements of political balance.
- 4.4 The Council is required to determine the number of seats on each committee and the allocation of those seats to the political groups and the independent members.

Applying the principles of the Local Government and Housing Act 1989 and the supporting Regulations, the distribution of seats (attached in the table set out in Appendix 1) would be proportional (co-opted members are not included in the calculation for proportionality purposes).

- 4.5 Members are asked to note that any decision to waive the requirements of political balance will require a resolution of the Council with no member voting against.
- 4.6 The Police Authority (Community Engagement and Membership) Regulations 2010, which came into force on 17 March 2010, amends Regulation 8 of the Police Authority Regulations (appointment of members by relevant councils) and gives provision for Elected Mayor's to be appointed as the authority's Police Authority Representative if that person and the Council indicate that they wish them to be appointed as their representative. The Council's representative on the Police Authority also sits on the Safer Communities Executive.

### **Health Scrutiny Arrangements**

- 4.7 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 came into force on 1 April 2013. Guidance to accompany the regulations is currently being drafted.
- 4.8 Within the regulations, those relating to health scrutiny make provision for local authorities to review and scrutinise matters relating to the planning, provision and operation of the health service in their area. They replace the previous 2002 regulations on health scrutiny. Under the new system of health scrutiny, local authorities have greater flexibilities in how they discharge their health scrutiny functions. Certain elements of the previous regulations have been preserved but there are new obligations on both NHS bodies, relevant health service providers and local authorities around consultations on substantial developments or variations to services to aid transparency and local agreement on proposals.
- 4.9 The Council may choose whether or not to exercise this function although, if it does choose to do so, there are statutory requirements about how the certain elements of the function are carried out. There is no duty to respond to consultations or to undertake proactive reviews of health services, although communities may expect that these activities are carried out.
- 4.10 In considering whether to continue to carry out the function, consideration should be given to the Government view that:  
  
"The overview and scrutiny of health is an important part of the Government's commitment to place patients at the centre of health services. It is a fundamental way by which democratically elected councillors are able to voice the views of their constituents and hold commissioners and providers of health services to account."
- 4.11 The main change within the Regulations is that the local authority replaces the health overview and scrutiny committee as the holder of the statutory scrutiny powers

## **5. Possibilities and Options**

5.1 As the Council (rather than the Overview and Scrutiny Board) has the power to undertake health scrutiny, there are four options open to the Council in determining how it carries out this function.

5.2 Option 1

The Council could carry out the function itself (i.e. issues would be considered at meetings of the Council).

Whilst this approach would enable all members of the Council to be involved in health scrutiny it could also significantly increase the numbers of items considered at meetings of the Council. The rules of debate at Council may not be conducive to “holding commissioners and providers of health services to account”.

5.3 Option 2

The Council could delegate its powers to (a) another local authority (where it considers that authority to be better placed to exercise those functions and where the other authority agrees) or (b) a joint scrutiny arrangement.

Whilst this approach is not recommended as the default position, there may be occasions (as in the past) where it is appropriate (and required) to delegate the powers in this way (for example, where there is a proposal which affects more than one authority locally or regionally).

5.4 Option 3

The Council could retain its health overview and scrutiny committee. This is presently the Overview and Scrutiny Board which then delegates its powers to its sub-committee (the Health Scrutiny Board).

As members are aware, the Mayor and members of his Executive are not eligible to sit on an overview and scrutiny committee.

There would essentially be no change in how health scrutiny operates if this option was chosen.

Clarification is still being sought from the Department of Health about whether “health scrutiny” powers will continue to apply to adult social care given the Council’s agreement with Torbay and Southern Devon Health and Care NHS Trust.

5.5 Option 4

The Council could delegate its powers to a committee which would be appointed under Section 101 of the Local Government Act 1972 as opposed to an overview and scrutiny committee.

This would mean that the Mayor and/or members of his Executive could be members of the committee.

Consideration would need to be given to how the committee would operate if it scrutinises a decision to which any member of the Executive sitting on the committee had been party to.

If the Council were to delegate its health scrutiny function as outlined in Option 4, the power to refer proposals for service change to the Secretary of State for Health can only be exercised by the Council itself. (There would be no change in the referral process if a health overview and scrutiny committee were retained i.e. the Health Scrutiny Board can determine whether or not to refer a proposal to the Secretary of State.)

## **6. Equal Opportunities**

- 6.1 The appointments have regard to equal opportunities.
- 6.2 Changes in the arrangements for carrying out health scrutiny would not have an impact on groups with protected characteristics. The Public Sector Equality Duty would continue to be taken into account in the work around health scrutiny regardless of the mechanism for carrying out that work.

## **7. Public Services (Social Value) Act 2012**

- 7.1 The Public Services (Social Value) Act 2012 is not applicable as no procurement is being undertaken.

## **8. Consultation**

- 8.1 The Group Leaders have been consulted on the political balance calculations.

## **9. Risks**

- 9.1 There is a statutory requirement to undertake a review of political balance following a change in the political composition of the Council. This review has been completed. Therefore there are no risks unless members fail to determine the matter.
- 9.2 In light of the findings from the Francis Inquiry (The Mid Staffordshire NHS Foundation Trust Public Inquiry), health scrutiny will continue to have a crucial role to play in the strengthening the voice of local people, ensuring that their needs and experiences are considered as an integral part of the delivery and development of health services and that services are effective and safe.
- 9.3 By continuing with the current health scrutiny arrangements, there is clarity between the roles of scrutiny and the executive which is especially important given the integrated health and social care system within Torbay.

## **Appendices**

- Appendix 1 Political balance on committees
- Appendix 2 Schedule 4 – Terms of Reference Overview and Scrutiny Board and Sub-Committees, Regulatory and Other Committees, Area Committees and Other Bodies

## **Additional Information**

None

### Political Balance of Committees

<b>Committee</b>	<b>Conservative Group</b>	<b>Liberal Democrat Group</b>	<b>Non-Coalition Group</b>	<b>Labour Member</b>	<b>Total</b>
Overview and Scrutiny Board	5	3	1		9
Audit Committee	4	2			6
Development Management Committee	5	2	2		9
Licensing Committee	8	4	2	1	15
Harbour Committee	5	2	2		9
Employment Committee	3	1		1	5
Appeals Committee	4	2	1		7
Civic Committee	4	2	1		7
Standards Committee	4	2	1		7
	42	20	10	2	74

**Schedule 4 – Terms of Reference**

**Overview and Scrutiny Board and Sub-committees, Regulatory and Other Committees, Area Committees and Other Bodies**

Name of Committee and Terms of Reference	Membership	Members
<p><b>Overview and Scrutiny Board:</b></p> <p><b>Terms of Reference:</b></p> <ol style="list-style-type: none"> <li>To approve and co-ordinate the work programme for the overview and scrutiny function for the year.</li> <li>To appoint sub-committees and/or working parties to perform the overview and scrutiny function (the membership of such bodies to be in accordance with Standing Order D2 in relation to Overview and Scrutiny).</li> <li>To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are the responsibility of the Executive.</li> <li>To make reports or recommendations to the Authority or the Executive with respect to the discharge of functions which are the responsibility of the Executive.</li> <li>To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are not the responsibility of the Executive.</li> <li>To make reports or recommendations to the Authority or the Executive with respect to the discharge of functions which are not the responsibility of the Executive.</li> <li>To make reports or recommendations to the Authority or the Executive or the Council's partner authorities (as defined by the Local Government and Public</li> </ol>	<p>9 members of the Council (including the Overview and Scrutiny Co-ordinator and Scrutiny Lead Members) excluding the Mayor, other members of the Executive and the Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives</p> <p>Conservative (5)</p> <p>Liberal Democrat (3)</p> <p>Non Coalition Group (1)</p> <p>Co-opted members (4)</p>	<p>To be advised</p> <p>To be advised</p> <p>Councillor Stockman</p>



Name of Committee and Terms of Reference	Membership	Members
<p>Involvement in Health Act 2007) on matters which affect the Authority's area or the inhabitants of that area.</p> <p>8. To consider all matters and issues arising from the Council's power of scrutinising local health services in accordance with the Health and Social Care Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012.</p> <p>9. To consider all matters and issues arising from the Council's power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions in accordance with the Police and Justice Act 2006.</p> <p>10. To review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area in accordance with Flood and Water Management Act 2010.</p>		
<p><b>Health Scrutiny Board:</b></p> <p><b>Terms of Reference:</b></p> <p>To consider all matters and issues arising from the Council's power of scrutinising local health services in accordance with the Health and Social Care Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012.</p>	<p>8 members of the Council (politically balanced)</p> <p>Conservative (5)</p> <p>Liberal Democrat (2)</p> <p>Non-coalition group (1)</p>	<p>To be advised</p> <p>To be advised</p> <p>Councillor Ellery</p>

Name of Committee and Terms of Reference	Membership	Members
<p><b>Audit Committee:</b></p> <p><b>Terms of Reference:</b></p> <ol style="list-style-type: none"> <li>1. To consider the Head of Internal Audit’s annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements.</li> <li>2. To consider summaries of specific Internal Audit reports as requested.</li> <li>3. To consider reports dealing with the management and performance of the providers of Internal Audit Services.</li> <li>4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.</li> <li>5. To consider the External Auditor’s Annual Letter, relevant reports, and the report to those charged with governance.</li> <li>6. To consider specific reports as agreed with the External Auditor.</li> <li>7. To comment on the scope and depth of external audit work and to ensure it gives value for money.</li> <li>8. To liaise with the Audit Commission over the appointment of the Council’s external auditor.</li> <li>9. To commission work from Internal and External Audit within approved resources.</li> </ol>	<p>6 members of the Council excluding members of the Executive, in accordance with the political balance requirements</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p>	<p>To be advised</p> <p>To be advised</p>

Name of Committee and Terms of Reference	Membership	Members
<p><b>Regulatory Framework</b></p> <p>10. To maintain a strategic overview of the Council’s Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour (the primary responsibility for considering and ensuring that the constitution is fit for purpose lies with the Monitoring Officer and the Standards Committee in relation to the codes of conduct).</p> <p>11. To review any issue referred to it by the Chief Operating Officer, a Director, the Monitoring officer, Section 151 Officer (Chief Finance Officer) or any Council body.</p> <p>12. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>13. To monitor council policies on ‘Raising Concerns at Work’ and the ‘Anti-fraud and corruption strategy’ and the Council’s complaints process.</p> <p>14. To oversee the production of the authority’s Statement on Internal Control and to recommend its adoption.</p> <p>15. To oversee the Council’s arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.</p> <p>16. To review the Code of Corporate Governance.</p> <p>17. To monitor the Council’s compliance with its own and other published standards and controls.</p> <p><b>Accounts</b></p> <p>18. On behalf of the Council, to approve the annual statement of accounts.</p>		

**Torbay Council – Constitution**

**Schedule 4 – Terms of Reference**

Name of Committee and Terms of Reference	Membership	Members
<p>19. To consider the External Auditor’s report to those charged with governance on issues arising from the audit of the accounts.</p>		
<p><b>Development Management Committee:</b></p> <p><b>Terms of Reference:</b></p> <p>1. At all times to have regard to the Torbay Local Plan 1995-2011 (“the Torbay Local Plan”).</p> <p>2. To consider and (if appropriate) determine (unless such determination is reserved by law to Council) all applications and all other matters (including issuing notices, making Orders and requesting the Monitoring Officer to issue civil or criminal proceedings) relating to:</p> <ul style="list-style-type: none"> <li>Town and Country Planning</li> <li>Conservation Areas</li> <li>Listed Buildings</li> <li>Scheduled Ancient Monuments</li> <li>The display of advertisements</li> <li>Tree Preservation Orders</li> <li>Complaints about high hedges</li> <li>Public Rights of Way</li> <li>Minerals</li> <li>Highways matters</li> <li>Waste</li> </ul> <p>so far as they are set out in Schedule 2 of this Part 3 of the Constitution (Council Functions) or are identified as Council functions in Schedule 1 of this Part 3 (Local Choice Functions): i.e. so far as they are not Executive functions.</p>	<p>9 members of the Council with membership comprising, if reasonably possible, members from the various areas of the Borough</p> <p>Conservative (5)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition (2)</p>	<p>To be advised</p> <p>To be advised</p> <p>Councillors Morey and Stockman</p>

Name of Committee and Terms of Reference	Membership	Members
<p>3. The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of either the Executive Head Spatial Planning) not be in accordance with the Torbay Local Plan unless both those Officers recommend such determination and the determination is in entire accordance with their recommendation. If the Committee consider that an application (or other matter) shall be determined not in accordance with the Torbay Local Plan then (unless their determination is in accordance with the recommendation of the Executive Head Spatial Planning) the item shall be referred to Council for determination.</p> <p>4. The Committee shall not determine any application (or other matter) that relates to land owned, controlled or occupied by the Council in a manner that is not in accordance with the recommendation of the Executive Head Spatial Planning. If the Committee consider that an application (or other matter) that relates to land owned, controlled or occupied by the Council shall be deferred or determined not in accordance with the recommendation of the Executive Head Spatial Planning the Executive Head may refer that matter to Council for consideration or determination.</p>		
<p><b>Licensing Committee:</b></p> <p><b>Terms of Reference:</b></p> <p>To carry out the Licensing functions of the Council.</p>	<p>15 members of the Council (politically balanced)</p> <p>Conservative (8)</p> <p>Liberal Democrat (4)</p>	<p>To be advised</p> <p>To be advised</p>

**Torbay Council – Constitution**

**Schedule 4 – Terms of Reference**

Name of Committee and Terms of Reference	Membership	Members
<p><b>Harbour Committee:</b></p> <p><b>Terms of Reference:</b></p> <p>To determine all matters relating to the strategic management of the Council's function as a Harbour Authority, in line with the Tor Bay Harbour and Maritime Strategy, the Council's Policy Framework. Specifically the Committee will:-</p> <p>1.1 manage all of the Harbour's financial matters in accordance with approved financial procedures and the Council's aspirations for the harbour to be self financing as outlined in the Harbour and maritime strategy and including (but not limited to):</p> <ul style="list-style-type: none"> <li>(a) the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums;</li> <li>(b) approving the annual revenue budgets within the ring-fenced harbour accounts;</li> <li>(c) receiving quarterly budget monitoring reports and to approve variances as appropriate; and</li> <li>(d) monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the</li> </ul>	<p>Non-Coalition (2)</p> <p>Labour (1)</p> <p>9 members of the Council plus up to five external non-voting advisors appointed by the Committee on a four year term and one non-voting advisor who is a private sector representative of the Board of the Torbay Economic Development Company</p> <p>(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)</p> <p>Conservative (5)</p> <p>Liberal Democrat (2)</p> <p>Non-Coalition (2)</p>	<p>Councillors Ellery and James</p> <p>Councillor Cowell</p> <p>To be advised</p> <p>To be advised</p> <p>Councillors Ellery and James</p>

Name of Committee and Terms of Reference	Membership	Members
<p>harbour remains self-financing;</p> <p>providing that no decision by the Harbour Committee shall impact adversely on the Council's general fund or capital budget.</p> <ol style="list-style-type: none"> <li>2. to act as Duty Holder for the purposes of the Port Marine Safety Code;</li> <li>3. approve and monitor a business plan for Tor Bay Harbour, in line with the Council's policy framework, and address any issues relating to performance;</li> <li>4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions;</li> <li>5. review annually the powers delegated to the Executive Head Tor Bay Harbour Authority – Tor Bay Harbour Master and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes;</li> <li>6. consider any other matters referred to the Committee by the Executive Head Tor Bay Harbour Authority;</li> <li>7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors;</li> <li>8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;</li> <li>9. to provide strategic direction to the Executive Head Tor Bay Harbour Authority and the Mayor in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.; and</li> <li>10. appoint advisors following receipt of recommendations from the Harbour</li> </ol>		

**Torbay Council – Constitution**

**Schedule 4 – Terms of Reference**

Name of Committee and Terms of Reference	Membership	Members
<p>Appointments Sub-Committee and the Board of Torbay Economic Development Company Ltd. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.</p>		
<p><b>Employment Committee:</b></p> <p><b>Terms of Reference:</b></p> <ol style="list-style-type: none"> <li>1. To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment.</li> <li>2. To determine appointments to post of Director or equivalent positions of the Council, including the terms and conditions of contracts, appointment procedures and arrangements.</li> <li>3. To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post.</li> <li>5. To hear and determine appeals in relation to disciplinary matters, in relation to dismissal.</li> </ol>	<p>5 members of the Council</p> <p>Conservative (3)</p> <p>Liberal Democrat (1)</p> <p>Labour (1)</p>	<p>To be advised</p> <p>To be advised</p> <p>Councillor Cowell</p>
<p><b>Appeals Panel (School Transport, Student Awards, Licensing and Discretionary Housing Payments):</b></p> <p><b>Terms of Reference:</b></p> <p>To determine appeals in respect of school transport, student awards, discretionary housing payments and licensing.</p>	<p>7 members of the Council</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition (1)</p>	<p>To be advised</p> <p>To be advised</p> <p>Councillor Morey</p>



**Torbay Council – Constitution**

**Schedule 4 – Terms of Reference**

Name of Committee and Terms of Reference	Membership	Members
<p><b>Civic Committee:</b></p> <p><b>Terms of Reference:</b></p> <ol style="list-style-type: none"> <li>1. To consider nominations for the title of Honorary Freeman and make recommendations to the Council as necessary.</li> <li>2. To consider and promote nominations for national and local awards.</li> <li>3. To identify events to attract Royal visits</li> <li>4. To keep updated on major national civic events.</li> </ol> <p><b>Standards Committee:</b></p> <p><b>Terms of Reference:</b></p> <ol style="list-style-type: none"> <li>1. To promote and maintain high standards of conduct by the Mayor, councillors, co-opted members and church and parent governor representatives.</li> <li>2. To assist the Mayor, councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct.</li> <li>3. To advise the Council on the adoption or revision of the Members' Code of Conduct.</li> <li>4. To monitor the operation of the Members' Code of Conduct.</li> <li>5. To advise, train or arrange to train the Mayor, councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct.</li> <li>6. To assist the Monitoring Officer in carrying out his responsibilities pursuant to the Code of Conduct and its protocols.</li> </ol>	<p>7 members of the Council in accordance with the political balance requirements</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition (1)</p> <p>7 members of Torbay Council (4 Conservative and 2 Liberal Democrat and 1 independent).</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition (1)</p>	<p>To be advised</p> <p>To be advised</p> <p>Councillor Stockman</p>
		<p>To be advised</p> <p>To be advised</p> <p>Councillor Morey</p>

Name of Committee and Terms of Reference	Membership	Members
<p>7. To review the Council’s local protocols.</p> <p>8. To review the Constitution in relation to ethics and probity issues.</p> <p>9. To advise others on probity and ethics.</p> <p>10. To share experience with other standards committees.</p> <p>The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.</p>		



**Meeting:** Council **Date:** 15 May 2013

**Wards Affected:** All Wards in Torbay

**Report Title:** Provisional Calendar of Meetings for 2013/2014

**Executive Lead Contact Details:** Councillor Ken Pritchard  
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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. Summary

3.1 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.

3.2 There has been an amendment to the previously approved Council Meeting from 19 September 2013 to 26 September 2013 and 13 and 14 May 2014 to 30 April and 1 May 2014

3.3 There have been some minor changes to the Health and Wellbeing Board, Health Scrutiny Board and Overview and Scrutiny Board.

## **Supporting Information**

### 4. Position

- 4.1 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;
- Health and Wellbeing Board
- Standards Committee;
- Audit Committee;
- Appeals Committee (Transport);
- Overview and Scrutiny Board;
- Health Scrutiny Board;

- 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 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.

- 4.4 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.

### 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, 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.

## 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.

## 7. **Consultation**

- 7.1 The Mayor, Group Leaders and the Chief Operating Officer have been consulted on the draft provisional calendar of meetings for 2013/2014.

## 8. **Risks**

- 8.1 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

## **Additional Information**

### **Background Papers:**

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

Constitution of Torbay Council

# Agenda Item 21

## Appendix 1

### SCHEDULE OF COUNCIL, AND COMMITTEE MEETINGS 14 May 2013 - 14 May 2014

	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Appeals Committee (Transport)	22 9.30 am Wednesday				11	23	6	4	15	3 (Mon)	5	2	
Audit Committee		26 2.00 pm Wednesday			25				22		19		
Council	Annual Council 14 (Tue) 11am Adjourned Annual Council 15 (Wed)		18		26	17		5		6 Adjourned 13 27		Annual Council 30 (Tue) 11am	Adjourned Annual Council 1
Development Management Committee	13 2.00 pm Monday	10	8	12	9	14	11	9	13	10	10	14	12
Harbour Committee		3			23			16			17		
Health and Wellbeing Board			17		19		21			12		24	
Health Scrutiny Board		26 (Wed)					14						8
Licensing Committee	23 9.30 am Thursday						7						
Licensing Sub-Committee	16 30 9.30 am Thursday	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		19 5.30 pm Wednesday	10		18	9	27		29			9	
Priorities and Resources 2013/2014 Review Panel					20	4	22 29		10 14 (Tue) 15 (Wed) 20 (Mon)				
Standards Committee		19 2.30 pm Wednesday					20			26			